

Highlighted Text means this is new number and section

Merit Personnel System

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Merit Personnel System for County Employees

General Provisions

- 5.025 Definitions. As used in the Merit Personnel Ordinance, the words and terms defined in These definitions apply to sections 5.027 to 5.0665.349, inclusive, have the meanings respectively ascribed to them in such sections.
~~{10, Ord. No. 213; A Ord. No. 1143}~~

- 5.027 "Anniversary ~~and merit salary increase date~~" defined.
 1. "Anniversary date" means date of hire and triggers leave accruals. Anniversary dates may change, ~~and merit salary increase date is interpreted as 1 year from the date of hire, rehire,~~

Commented [KM1]: Merit salary increase dates are dealt with in section 5.051.

~~promotion or merit salary adjustment. In the case of a demotion or equity salary adjustment within the same range, an anniversary date may change in order to prevent salary inequities for incumbents who occupy the same class, but who have more experience, education and/or time in the class than the incumbent receiving the demotion or equity adjustment.~~

~~2. A cost-of-living increase affecting all Washoe County employees authorized at any time by the board of county commissioners shall not affect impact the anniversary date of any county employee.~~

~~['11, Ord. No. 213; A Ord. No. 828]~~

5.028 "Applicant" defined. "Applicant" means a person applying for an employment position.

5.029 "Appointing authority" defined.

1. "Appointing authority" means ~~each an~~ elected official or department head who has the ~~er and each appointed head of a department having the~~ authority legally to hire or make appointments to employment positions or a person to whom this authority has been delegated by the elected official or department head. ~~in the county service. This authority may be delegated by such elected officer or the appointive department head.~~

2. "Appointing authority" does not include "employer" as defined in section 5.045.

~~['12, Ord. No. 213; modeled after NAC 284.022]~~

5.031 "Break in service" defined. "Break in service," ~~except as exempted by section 5.275,~~ means an interruption ~~of in~~ an employee's continuous county service requiring the removal of ~~his the employee's~~ name from payroll records except as exempted by section 5.275 (adjustments in anniversary dates; continuous service).

~~['13, Ord. No. 213]~~

5.032 "Candidate" defined. "Candidate" means an applicant who has met the recruitment and selection requirements and has been placed on an eligible list.

5.033 "Class" defined. "Class" means a group of positions with sufficiently similar ~~with respect to their~~ duties and responsibilities such that the same title may reasonably ~~and fairly~~ be used to designate each position allocated to within the class. ~~that A class uses~~ substantially similar the same criteria of fitness, ~~may be used, that substantially the same~~ minimum qualifications ~~may be required and that the same and~~ schedule of compensation ~~may be made to apply with equity.~~

~~{'14, Ord. No. 213; modeled after NAC 284.030}~~

5.035 "Class specification" defined. "Class specification" means a written description of a class which includes typical duties, knowledge, skills and abilities, and minimum job requirements.

~~, consisting of a title, a definition, examples of duties and minimum qualifications required.~~

~~{'15, Ord. No. 213}~~

5.037 "Classification" defined. "Classification" means the systematic process of ~~analytically~~ grouping and allocating positions to classes based on similarity of duties and responsibilities. ~~based on point factor comparison methodology unless a different method used to classify employees in a bargaining unit has been agreed to between the county and an employee organization.~~

~~{'16, Ord. No. 213; A Ord. No. 1117; based on NAC}~~

5.039 "Classification plan" defined. "Classification plan" means all the classes which have been established, ~~along with~~ and the rules for maintaining them, as adopted by the governing body. ~~the plan and the class specifications.~~

~~{'17, Ord. No. 213}~~

5.040 "Classified service" defined.

1. "Classified service" means all positions in the public service which are

- (a) designated as being in the classified service, and
- (b) filled according to merit and fitness from eligible lists prepared upon the basis of examination, which is open and competitive except as otherwise provided in this chapter, and
- (c) which are not otherwise exempted.

(i) Positions exempted from the classified service are set forth in Section 5.045 (definition of employee), Section 5.093 (definition of unclassified service) and Section 5.048 (definition of legal professional)

2. Except as otherwise provided, a person in the classified service must not be appointed, transferred, promoted, demoted or discharged in any manner or by any means other than those prescribed in this chapter or an applicable collective bargaining agreement.

5.0401 "Confidential employee" defined. "Confidential employee" means an employee who is involved in the decisions of management affecting collective bargaining. Confidential employees must be excluded from any bargaining unit but are entitled to

Commented [KM2]: Changed on 11-9-17 based on NRS 288.170(6)(a)

Commented [KC3]: What about those positions in the County that have nothing to do with bargaining i.e Gerlach fire positions & Alternative Sentencing positions.

Commented [KM4R3]: Confidential employee is defined in NRS 288

participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

5.0402 "Countywide promotional recruitment" defined. "Countywide promotional recruitment" means recruitment for a position that is open only to employees who have been working in the classified service of Washoe County for at least six months at time of application.

5.041 "Date of hire" (~~"hire date"~~) defined. "Date of hire" (~~or "hire date"~~) means the date an employee begins or, after a break in service, resumes paid employment with Washoe County.~~date of original employment by Washoe County.~~
{'18, Ord. No. 213}

5.043 "Demotion" defined. "Demotion" means any movement of an employee to a position in a class having a lower maximum salary range than the position previously ~~held occupied, excluding general salary adjustments,~~ or any downward movement, either in class, grade, or within grade, ~~on the Washoe County classification plan and salary schedule adopted by the board of county commissioners.~~
{'19, Ord. No. 213}

5.0431 "Department of Human Resources" defined. "Department of Human Resources" means the department created by section 5.345067, and its dedicated staff.
{'26, Ord. No. 213; A Ord. Nos. 733, 1060}

5.0432 "Department promotional recruitment" defined. "Department promotional recruitment" means recruitment for a classified service position that is open only to Washoe County employees who are currently working in the department with the vacant position and who have been working in the classified service for at least six months at time of application.

5.0433 "Eligibles" defined. "Eligibles" means candidates placed on an eligible list.

5.0434 "Eligible list" defined. "Eligible list" is the list of candidates who are eligible to be referred to the hiring ~~means a list that is forwarded directly to the hiring~~ department for interview and selection consisting of candidates who are certified for consideration for a position.

(a) A "ranked list" means the candidates are listed in numerical order based upon examination scores.

(b) An "unranked list" means the candidates meeting the

minimum qualification requirements are listed in no particular order.

5.045 "Employee," "employer," "exempt employee" defined.

1. ~~Except as provided in subsection 2 of this section and subsection 5 of section 5.145, "e~~ "Employee" means:

(a) A public officer of Washoe County or one of its townships.

(b) Any person employed by Washoe County or its townships whose compensation is provided by the county and who is under the direction or control of officers of the county or its townships.

2. "Employee" does not include:

(a) Independent contractors or persons rendering professional services to an employer on a fee, retainer or contract basis.

