

MARIPOSA COUNTY RESOLUTION NO. 75-103

RULES AND REGULATIONS FOR HEARING BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA (RE: DISMISSAL OF EMPLOYEE)

1. (a) Board means the Board of Supervisors of Mariposa County. (Grievance Board)

(b) Employee means the employee who is subject to dismissal by the Board.
2. Pursuant to the policy of the Board adopted the 4th day of September, 1974, by Resolution No. 74-94, the Head of a Department may make application to this Board for the dismissal of an employee and such application shall specify the grounds for such dismissal.
3. Upon receipt of the application for review the Board shall determine the time and place of the hearing, provided that the hearing shall be held in the Town of Mariposa, California.
4. The Board shall send by mail, notice of the hearing to the employee or his attorney at least 10 days prior to the hearing.
5. Within 5 days after receipt of the notice of hearing, the employee may file in writing with the Board a statement under oath, admitting, denying or alleging facts pertaining to the allegations contained in the application for dismissal. The hearing shall be limited to the allegations in the application and the response thereto by the employee. The Board shall proceed with the hearing whether the employee files a statement or not.
6. The head of the department or the employee may move the Board at any time to strike from the application or the statement of the employee allegations which are irrelevant, superfluous or inconsistent with the issues presented in connection with the dismissal of the employee.
7. Said Board may grant continuances.
8. Said Board shall hear the case. The Chairman of the Board shall preside at the hearing, rule on the admission or exclusion of evidence and exercise all other powers relating to the conduct of the hearing. The Chairman may, with the consent of the majority of the Supervisors, appoint a Chairman solely for the purpose of the conduct of the Grievance Board.

9. The proceedings at the hearing shall be reported by an authorized court reporter.
10. The head of the department shall be heard first, then the employee shall reply. The head of the department shall be allowed time for rebuttal after presentation of employee's case.
11. Each party shall have these rights:
 - (a) to call and examine witnesses
 - (b) to introduce exhibits
 - (c) to cross-examine opposing witnesses on any matter relevant to the issues, even though the matter was not covered in the direct examination
 - (d) to impeach any witness regardless of which party first called him to testify
 - (e) the employee may be called and cross-examined as an adverse witness
12. That hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules or privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.
13. The decision of the Board shall be based solely on the evidence presented at the hearing. No member of said Board who did not hear the evidence shall vote on the decision.
14. The decision of the Board shall be in writing and shall contain findings of fact and a determination of the issues. Copies of the decision shall be sent to each of the parties.
15. The legal advisor for the Board may assist the Board at all times during the hearing and during the pendency of the proceedings.


PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 8th day of July, 1975, by the following vote:

AYES: Clark, Long, Moffitt, Richardson


NOES: None

ABSENT: None

NOT VOTING: None


TOM R. RICHARDSON
Chairman of the Board

ATTEST:


ELLEN BRONSON, County Clerk and
Ex-Officio Clerk of the Board