

ORDINANCE NO. 410

The Board of Supervisors of the County of Mariposa, State of California, do ordain as follows:

SECTION 1: This Ordinance shall be known as the "Mariposa County Classification Ordinance".

SECTION 2: The positions of elective officers, deputies, assistants and employees heretofore by Ordinance created are hereby reaffirmed and are allocated to the classification hereby established.

SECTION 3: Definition of terms. The words and terms defined in this section shall be the following meanings in this Ordinance and in any other Ordinance classifying or authorizing the employment of personnel in any department or office of Mariposa County.

(a) "County Service" means all positions in all departments and offices that are subject to control and regulation by the Board of Supervisors of Mariposa County.

(b) "Exempt Service" means the positions of such appointive officials, deputies and other employees as are specifically designated by the Board of Supervisors to be exempt from the classification plan.

(c) "Classified Service" means all positions other than those stated to be exempt.

(d) "Employee" means any person legally occupying an appointive or elective position in County Service for compensation.

1 (e) "Compensation" means the salary, wage, fees, and
2 other forms of valuable consideration paid to any
3 employee by reason of service in any position,
4 but does not include any allowances authorized and
5 paid as reimbursement for additional expenses or
6 mileage payments.

7 (f) "Continuous Service" means employment in the County
8 Service without break or interruption except that
9 neither military leave, nor leaves of absence on
10 account of illness, whether with or without pay
11 shall be construed as a break in continuity of
12 service. Other absences in excess of 90 days in
13 any period of 12 consecutive months including lay-
14 offs for lack of work or funds, or the abolishment
15 of position, shall be a break of "Continuous Service".
16 Elective officials are not limited by this definition.

17 SECTION 4: Exempt Service. Persons under contract or
18 serving by special agreement are exempt from this Ordinance unless
19 specifically included by Board order.

20 SECTION 5: Classification of Positions. All positions
21 established in the County Service shall be classified by the
22 Board of Supervisors to effect as nearly as possible in equality
23 of compensation for the equal duties, qualification and responsi-
24 bilities.

25 SECTION 6: Amendments to and Maintenance of Classification
26 Plan. Whenever one or more new positions are to be established,
27 or when, for any reason, there is a substantial change in the
28 duties or responsibilities of any existing positions, the

1 classifications as set forth in this Ordinance shall be amended or
2 revised in the following manner:

3 Whenever any county officer or head of any county department
4 deems that there is a need for such amendment or revision, he
5 shall report in writing to the Board of Supervisors setting forth
6 the facts of the situation.

7 The Board of Supervisors shall consider the report and if
8 the Board finds sufficient reason to do so it may by resolution,
9 Board order, or further ordinance amend or revise this Ordinance.

10 SECTION 7: When, pursuant to this Ordinance, a person is
11 hired, or an employee's classification is changed, such fact shall
12 be reported for salary purposes to the County Auditor on forms
13 to be supplied by the Auditor. Such change shall not become
14 effective until report has been made on such forms.

15 SECTION 8: The schedule of salaries for department heads
16 and employees shall be as established by Board order.

17 SECTION 9: Vacation and Sick Leave.

18 (a) Employees shall be entitled to 15 working days vaca-
19 tion annually with pay. Employees who have completed
20 15 years in County employment shall be entitled to
21 20 working days vacation annually with pay. Employees
22 may accumulate up to thirty (30) days without approval
23 of the Board of Supervisors. With the approval of
24 the Board of Supervisors, and upon request in writing
25 to the department head, the Board of Supervisors may
26 allow an employee to accumulate up to a maximum of
27 forty-five (45) days. Accumulated vacation may be
28 taken between anniversary dates with the approval of

1 the department head. No employee may take more than
2 thirty (30) days vacation without the approval of
3 the Board of Supervisors and recommendation of the
4 department head.

5 (b) Employees shall be entitled to cumulative sick leave
6 with pay at the reate of 1 1/4 (one and one-fourth)
7 days per month, with a maximum accumulation of 90
8 days sick leave. Each department head shall have the
9 right to require a doctor's certificate showing that
10 any employee under his jurisdiction is unable to
11 perform the duties of his employment by reason of
12 illness. In the event that said certificate is not
13 provided within three days from the date of demand,
14 then said department head shall report the fact of
15 his demand for said certificate and the failure to
16 give said certificate to the County Auditor, and the
17 employee concerned shall not be entitled to receive
18 compensation herein provided until such time as he
19 shall provide proof satisfactory to the department
20 head of his right to receive compensation for sick
21 leave.