(b) Interns or volunteers~~Exempt employees.~~

3. Personnel exempted from the merit system: "Exempt employee" means:

(a) District judges and their employees, including but not limited to employees in the office of the clerk of the Second Judicial District Court~~district court~~ and Second Judicial District Court~~district court~~ personnel ~~(but not including employees in the office of the county clerk), probation officers~~ and employees of Wittenberg Hall-Juvenile Services appointed pursuant to the provisions of NRS 62.100.7 ~~and secretaries and law clerks.~~

(b) Justices of the Peace and their employees.

(c) Intermittent hourly employees.

(d) All department heads who are appointed or elected including the county manager and assistant county managers.

(e) A number of discretionary appointees in each department, which shall not exceed 3 percent of the permanently established positions as authorized by the board of county commissioners, designated by the department head, but excluding the department head.

(f) Legal professional employees

(g) Employees in the unclassified service

(h) Temporary employees

(i) Seasonal employees

4. Positions listed in subsections 2 and 3 are exempt from the merit personnel system and not in the classified service of the county and are not entitled to the rights, privileges and benefits of classified employees unless specifically stated. The provisions of this chapter do not confer any right, privilege or benefit to an exempt employee.

5. "Employer" means Washoe County, and shall not be construed to mean "appointing authority."

~~{'20, Ord. No. 213; A 74-978; Ord. Nos. 259, 450, 765}~~

5.047 "Grade" defined. ~~"Grade" means the range or steps of pay for a class. is a term used to designate a salary level. All classes placed in the same salary grade have the same salary range or rate.~~

~~{'21, Ord. No. 213; NAC 284.066}~~

5.0475 "Intermittent hourly employee" defined.

1. ~~"Intermittent hourly employee" means a person holding a position that is not who is not employed on a fixed schedule and is paid at an hourly rate. A person in an intermittent hourly position may not work more than 1039 hours in a fiscal year.~~

2. ~~An intermittent hourly employee is not in the classified service of the county.~~

3. ~~Intermittent hourly positions are not entitled to the rights, privileges or benefits of a classified employee.~~

~~{'2, Ord. No. 765}~~

5.048 "Legal professional employee" defined.

1. ~~"Legal professional employee" means a person who is licensed by the supreme court of the State of Nevada to practice law in Nevada and who is employed full time, or part time, as an attorney in the office of by the district attorney, the office of the public defender, or the office of the alternate public defender. or by the director of the senior citizens' center.~~

2. ~~A legal professional employee is not in the classified service of the county.~~

~~{'3, Ord. No. 765; A Ord. Nos. 809, 1143, 1322 eff. 12-22-06}~~

5.049 "Line personnel" defined.

1. ~~"Line personnel" means deputies or officers employees of the sheriff's department who are deputized as peace officers according to the provisions of NRS 169.125 (peace officer defined), are authorized to execute police powers or are charged with law enforcement responsibilities, and who are contributing the full amount of peace officer retirement contributions. The term is applied without regard to sex, rank, division or duty.~~

2. ~~"Line personnel" does not include any individual, whether or not a Washoe County employee, who is constituted a special deputy by appointment of the sheriff and who is not a full-time employee of the sheriff's department.~~

~~{'22, Ord. No. 213}~~

~~5.050 "Merit Personnel Ordinance" defined. "Merit Personnel Ordinance" refers to sections 5.025 to 5.349, inclusive, of the Washoe County Code.~~

5.051 ~~"Merit salary increase date" means one year from the date~~

of hire, rehire, promotion or salary adjustment.

1. In the case of a demotion or equity salary adjustment, a merit salary increase date may change in order to prevent salary inequities for incumbents who occupy the same class, but who have more experience, education and/or time in the class than the incumbent receiving the demotion or equity adjustment.

2. Any salary adjustment affecting all employees authorized by the board of county commissioners shall not impact the merit salary increase date of any county employee.
['11, Ord. No. 213; A Ord. No. 828]

5.052 "Minimum qualifications" defined. "Minimum qualifications" means the education, experience and/or training requirements set forth in the class specification and used as the first screening method in the selection process.

5.0521 "Open competitive/countywide promotional recruitment" defined. "Open competitive/countywide promotional recruitment" means recruitment that is open to all applicants, both external and internal.

5.0522 "Overfill appointment" defined. "Overfill appointment" means that there is an overlap between the employee who is leaving the position and the incoming employee. An overfill appointment is limited to six weeks unless otherwise specified by the County Manager.

~~5.053 "Overtime" defined. "Overtime" means any time worked in excess of 40 hours in a work week.
['24, Ord. No. 213; A Ord. Nos. 637, 856]~~

Commented [KM5]: Determined by statute

5.054 "Part-time employee" defined. "Part-time employee" means a person who is employed on a fixed schedule of less than 2080 hours in a year. A part-time employee is not in the classified service of the county.
['4, Ord. No. 765]

Commented [KC6]: Part-time employees still go through the merit process. Why would part-time not be in the classified service?

Commented [KM7R6]: You're right!

Commented [KM8R6]: We will leave it in!

5.055 "Permanent employee" defined. "Permanent employee" means an employee in the classified service who has been lawfully retained in his position after completion of successfully completed the probationary period. The term "permanent" is not a guarantee of a specific time period of employment.
['25, Ord. No. 213]

~~5.057 "Department of human resources" defined. "Department of human resources" means the department of Washoe County created by section 5.067, and its staff.
['26, Ord. No. 213; A Ord. Nos. 733, 1060]~~

5.059 "Position" defined. "Position" means a group of duties assigned to an employee. ~~and responsibilities which have been assigned to a single employee on a full-time or part-time basis.~~
~~—[‘27, Ord. No. 213]~~

5.061 "Promotion" defined. "Promotion" means advancement to a position in a class which has a higher grade than the class previously held. ~~any movement of an employee into a class having a higher maximum salary range than the class previously occupied.~~
~~—[‘28, Ord. No. 213; A Ord. No. 828]~~

5.062 Provisional Appointment defined. "Provisional Appointment" means an appointment meeting the requirements of 5.209 (Provisional Appointment).

5.063 "Reclassification" defined. "Reclassification" means a reassignment or change in ~~allocation of~~ an individual position by (a) raising it to a ~~class with a higher grade; higher class,~~ (b) reducing it to a ~~lower class with a lower grade; ,~~ or (c) moving it to another class at the same level on the basis of significant changes in kind, difficulty or responsibility of the work performed.
~~—[‘29, Ord. No. 213; NAC 284.094]~~

5.0631 "Reemployment" defined. "Reemployment" means a noncompetitive appointment of a current or former employee to a class for which he or she has reemployment rights, as provided in this chapter.

5.0632 "Reemployment list" defined. "Reemployment list" means a list which consists of the names of employees who have been laid off.

5.0633 "Referral list" defined. A referral list means the list of candidates who have been referred to the hiring department for an interview. Referral lists are sent in rank order and the number of names referred is determined by the hiring department.

5.0634 "Reinstatement list" defined. "Reinstatement list" means a list which consists of placement in a classification in which a former employee previously held permanent status or to a classification that requires reasonably similar knowledge, skills, and abilities.

5.0635 "Seasonal position" defined. "Seasonal position" means a position ~~hired through the merit process~~ ~~for a specific time~~

Commented [KC9]: Only some of the positions are hired through the merit system.

