

1 MARIPOSA COUNTY RESOLUTION No.83-64

2 ESTABLISHING RULES FOR CERTIFICATION
3 OF EMPLOYEE COMPETENCE AFTER AGE 70

4 WHEREAS the Board of Supervisors of Mariposa County passed
5 Ordinance No. 596, amending the Contract between said Board and
6 the Public Employees' Retirement System (PERS), which Ordinance
7 becomes effective on February 24, 1983 and which Contract amend-
8 ment becomes effective on February 25, 1983; and

9 WHEREAS the amendment enacted by Ordinance No. 596 has the
10 effect of waiving age 70 mandatory retirement for local miscella-
11 neous members only, under the PERS Contract, pursuant to Govern-
12 ment Code Section 20983.6; and

13 WHEREAS, said Section 20983.6 of the Government Code re-
14 quires certification of the member's competence, after age 70,
15 in the member's position pursuant to rules and regulations
16 adopted by the Board of Supervisors; and

17 WHEREAS, on February 22, 1983, the Board of Supervisors
18 adopted Resolution 83-48 setting forth rules and regulations for
19 certification of competence; and

20 WHEREAS, on advice of legal counsel it is necessary that
21 Resolution 83-48 be rescinded and the rules and regulations be
22 amended to conform to law.

23 NOW THEREFORE, be it resolved by the Board of Supervisors of
24 Mariposa County, that Resolution No. 83-48 is hereby rescinded.

25 BE IT FURTHER RESOLVED, that the following rules and regu-
26 lations for certification of employee competence beyond age 70
27 are adopted to be added to the Personnel Policies and Procedures
28 Handbook, pursuant to Government Code Section 20983.6, as follows:

1 "7.15 CERTIFICATION OF EMPLOYEES BEYOND MANDATORY
2 RETIREMENT AGE

3 1. Any local miscellaneous employee who reaches the
4 mandatory retirement age specified by law and who desires
5 to continue County employment in the same position without
6 interruption, may apply to the Board of Supervisors for
7 certification of competence pursuant to Government Code
8 Section 20983.6; such application must be filed prior to
9 the retirement date specified by PERS.

10 2. Upon receipt of such application, the Board may
11 request a report on the employee's competence from the
12 employee's department head or immediate supervisor, if
13 any, which report shall be advisory only and shall remain
14 confidential except as to the employee.

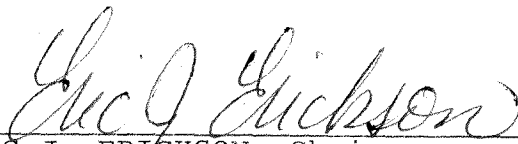
15 3. The Board of Supervisors may certify the compe-
16 tence of the employee to continue in the employer's posi-
17 tion, but failure to so certify on or before the thirtieth
18 day after the mandatory retirement date as set by PERS
19 shall constitute automatic denial thereof.

20 4. "Competence" for this purpose shall be defined
21 as "qualified, able and authorized to perform the duties
22 of his or her position at a minimum satisfactory level."

23 5. Each year on the anniversary date of each employee
24 certified to continue employment beyond the mandatory re-
25 tirement age, the Board may review its certification de-
26 termination, and upon reversal thereof shall immediately
27 notify the employee and PERS."


28 PASSED AND ADOPTED this 8th day of March, 1983, by the
Board of Supervisors of Mariposa County, by the following vote:

AYES: Taber, Barrick, Erickson, Moffitt
NOES: None
ABSENT: Dalton
ABSTAINED: None

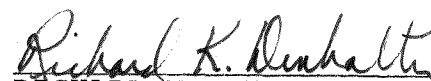

ERIC J. ERICKSON, Chairman
Board of Supervisors

ATTEST:

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

BY: 
PATRICIA E. ALBERTA
Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


RICHARD K. DENHALTER
County Counsel