22 SECTION 10: Temporary Employment. The Board may, as it
23 deems necessary, authorize the hiring of any temporary help at
24 a compensation to be stated at the time of authorization by the
25 Board.

26 SECTION 11: Special Qualification. When, by reason of
27 special qualification, a person entering county service should
28 enter at a higher than initial step, the Board may so authorize

1 by minute order the placement of the new employee in the appropri-
2 ate step.

3 SECTION 12: Applicable salary rates following promotion,
4 demotion, or transfer. In case of the promotion of any employee
5 in the County Service to a position in a higher salary range,
6 such employee, after promotion shall be entitled to receive compen-
7 sation at one step higher than the comparable salary received in the
8 salary range and step lower/ ; provided, however, that in those cases where the salary
9 range overlaps, the employee shall receive the next higher step
10 in the range of the new class, and such person shall assume and
11 thereafter retain the anniversary date of his new appointment,
12 provided that in the event any employee in the service of the
13 county is promoted who immediately prior to promotion was receiving
14 compensation in his position at a rate higher than the maximum for
15 the class to which he is promoted, such promotion shall not operate
16 to reduce the rate of compensation for such persons, but such
17 compensation shall not be increased thereby. In the case of
18 demotion of any employee in the County Service to a lower class
19 of position, such employee shall be entitled to retain the salary
20 step in the lower range corresponding to that which he was
21 receiving in the higher class before such demotion; in such cases,
22 the employee shall retain his original anniversary date. In the
23 case of the transfer of any employee from one position to another
24 in the same class, or to another class to which the same salary
25 range is applicable, the employee shall remain at the same salary
26 rate and shall retain his original anniversary date.

27 SECTION 13: Cumulation of Service in One Class of Position.
28 Wherever an employee accepts work under a different class of
position or in exempt series in the County Service, the character

1 and nature of which work is similar and the responsibilities are
2 equal or superior to the work such employee has been performing,
3 and later returns to his former position, his term of employment
4 under such different class of position shall apply on and be
5 added to his term of service in the former class upon his return
6 to same, provided his employment in the County Service has been
7 continuous from the date on which the employee accepts work in
8 such different class.

9 SECTION 14: Fees. The following County and District
10 Officers are hereby authorized to retain for their own personal
11 use fees as follows:

12 (a) Public Administrator - All fees allowed by law.

13 (b) Constables - All mileage and fees for the service
14 of papers issued by any Court in Civil cases; mileage
15 for every mile actually traveled in making arrests
16 and in taking persons from the place of arrest to
17 Court or the County Jail; \$8.00 for summoning a jury
18 for the trial of a criminal case.

19 SECTION 15: Each employee shall be assigned a step classi-
20 fication within the applicable salary range provided for that
21 employment.

22 SECTION 16: For purposes of this section, Yosemite National
23 Park shall be considered outside of the County of Mariposa.

24 SECTION 17: Disciplinary Action.

25 A. The extent of the disciplinary action taken shall be
26 commensurate with the offense. The employee's prior
27 employment history may be considered as pertinent in
28 the determination. Each of the following acts is a

1 ground for disciplinary action:

- 2 (1) fraud in securing employment;
- 3 (2) failure to abide by any condition of employment;
- 4 (3) incompetence, inefficiency, or inexcusable neglect
- 5 of duty;
- 6 (4) unauthorized absence from duty or abuse of sick
- 7 leave;
- 8 (5) negligence or failure to observe safety rules or
- 9 precautions of a superior; violation of a regula-
- 10 tion or order given^{by} a supervisor;
- 11 (6) insubordination or willful disobedience;
- 12 (7) intoxication while on duty or intemperance or
- 13 addiction to the use of narcotics or habit-forming
- 14 drugs;
- 15 (8) dishonesty or immorality;
- 16 (9) conviction of any criminal act;
- 17 (10) failure to meet financial obligations to the extent
- 18 this leads to garnishment of wages;
- 19 (11) inexcusable violation of a federal, state, county
- 20 and city law, regulation or rule.

21 SECTION 18: Kinds of Action.

22 A. The disciplinary action may be dismissal, suspension,

23 reduction in step within range, demotion without consent,

24 disciplinary probation, warning, or any appropriate

25 combination of these.