Commented [KM10R9]: Removed language

period. A seasonal worker is not in the classified service of the County.

5.0636 "Separation" defined. "Separation" means leaving County employment by any means including, but not limited to, retirement, resignation, termination or layoff.

5.0637 "Temporary position" defined. "Temporary position" means a position that is not hired through the merit process and is for a period of six (6) months or less. A temporary worker is not in the classified service of the County.

5.065 "Transfer" defined. "Transfer" means any movement of an employee from one position to another position in the same class or related class with the same salary grade; or the movement of the employee ~~with his and the~~ position to another location.
~~['30, Ord. No. 213]~~

5.0651 Transfer list defined. "Transfer list" means a list allowing movement from one position to another position in the same classification or another classification requiring reasonably similar knowledge, skills, and abilities, and having the identical salary grade as the employee's current job classification.

5.0655 "Unclassified employees" defined. "Unclassified employees" shall be given the meaning set forth in section 5.093 (unclassified service). Unclassified employees shall serve at the pleasure of the appointing authority and are not entitled to the rights, privileges or provisions of the classified service.

5.066 "Work week" defined.

1. "Work week" means the period commencing 12:01 a.m. Monday and ending 12:00 midnight the following Sunday.
2. For employees who have been approved to work an alternative work schedule, "work week" means a fixed and regularly recurring period of 168 hours, commencing on the day and at the time the employer designates as the start of the work week.

~~['2, Ord. No. 637; A Ord. No. 1373 eff. 6-20-08]~~

~~5.067 Creation of the Department of Human Resources personnel system: Department of human resources; assistant county manager for personnel; director of human resources: Creation; qualifications, appointment, salary, duties, staff.~~

~~1. The department of human resources department of human resources is hereby created. The department of human resources is responsible for the administration of the county personnel.~~

Commented [KC11]:

~~system.~~

~~2. The position of director of human resources is hereby created. The director of human resources shall be appointed by the county manager and shall serve at the pleasure of the county manager.†~~

~~3. The director shall:~~

~~(a) Possess qualifications determined by the county manager.~~

~~(b) Be in the unclassified service of the county. The director's salary shall be fixed by the county manager within the range approved by the board of county commissioners.~~

~~(c) Direct and supervise all administrative, technical and operational activities of the department.~~

~~(d) Be in charge of Oversee the daily operations of the department.~~

~~(e) Administer the health benefits program and provide periodic reports as required by the director of finance.~~

~~(f) Perform such duties as are imposed by the county personnel system Merit Personnel Ordinance, and the county manager.~~

~~3. The director of human resources may appoint such technical, clerical and operational staff as the execution of his the duties and the operation of the dDepartment may require. All such appointments must be made pursuant to the provisions of the Merit Personnel Ordinancecounty personnel system and based on merit except fore appointments in the unclassified service.~~

~~4. The director may delegate duties as needed for the operation of the department.~~

~~['1, Ord. No. 213; A Ord. Nos. 733, 1055, 1060, 1374 eff. 6-20-08]~~

Health Benefits Program

5.068 Health benefits program.

1. "Health benefits program" means a program to provide health benefits to eligible county officers and employees, including the maintenance of the appropriate funds, insurance, or combination thereof, to provide such benefits.

2. The health benefits program shall provide quality insurance plans covering eligible county officers and employees and their dependents, and to qualified retirees and their dependents.

3. The health benefits program shall assist enrollees and dependents in accessing the health care system and provide education to insure appropriate and prompt delivery of service.

4. The health benefits program shall establish and maintain eligibility, written plan documents and provider listings, and provide communications relating to health benefits and wellness to enrollees and family members.

~~['2, Ord. No. 1374 eff. 6-20-08]~~

5.069 Administration of health benefits program.

1. The director of human resources shall preside over and make recommendations for the health benefits program in negotiations with employee organizations.

2. The director of human resources shall oversee the preparation of the health benefits program and present it to the board of county commissioners for adoption. Once adopted, the director of human resources will administer the health benefits program.

3. The director of human resources shall prepare statistical information on claims associated with the county's self-funded plans to substantiate expenses and use in evaluation, plan development and claims forecasting.

4. The director of human resources shall review and approve all expenditures for claims and vendor contracts.

5. The director of human resources shall preside over the Insurance Appeals Committee established to review denied claims and benefits associated with the self-funded insurance plans.

~~['2, Ord. No. 1374 eff. 6-20-08]~~

Classification Plan for Employees in the Classified Service

5.085 Establishment of merit personnel system. A merit personnel system for all employees in the classified service is hereby established. These provisions do not apply to those in the unclassified service or those exempted under the provisions of section 5.045 (employee defined). ~~of the county except those exempted under the provisions of section 5.045 is hereby established.~~

~~['31, Ord. No. 213]~~

5.087 Rules and regulations.

1. The department of human resources, with the approval of the board of county commissioners, shall from time to time promulgate appropriate rules and regulations for the administration of the Merit Personnel Ordinance.

2. Nothing in this section shall be construed to:

(a) Prohibit elected officers and ~~appointive-appointed~~ department heads from ~~promulgating-establishing~~ office or department rules and regulations not in conflict with any provision of law, the Merit Personnel ~~System Ordinance~~, or the rules and regulations ~~established promulgated~~ pursuant to the provisions of subsection 1.

(b) Limit the power, ~~and~~ authority and discretion of elected officers to conduct and manage the affairs of their offices. ~~as they see fit.~~

~~{'32, Ord. No. 213; A Ord. Nos. 733, 1060}~~

5.089 Nepotism prohibited.

1. Except as provided in subsection 2, it is unlawful for an appointing authority ~~as defined in section 5.029~~, including any county board or commission, elected or appointed, to employ in any capacity on behalf of the county, any relative of such individual or of any member of such board or commission within the third degree of consanguinity ~~or affinity~~ as set forth by the State of Nevada Commission on Ethics.

2. Nothing in this section shall:

(a) Prevent any officer of this county, employed under a flat salary, from employing any suitable person to assist in any such employment, when the payment for any such service is met out of the personal funds of such officer.

(b) Be deemed to disqualify any widow or widower with a dependent or dependents as an employee of any officer or board in this county.

3. No person employed contrary to the provisions of this section shall be compensated for such employment.

~~{'33, Ord. No. 213}~~

5.0891 Appointing authority prohibited from appointing related persons under certain circumstances; exceptions.

1. Except as otherwise provided in ~~subsections 2 and 3 and~~ NRS 281.210, an appointing authority shall not appoint a person to a position in the classified or unclassified service ~~on or after December 30, 1999~~, if, upon ~~his~~ appointment, the person will be the immediate supervisor, or will be in the direct line of authority, of:

- (a) A spouse, child, parent or sibling of the person;
- (b) The spouse of a child, parent or sibling of the person;
- (c) The child, parent or sibling of the person's spouse; or
- (d) An aunt, uncle, niece, nephew, grandparent, grandchild or first cousin of the person.

2. ~~If an appointing authority determines that, for a certain position(s) under consideration,~~ the enforcement of the provisions of subsection 1 will be impracticable and cause an undue hardship to the appointing authority, the appointing authority may prepare a written justification seeking authorization for the appointment of person(s) to a position ~~or class in violation of subsection 1 seeking an exemption.~~ Factors which may be considered include, but are not limited to, difficulty in recruiting applicants for the positions.

3. ~~After preparation of the written justification pursuant to subsection 2, the justification~~ The request for exemption must:

- (a) Be approved by the board; and
- (b) Comply with the provisions of NRS 281.210.

4. If approved by the board, the appointing authority may make the appointment(s) and must provide a copy of the board's approval, including any special conditions imposed, to the affected employee(s).

~~—[2, Ord. No. 1083]~~

Commented [KM12]: NRS 281.210 does not authorize this exemption.

5.0892 Persons who become related after appointment:
Appointing authority required to take corrective action;
notification of appointing authority required.

1. If employees of an appointing authority become related in such a manner that, if the relationship existed when the employees were appointed, the appointing authority would have been prohibited from appointing one of those employees pursuant to section 5.0891, and the appointing authority has not received approval of the board pursuant to section 5.0891, the appointing authority shall ensure that, as soon as practicable after the employees become related, the employees do not continue to hold positions in which one of the employees is the immediate supervisor, or is in the direct line of authority, of the other employee.

2. Employees who become related after they have been appointed to their positions as described in subsection 1 shall, within 10 working days after they become related:

(a) Notify the appointing authority of the relationship; and

(b) Submit to the appointing authority a recommendation for action to be taken by the appointing authority to ensure that the employees do not continue to hold positions in which one of the employees is the immediate supervisor, or is in the direct line of authority of the other employee.

3. In determining the manner in which to comply with the provisions of subsection 1, the appointing authority is not required to accept a recommendation submitted pursuant to subsection 2.

~~—[3, Ord. No. 1083]~~

5.091 Classified service: Composition, appointments and discharge.

1. The classified service of Washoe County is comprised of all positions in the service of Washoe County now existing or hereafter created which are not included in the unclassified service or are specifically exempted from the unclassified service as set forth in section 5.045.

2. Appointments in the classified service must be made according to merit and fitness from eligible lists prepared upon the basis of examination, which must be open and competitive, except as otherwise provided in the Merit Personnel System-Ordinance.

3. A person shall not be appointed, transferred, promoted,

demoted or discharged as an ~~employee officer, clerk, employee or laborer~~ in the classified service in any manner or by any means other than those prescribed in the Merit Personnel ~~Ordinance~~ System or applicable collective bargaining agreement.

~~4. A person shall not be discriminated against on account of his religious opinions or affiliations, his age, race, color, sex, physical or visual handicap or national origin.~~

~~4.5-~~ Notwithstanding any provision of the Washoe County Code or any agreement, the county treasurer may remove ~~his~~ deputies at ~~his~~ their pleasure pursuant to NRS 249.060.

~~['34, Ord. No. 213; A Ord. Nos. 608, 611]~~

5.093 Unclassified service: Composition, salaries set by county commissioners.

1. The unclassified service of Washoe County shall be comprised of positions held by county officers or employees, as follows:

(a) Persons chosen by election or appointment to fill an elective office.

(b) Members of appointed boards and commissions, and appointed heads of departments.

(c) The county manager, and those persons of the county manager's staff who are appointed into the unclassified service.

(d) Discretionary Appointments. A department head or elected officer may appoint a certain number of unclassified employees not to exceed three At the discretion of the elective officer or head of each department, a number of employees in each department, excluding the elective officer or department head, as designated by the elective officer or department head, which shall not exceed (3) percent of the permanently established departmental positions as authorized by the board of county commissioners. If three (3) percent of such positions is equals less than one employee, the elective officer or department head is entitled to at least one such unclassified employee appointment. Human Resources is responsible for determining the number of appointments each department is entitled to and shall use the same calculation for each department.

Commented [KC13]: We believe this needs to stay in. We need clarification that the elected officer and department head are not counted as part of the 3%.

(e) Physicians employed as full-time employees.

(f) ~~Persons holding temporary part time or temporary full time appointments the duration of which does not exceed 6 months.~~

Commented [KC14]: These are considered temporary employees and we do not consider them unclassified.

(g) ~~Part time professional personnel who are paid for any form of medical, nursing or other professional service.~~

Commented [KC15]: We do not do this. They are under Nurses bargaining unit or temp or intermittent.

(h) ~~Foreign exchange students working in county departments pursuant to a student foreign exchange work program agreement between the University of Nevada and other countries.~~

Commented [KM16R15]: Omit nursing?

(f±) Such other officers and employees as are authorized by law to be employed in the unclassified service, such as the

Commented [KC17]: This is outdated. Usually hired as Public Service Interns which would be temp or intermittent.

Commented [KM18R17]: Let's delete

~~county treasurer who may remove his deputies at his their or her pleasure pursuant to NRS 249.060.~~

2. An elective officer or department head ~~of each department who elects to exercise his discretion who makes discretionary appointments~~ as permitted by paragraph (c) of subsection 1 shall immediately report to ~~the personnel department~~ Human Resources the positions designated ~~by him~~ to be in the unclassified service. An established classified position may not be declassified, nor an established unclassified position classified, while that position is occupied.

3. Salaries of all persons in the unclassified service, whose salaries are set by the board of county commissioners and excluding county elective officers whose salaries are fixed by statute, shall be fixed by the board of county commissioners.

4. No person appointed to the unclassified service shall be entitled to the rights, privileges or provisions of the classified service relative to appointment, promotion, demotion, transfer or rehire. An unclassified employee shall serve at the pleasure of the appointing authority.

~~—[‘35, Ord. No. 213; A Ord. Nos. 389, 392, 733, 765, 1013]~~

5.094 Legal professional employees : Rights, privileges and benefits; inapplicability of certain code provisions.

1. A legal professional employee is entitled to the rights, privileges and benefits of an employee in the classified service pertaining to holidays, career incentive accrual and pay, vacation leave accrual and pay, sick leave accrual and pay, personal leave accrual and pay, leaves of absence, travel expenses and any other benefits deemed appropriate by the board of county commissioners.

2. Except as provided in subsection 1, the provisions of this chapter do not apply to legal professional employees. The inapplicable provisions include, but are not limited to, those relating to appointment, promotion, demotion, salary adjustments, overtime, transfer, rehire, discipline and discharge.

3. Legal professional employees are not covered by the provisions of sections 5.247 and 5.267 with respect to recording absences of less than a day. Each appointing authority employing legal professional employees shall establish requirements for the recording of absences of less than a day.

4. ~~In the event that the legal professional employees form a bargaining unit to bargain over benefits applicable to them in accordance with this provision, those legal professional employees not covered by the unit as confidential employees are entitled to the same benefits as those set forth in the collective bargaining agreement.~~

~~—[‘5, Ord. No. 765, A Ord. Nos. 774, 966, 1143]~~

Commented [KM19]: This has been added to the definition 5.0655.

Commented [KC20R19]: Even though this would be in the definition, this is where we look for the rules of Unclassified. Can this please stay in.

Commented [KM21R19]: Oh Cat! Okay.

Commented [KC22]: They have formed WCPAA.