- 26 (1) Dismissal. Dismissal is the discharge of an
- 27 employee from the county service. Termination
- 28 of employment is permanent.

- 1 (2) Suspension. Suspension is without pay and for a
2 period not to exceed 30 days in any fiscal year.
3 A suspended employee forfeits his rights as an
4 employee while serving such suspension.
- 5 (3) Reduction in step within range. Reduction in step
6 within range is the withdrawal of increments
7 granted for merit, efficiency and length of service.
8 Reduction in pay is effective at the beginning of
9 the next payroll period following the effective
10 date of the disciplinary action. Reduction may be
11 permanent or temporary.
- 12 (4) Demotion without consent is reduction in classifi-
13 cation or rank to a lower classification or rank
14 with reduction in salary. Demotion without
15 consent may be to the lowest classification or
16 rank in the series to that within which the class
17 is located. Demotion may be permanent or temporary.
18 Reduction in pay is effective at the beginning of
19 the next payroll period following effective date.
- 20 (5) Disciplinary probation. Disciplinary probation
21 makes the employee placed on disciplinary probation
22 ineligible for earned time for salary review while
23 on such probation.
- 24 (6) Warning. Warning is an official notification to
25 the employee that there is cause for dissatisfac-
26 tion with his service or conduct and that further
27 disciplinary measures may be taken if the cause is
28 not corrected. An official warning shall be in

1 writing and becomes a part of the employee's
2 official personnel record.

3 SECTION 19: Effective Date. The effective date of discipl-
4 linary action is the time designated by the person authorizing
5 the action. Disciplinary action may not be made effective prior
6 to the date the action is taken.

7 SECTION 20: Authority to Take Disciplinary Actions. The
8 Department Head has authority to take disciplinary action except
9 in cases of permanent dismissal, in which the Board of Supervisors
10 shall have the authority to make the final decision. The Depart-
11 ment head's action is subject to review by the Board of Supervi-
12 sors; and he shall notify the Board of Supervisors of the action
13 taken as soon as possible after it is taken.

14 SECTION 21: Written notice to employees of disciplinary
15 action. The department head shall give the employee written notice
16 of the action at or before it becomes effective. The written
17 notice shall include specific charges as to offense and the time,
18 place and circumstances of the offense or offenses.

19 SECTION 22: Right of Appeal. An employee disciplined
20 under these rules has the right to an appeal hearing before the
21 Board of Supervisors sitting as a Personnel Grievance Board. Said
22 hearing shall be conducted pursuant to the rules set out in
23 Mariposa County Resolution No. 75-103 and amendments.

24 SECTION 23: Reimbursement for loss of pay.

25 A. If disciplinary action is subsequently revoked or
26 modified the employee is entitled to reimbursement
27 for loss of pay. Reimbursement is limited to the
28 period of time between the date of initial action and

1 the date of final decision.

2 SECTION 24: Officers and employees shall be reimbursed
3 for the cost of meals while on County business outside of the
4 County. For purposes of this section, Yosemite National Park
5 shall be considered outside of the county.

6 SECTION 25: Annual merit promotions. Promotions within
7 assigned salary ranges may be made by the Board of Supervisors,
8 with each such promotion to become effective as of the first day
9 of the month following the anniversary date of the employee affect-
10 ed thereby, provided, however, that each such promotion shall be
11 based upon a written report and recommendation of the County
12 Officer or Department head under whom the particular employee
13 serves, as well as a finding by the Board of Supervisors, that the
14 performance record of the said employee merits such promotion.
15 Except as otherwise provided herein, no employee may be promoted
16 by more than one step, whether by step assignment or by assignment
17 of a new salary range, during any period of twelve months.

18 SECTION 26: Mariposa County Ordinances Nos. 174, 179, 184,
19 190, 192, 194, 212, 213, 220, 221, 229, 239, 241, 246, 251, 252,
20 261, 262, 274, 276, 278, 282, 285, 290, 294, 298, 300, 307, 310,
21 312, 313, 322, 325, 326, 327, 336, 339, 357, 360, 378, 394,
22 together with all amendments thereof in conflict herewith, are
23 hereby repealed.

24 PASSED AND ADOPTED by the Board of Supervisors of the County
25 of Mariposa this 25 day of November, 1975, by the following
26 vote:


27 AYES: Clark, Long, Moffitt, Richardson

28 NOES: None


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ABSENT: Dalton

NOT VOTING: None


TOM R. RICHARDSON, Chairman

ATTEST:


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