Classification Plan

5.095 Establishment of classification plan.

1. The classification plan shall be approved by the board of county commissioners upon the recommendation of the director of human resources.

2. The board of county commissioners declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the compensation plan shall set the official rates applicable to all positions in the classified service, but the establishment of the compensation plan shall in no way limit the authority of the board of county commissioners relative to budgeted appropriations for salary and wage expenditures.

3. The Merit Personnel ~~Ordinance System~~ shall not be construed to supersede or conflict with existing or future contracts of employment dealing with wages, hours and working conditions.

~~['36, Ord. No. 213; A Ord. No. 1117]~~

5.096 Job evaluation committee: Creation and purpose; composition; appointment; members; term.

1. The job evaluation committee is hereby created. The purpose of the committee is to perform a review of job descriptions submitted by the department and determine the point value according to the current job evaluation methodology. ~~an internal staff function of job evaluation based upon the point-factor comparison methodology.~~

2. The committee shall be composed of seven members as follows:

(a) Three representatives of the Washoe County Employees Association appointed by that Association in accordance with its bylaws and operating practices.

(b) One representative from the Nurses Association appointed by that Association in accordance with its bylaws and operating practices.

(c) The director of human resources or the director's designee.

(d) ~~The Budget Manager, director of finance or the director's designee.~~

~~(e) One individual representing the department of juvenile services appointed by the director of that department.~~

3. The Director of Human Resources and Budget Manager or their designees ~~director of human resources, or the director's designee, and the director of finance, or the director's designee,~~ are perpetual members of the committee.

Commented [KM23]: This dept keeps changing - need to redo language

4. The ~~makeup of the committee terms of the members~~ will be recorded in writing by the ~~Director~~ director of human resources. When a person is removed or resigns, the association will be notified and that association will appoint a replacement.

5. Any member, except those listed in subsection ~~3-2 (c) and (d) above~~, who misses ~~3~~ three consecutive meetings without a valid excuse may be removed by the committee. In such event, the ~~director of human resources~~ Director will contact the appointing association or individual ~~and that association or individual will appoint~~ to discuss the possibility of appointing a new member.

~~['3, Ord. No. 1117; A Ord. No. 1321 eff. 12-8-06]~~

5.097 Revision of classification plan.

1. When the board of county commissioners has authorized organizational or budgetary changes which require the creation, division, combination, alteration, or abolishment of classification(s), the department of human resources, or the impacted department shall bring the classes affected to the job evaluation committee for review. The job evaluation committee will evaluate the job(s) using generally accepted job evaluation methodology. ~~the point factor comparison methodology.~~

2. ~~The department of human resources shall from time to time, as necessary, a~~ After consultation with appointing authorities, recommend changes in the Merit Personnel Ordinance and county personnel regulations.

3. Any changes in classifications for positions on the management salary schedule and division director positions or the equivalent thereof as determined by the director of human resources will go directly to the classification vendor for review rather than the job evaluation committee. ~~director of human resources, but not including any such positions covered by a collective bargaining agreement, will be evaluated using the point factor system, but any changes in these classifications will be considered by the board of county commissioners and not by the job evaluation committee.~~

4. The job evaluation committee will ~~also~~ have authority to make changes in job titles to make them more reflective of job duties, ~~or~~ to make minor changes to job descriptions so that the descriptions reflect job responsibilities, ~~and to make other minor changes to classifications to carry out the purposes of sections of this ordinance and the provisions of the Merit Personnel Ordinance.~~

~~['37, Ord. No. 213; A Ord. Nos. 733, 1060, 1117]~~

5.098 Training of the committee members; rules and duties of the job evaluation committee.

1. The department of human resources shall train ~~or provide~~

~~for training of~~ the members of the job evaluation committee in the ~~point factor comparison generally recognized~~ methodology of job evaluation. ~~The department shall be responsible for providing on going training as necessary and training of all new job evaluation committee members.~~

2. ~~Once all committee appointments have been made, t~~The committee ~~, with the assistance of the human resources department, will~~ may make rules and procedures for transacting its business ~~and carrying out the provisions of sections 5.096 to 5.101, inclusive.~~ A majority of the members of the committee constitutes a quorum for purposes of conducting a meeting and a majority of the quorum is necessary to act upon any item.

3. Once all members have received training ~~in the point factor comparison methodology of job evaluation,~~ the committee will meet as needed upon the call of the director of human resources to evaluate jobs ~~using the point factor comparison methodology and clotting process making, and make~~ recommendations where appropriate regarding: the points to be assigned to a given job, the appropriate classification of jobs, ~~the reclassification of positions, and the consolidation of existing classifications,~~ creation ~~of new classifications,~~ alteration ~~of existing classifications, and/or~~ abolishment of ~~existing classifications, , and reclassification of positions.~~ These issues will may be brought before the committee by the director of human resources.

4. All recommendations made by the committee for the creation of ~~a new classification,~~ reclassification, ~~abolishment of an existing classification,~~ consolidation ~~of classifications,~~ or alteration of existing classifications, or where there is a fiscal impact, must be forwarded to the board of county commissioners for final action.

5. Nothing herein alters a department head's responsibility for proper administration of that department's budget.

5.099 Classification of positions. All positions in the classified service shall be allocated to an appropriate class in the classification plan. ~~The allocation of positions to classes shall be governed by the duties and responsibilities of the positions in relation to the criteria established in sections 5.033 [38, Ord. No. 213]~~

5.101 Reporting changes or new~~in~~ positions; reclassification of positions.

1. Whenever an appointing authority proposes the establishment of a new position or makes a significant change in the duties and responsibilities of an existing position, the facts shall be reported to the department of human resources in the manner and on the forms prescribed by the department, with

the advice of the appointing authority.

2. Requests for reclassification which result from program changes, establishment of new positions, changes to organizational structure, changes in the level of service which require a new classification, or establishment of new classifications shall be submitted on the forms prescribed by the department of human resources by the appointing authority as part of the department's/~~division's~~ annual budget process for approval by the board of county commissioners.

3. The department of human resources shall be responsible for confirming the duties and responsibilities assigned to the position.

~~34.~~ The job evaluation committee shall be responsible for providing the evaluation of the position and the appropriate classification using the generally accepted job evaluation with-
points assigned based upon the point factor comparison
methodology. and slotting process. The points assigned ~~is~~ are the determining factor in establishing the pay range.

5. The department of human resources shall be responsible for providing the pay analysis and recommendation for any ~~program/~~ classification changes prior to submission to the board of county commissioners.

6. In the event that a request for a new position or reclassification under this subsection cannot by necessity be made as part of the budget process, the appointing authority shall submit the request to the budget office and human resources for consideration. If approved, the request will be evaluated by the job evaluation committee and their recommendation will be submitted ~~(on the appropriate forms and with the job evaluation committee's and human resources department's recommendations)~~ directly to the board of county commissioners for approval.

~~['39, Ord. No. 213; A Ord. Nos. 733, 1008, 1060, 1117]~~

5.103 Investigations. The department of human resources, upon the written request of an appointing authority or an employee, or upon its own initiative, may investigate the classification status of any existing position.

~~['40, Ord. No. 213; A Ord. Nos. 733, 1060]~~

5.105 Status on reclassification.

1. An incumbent of a reclassified position may ~~retain his appointment and~~ move to the level of the reclassified position ~~when he has performed the duties for 6 months and~~ if the incumbent meets the minimum qualifications for the new class. When an employee has been performing the duties and responsibilities for 6 months prior to reclassification, the employee shall not be required to serve a new probationary

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period.

2. When a position is reclassified to a higher level salary grade and the incumbent retains ~~his appointment status~~the position, or is ~~appointed~~selected from an ~~appropriate~~ eligible list, ~~his~~the salary shall be governed by the provisions relating to promotion.

3. The effective date of a position reclassified to a class having the same or higher salary grade shall be either the date the position was studied, or 90 days after the request to study the position was received in the human resources department, whichever occurs first; or another date as may be agreed to between an employees' association and the county. The effective date of a position reclassified to a class having a lower salary grade shall be the date the position was studied.

4. An incumbent of a position reclassified downward shall retain his or her status in the lower class. If the incumbent's current salary exceeds the top of the salary range for the lower classification, the salary will ~~shall have his salary~~ frozen until the grade encompasses the frozen rate of pay.

~~{'41, Ord. No. 213; A Ord. Nos. 733, 828, 905, 1008, 1060, 1117, 1244}~~

5.107 Interpretation of specifications.

1. The class specifications are intended to be descriptive and explanatory rather than restrictive. The use of a particular expression or illustration as to duties shall not be interpreted to exclude others not mentioned which are of similar kind or quantity.

2. In determining the class to which any position shall be allocated, the specification shall be considered as a whole and in relation to others in the classification plan. Consideration shall be given to the duties, responsibilities, qualifications, knowledge and abilities required in relation to those of other classes in determining the kinds of positions which a class is intended to include.

3. The ~~statement of qualifications required experience and training requirements statement~~ for a ~~particular~~ class is intended as a standard for the evaluation of applicants. The department of human resources has the authority, after consultation with appointing authorities, to interpret these qualifications so that equivalent qualifications to those stated in the specifications may be accepted.

4. Even though not specifically mentioned in the class specifications, the following qualifications are implied requirements and ~~Qualifications~~ expected of all incumbents of positions in county employment:r

~~(a) such as~~ a valid driver's license when the position requires driving,

~~(b) good physical and mental health,
(c) freedom from disabling defects, honesty, sobriety,
courtesy and industry, shall be deemed to be implied in the
qualification requirements of each class, even though not
specifically mentioned in the class specifications.
{'42, Ord. No. 213; A Ord. Nos. 733, 1060}~~

Compensation

5.109 Compensation plan. The compensation plan of Washoe County consists of the schedule of grades of pay as prepared by the department of human resources after consultation with appointing authorities and approved by the board of county commissioners. Each class in the classification plan shall be assigned to the appropriate grade in the compensation plan.

~~{'43, Ord. No. 213; A Ord. Nos. 733, 1060}~~

5.111 Establishing salary grades. In recommending to which grade classes shall be assigned, the department of human resources shall give appropriate consideration to the following factors:

1. Maintenance of equitable relationships between classes based on their relative duties and responsibilities;
2. The level of prevailing rates for comparable work in private and public employment; and
3. Available cost-of-living information.

~~{'44, Ord. No. 213; A Ord. Nos. 733, 1060}~~

5.113 Total compensation.

1. The grade for each class represents the range of pay rates for full-time biweekly employment unless the compensation plan specifically states otherwise.

2. Unless otherwise indicated in the compensation plan, the rates of pay set forth represent the total compensation in every form except for overtime compensation.

3. Reimbursement of an employee for expenses incurred in operating his or her private motor vehicle for the convenience of the county shall not be deemed to be a part of total compensation.

~~{'45, Ord. No. 213}~~

5.115 Application of rates. Each employee ~~in the classified service~~ shall be paid within the salary range in the grade for the appropriate class.

~~{'46, Ord. No. 213; A Ord. Nos. 733, 828}~~

5.117 Part-time employment.

1. An employee who works in a permanent position established

for a portion of a regular work week or work year shall be paid for the actual hours worked.

2. Part-time employment does not include temporary, intermittent or seasonal employment.

3. Combined positions with the county shall not exceed 8 hours per day total work time, or more than 40 hours per work week, except in the case of authorized overtime.

~~{'47, Ord. No. 213; A Ord. Nos. 828, 1373 eff. 6-20-08}~~

5.119 Rate on initial hire, rehire, promotion, demotion or transfer.

1. Initial hire for a position shall be made at the entrance rate of the range for the class, except as provided in sections 5.123 (special salary adjustments) and 5.203 (employees of organizations whose functions have been assumed by Washoe County).

2. A former permanent employee, who, after a break in service, is reinstated to a position in the same or a related class, shall be compensated at a rate at or below his-the previous relative placement in the salary range for the former position, at the discretion of the appointing authority. Compensation at a higher rate may be allowed upon approval by the director of human resources.

3. ~~When an employee is promoted, he~~ Upon promotion, an employee is entitled to the entry salary for the higher grade or 10 percent above the employee's base salary, whichever is greater, provided there is at least a 10 percent differential between the top of the salary range for the lower grade and the top of the salary range for the higher grade.

(a) If the differential between the two grades is between 5 percent and 10 percent, the employee is entitled to the entry salary for the higher grade or the differential between the two grades, whichever is greater.

(b) If the differential between the two grades is less than 5 percent, the employee is entitled to the entry salary or 5 percent, whichever is greater, except as provided below.

(c) In all instances, the amount of the salary increase upon promotion must not exceed the top of the salary range for the higher grade. Any exception may be approved by the county manager upon written justification from the appointing authority and recommendation of the assistant county manager or designee.

4. ~~When a permanent employee is demoted, he~~ An employee who is demoted shall be compensated within the range at a rate which reflects an approximate 5 percent salary decrease in the class to which the employee is demoted. The salary decrease may be waived upon approval by the appointing authority, ~~and the director of human resources.~~

5. ~~When an~~ An employee who transfers to a position in another class shall be compensated at the same pay rate, ~~he is entitled to the corresponding step~~ in the same salary range. Any exception requires written justification of the appointing authority and approval by the director of human resources.

~~{'48, Ord. No. 213; A Ord. Nos. 608, 733, 828, 1055, 1060}~~

5.121 Merit salary adjustment.

1. Except as provided in subsection 2, the amount of the merit salary adjustment which may be paid is 5 percent of an employee's base salary, excluding any overtime. A merit salary adjustment must be based upon satisfactory job performance.

2. A merit salary adjustment may be given only if the employee's total salary, after adding the adjustment, does not exceed the maximum amount of the employee's salary range. If giving the full merit salary adjustment would result in a total salary exceeding that maximum amount, the employee may be given a reduced adjustment which would result in a total salary equal to the maximum amount of the employee's salary range. However, if a merit increase brings an employee within ~~one -half 2~~ percent of the top of the range, the employee shall be paid at the maximum salary for the range.

3. Earned merit salary adjustment shall be made on the employee's merit salary increase date.

4. An employee who is not given a merit salary increase on the annual merit review date is eligible to receive the merit salary increase at any later pay period during the annual review year. Granting a delayed merit salary increase in any succeeding pay period does not affect the employee's merit anniversary date.

5. An employee who has had his ~~or her~~ merit salary increase withheld is entitled to receive this increase only within the immediately succeeding merit review period. The appointing authority may reevaluate the employee at any time during this subsequent period.

6. When the merit salary adjustment is delayed solely through administrative or clerical error, the adjustment shall be made effective as of the date it was properly due.

~~{'49, Ord. No. 213; A Ord. Nos. 289, 408, 730, 828}~~

5.122 Salary adjustment for less than 2 consecutive days off in work week.

1. It is the policy of Washoe County that every department and agency shall, when possible, schedule work days for its employees in a manner which provides each employee with at least 2 consecutive days off in a work week.

2. Except as provided in subsection 3, if an employee works a regularly assigned schedule that does not contain at least 2

consecutive days off in a work week, that employee is entitled to a 5 percent increase in their ~~his~~ base pay for all hours worked in that work week.

3. The failure of an employee to receive at least 2 consecutive days off in a work week because the employee ~~he~~ has worked overtime does not entitle an employee to any increase in the ~~his~~ base pay.

4. Nothing in this section limits the power of Washoe County to schedule an employee's hours or compel an employee to work overtime.

~~{'3, Ord. No. 637; A Ord. No. 1373 eff. 6-20-08}~~

5.123 Special salary adjustments.

1. An accelerated rate of pay may be made for new hires in order to meet difficult recruiting problems or to obtain a person with markedly superior qualifications under the following conditions:

(a) An appointing authority may appoint an individual into the salary range for a classification used exclusively by his ~~their~~ department.

(b) Appointments above the entry rate for classifications found in more than one department must be pre-approved by the director of human resources or designee. Whenever a position is filled in this manner, the salary of the other incumbents occupying that same class shall be reviewed and may be recommended for adjustment by the director or designee. ~~director of human resources.~~

2. A special salary adjustment, within the range, may be approved by the director of human resources or designee in order to correct existing salary inequities.

3. A 5 percent pay increment may be approved by the director of human resources or designee for an incumbent of a classification temporarily assigned duties and responsibilities beyond those required for the classification as a whole. In the event that the duties are assigned for longer than 6 months, a classification study shall be conducted and an appropriate classification assigned to the position.

~~{'50, Ord. No. 213; A Ord. Nos. 424, 733, 905, 1060}~~

5.125 Statement of overtime policy; authority to prescribe policy and procedures.

1. It is the policy of Washoe County that overtime should be kept to an absolute minimum consistent with the basic functions and purposes of the operating department and shall remain within the spending authority as provided in each department's budget.

2. Decisions concerning the need for overtime are fiscal and management functions. Therefore, policies, requirements, procedures and necessary records shall be prescribed by the

county manager with the approval of the board of county commissioners.

~~{'51, Ord. No. 213}~~

5.126 Overtime; computation of time worked. For employees who are compensated for overtime at time and one-half or straight time, overtime shall only be based upon actual time worked. However, time paid, but not worked, including annual leave, compensatory time, holiday and personal leave, but excluding time paid while on sick leave, shall be considered as time worked for the purpose of computing overtime.

~~{'4, Ord. No. 637; A Ord. Nos. 856, 866, 977, 1018, 1143}~~

5.127 Rate of earning accrued overtime.

1. For those employees who are covered by the overtime requirements of the Fair Labor Standards Act, overtime shall be earned at the rate of one and one-half times their regular hourly rate for each hour or major fraction thereof worked.

2. For those employees who are exempt from the overtime requirements of the Act as provided for in section 5.137, overtime shall be at straight time unless otherwise provided by a collective bargaining agreement or resolution.

~~{'52, Ord. No. 213; A Ord. Nos. 733, 856, 866, 966}~~

5.129 Emergency overtime. Emergency overtime is a need to be determined by the elective officer or head of each department. Where the overtime is the result of predictable or extended increase in workload, prior approval of the county manager is necessary.

~~{'53, Ord. No. 213}~~

5.131 Overtime to be authorized in advance. In all cases where overtime is necessary, it shall be authorized in advance by the responsible supervisor before being worked, approved or liquidated by the subordinate employee, unless emergency prevents prior approval.

~~{'54, Ord. No. 213}~~

5.133 Reports of overtime work required.

1. All overtime work within a department or office shall be ~~reported~~ reviewed on a biweekly basis ~~to~~ by the department head or elective ~~officer~~ official or designee.

2. Annually, or more often if deemed necessary, the county manager shall may submit a report of the total hours of overtime worked in each department or office to the board of county commissioners.

~~{'55, Ord. No. 213; A Ord. No. 408}~~

5.135 Compensation for overtime; limit on overtime accrual.

Except as provided in subsection 4, an employee shall be compensated for overtime work at the applicable rates provided for in section 5.127 (rate of earning accrued overtime) in the following manner:

1. Either cash payment, ~~or~~ compensatory time off, or a combination thereof, which election must be made at the time earned.

2. Except for those employees described in subsection 3, an employee shall not accumulate more than 240 hours of compensatory time; any overtime in excess of 240 hours shall be provided in cash.

3. A public safety employee as defined under the Fair Labor Standards Act shall not accumulate more than 480 hours of compensatory time; any overtime in excess of 480 hours shall be provided in cash.

4. All employees on the unclassified management salary schedule and division directors at salary grade T and above on the confidential salary schedule are only eligible for compensatory time. For these employees, any overtime worked beyond 240 hours shall not be accumulated or recorded.

~~{'56, Ord. No. 213; A Ord. Nos. 361, 856, 866, 977, 1143}~~

5.137 Classes which are exempt from payment of overtime. The department of human resources shall maintain a listing of those positions which are exempt from the overtime requirements of the Fair Labor Standards Act. ~~based upon either the professional, executive or administrative standards set forth in the Act.~~

~~{'57, Ord. No. 213; A Ord. Nos. 733, 866, 966, 1060}~~

5.139 Payment of accrued overtime on transfer, termination; exception. Except as provided in subsection ~~34~~, an employee shall be paid for accrued overtime upon transfer or termination as follows:

1. If an employee who has accumulated overtime credit transfers from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority before the accumulated time has been taken or compensated for, all accumulated overtime shall be compensated for by the department or office the employee is leaving at the salary rate and pay grade from which the employee is moving. ~~by the department or office he is leaving.~~

2. If an employee who has accumulated compensatory time moves from a position eligible for compensatory leave payout to a position ineligible for compensatory leave payout before the accumulated time has been taken or compensated for, all accumulated compensatory leave shall be compensated for at the salary rate and pay grade from which the employee is moving.

Commented [KC24]:

~~23.~~ If an employee who has accumulated overtime credit terminates county employment before the accumulated time has been taken or compensated for, all accumulated overtime shall be compensated for by the employing office or department at the time of termination.

~~34.~~ Employees on the unclassified management salary schedule shall not receive a cash payment for any accumulated compensatory time in any circumstance.

~~45.~~ Division directors at salary grade T and above on the confidential salary schedule shall not receive a cash payment for any accumulated compensatory time in any circumstance.

~~Provided however, that confidential division directors so employed as of December 31, 2001 shall be eligible to receive a cash payment for accumulated compensatory time upon termination or retirement, up to the amount accumulated as of December 31, 2001.~~

~~{'58, Ord. No. 213; A Ord. Nos. 977, 1143}~~

5.143 Appeals from salary decisions for unrepresented employees. Reasonable opportunity to be heard shall be provided by the department of human resources to any employee who is not covered by a collective bargaining agreement and is affected by a change in salary or classification. The employee shall direct ~~his~~their request to ~~his~~their appointing authority, who shall seek to arrive at a solution consistent with the classification and compensation plans and acceptable to the employee. If the appointing authority is unable to resolve such a request within a reasonable time, the matter shall be submitted to the human resources department. ~~If the problem cannot be resolved at that level, it may be submitted to the personnel committee for decision.~~

~~{'60, Ord. No. 213; A Ord. Nos. 733, 1060}~~

5.145 Career incentive plan for employees; inapplicability to certain elected county officials and certain employees.

1. Career Incentive Plan: Except as provided in subsection 5, a career incentive plan is hereby instituted for county employees as follows:

(a) An employee who has 5 or more years of continuous full-time equivalent county service and who, for the preceding review period, has been rated standard or better pursuant to sections 5.283 to 5.287 (evaluation of performance), inclusive, is entitled to career incentive pay at the rate set forth in paragraph (c).

(b) A permanent part-time employee is entitled to career incentive pay in the manner provided for full-time employees in paragraph (a), except that a part-time employee must work or be in a paid leave status the same

number of hours as a full-time employee works in 1 year in order to receive a "year of full-time county service" within the meaning of paragraph (a). A part-time employee completing the number of "years of full-time county service" set forth in paragraph (a) is entitled to career incentive pay at the rate set forth in paragraph (c).

(c) An employee entitled to career incentive pay shall receive: ~~\$100 per year of service up to a maximum annual payment of \$3,000 for 30 years or more of service.~~

<u>Total Years of Full-Time Service</u>	<u>Annual Longevity Payment</u>	<u>Amount of Semi-Annual Installments</u>
5-6	\$1,500.00	\$750.00
6-7	\$1,600.00	\$800.00
7-8	\$1,700.00	\$850.00
8-9	\$1,800.00	\$900.00
9-10	\$1,900.00	\$950.00
10-11	\$3,000.00	\$1,500.00
11-12	\$3,100.00	\$1,550.00
12-13	\$3,200.00	\$1,600.00
13-14	\$3,300.00	\$1,650.00
14-15	\$3,400.00	\$1,700.00
15-16	\$3,500.00	\$1,750.00
16-17	\$3,600.00	\$1,800.00
17-18	\$3,700.00	\$1,850.00
18-19	\$3,800.00	\$1,900.00
19-20	\$3,900.00	\$1,950.00
20-21	\$4,000.00	\$2,000.00
21-22	\$4,100.00	\$2,050.00
22-23	\$4,200.00	\$2,100.00
23-24	\$4,300.00	\$2,150.00
24-25	\$4,400.00	\$2,200.00
25-26	\$4,500.00	\$2,250.00
26-27	\$4,600.00	\$2,300.00
27-28	\$4,700.00	\$2,350.00
28-29	\$4,800.00	\$2,400.00
29-30	\$4,900.00	\$2,450.00
30-or more	\$5,000.00	\$2,500.00

(d) For purposes of career incentive pay:

(~~1~~i) The number of "years of full-time county service" does not include any period in excess of 31 calendar days per calendar year during which an employee is on leave without pay.

(~~2~~ii) The number of years an employee has been in the service of the county includes all periods of continuous service after the date the employee was last hired as a permanent employee, and includes former periods of service if each applicable period of separation may be bridged

pursuant to subsection 2.

2. Bridging Periods of Separation. A period of separation may not be bridged to increase the number of years of service, except that:

(a) A period of separation which resulted from a layoff may be bridged to increase the number of years of service if the employee was subsequently rehired pursuant to section 5.311 (Layoff: Rehire).

(b) A period of separation may be bridged if the employee was rehired within 1 year after the date of commencement of the separation and the employee has been in the continuous service of the county for 1 year after the date he was rehired.

3. An employee's eligibility for career incentive pay must be reviewed as of June 1 and December 1 of each year with payment to be effected in equal semiannual installments payable on the first pay day of June and December immediately following a determination of eligibility.

4. Upon death or fFor qualified employees retiring or resigning in good standing before the due date of any semiannual increment, the amount of the payment shall be prorated.

5. The career incentive plan does not apply to elected county officers, the amount of whose annual salaries are governed by the provisions of NRS 245.043 (annual salaries of elected county officers), and does not apply to any employee who is covered by a collective bargaining agreement entered into pursuant to chapter 288 of the Nevada Revised Statutes.

~~{'61, Ord. No. 213; A Ord. Nos. 259, 611, 637, 782, 1018}~~

5.146 Career incentive plan for justices of the peace.

1. A justice of the peace who has served in office for more than 4 years is entitled to an additional salary of 2 percent of ~~his~~their base salary for each full calendar year ~~they have~~has served in ~~his~~their office. For the purposes of this section a full calendar year includes the time from the first Monday in January until December 31st for a justice of the peace who was elected in the preceding regular election.

2. The additional salary provided in this section for an eligible justice of the peace:

(a) Is computed on July 1 of each year by multiplying 2 percent of the base salary for the appropriate fiscal year by the number of full calendar years the justice of the peace has served in his office;

(b) Must not exceed 20 percent of the base salary of the justice of the peace; and

(c) Is calculated and paid in the same manner as it is for every other ~~county~~ Washoe County elected official.

3. If the additional salary provided for in this section is

modified, phased out, or terminated for all other county elected officials, said modification, phase out, or termination shall apply to Washoe County Justices of the Peace at the same time, in the same manner, and on the same terms and conditions as it applies to all other Washoe County elected officials.

~~{'1, Ord. No. 702; A Ord. No. 1143; A Ord. No. 1454 eff. Date Jan. 1, 2010}~~

~~5.147 Parking allowance. The county shall provide \$15.00 per biweekly pay period parking allowance for employees working in downtown Reno who are not provided free parking. At such time as the county constructs a parking facility, employees receiving the allowance will be required to park in the county facility and pay the required fee to the county. The county's fee charged for the employee shall not exceed the parking allowance set forth in this section. The county will pay the biweekly parking allowance to employees working in downtown Reno who are not provided free parking, if they utilize public transit, provided, the employee must document their continued purchase of RTC monthly transit pass.~~

Commented [KM25]: County does not do this anymore

~~{'1, Ord. No. 1143}~~

Examinations Recruitment Process for Classified Employees

5.149 Types of examinations.

1. Human resources shall establish and administer competitive examinations for the purposes of hiring and promotion into the classified service of Washoe County.

2. The examinations shall evaluate the qualifications of the applicants.

3. Examinations shall be open to all applicants who are authorized to work in the United States and who meet the minimum qualifications.

~~Competitive examinations may be assembled, open or promotional, written, oral or in the form of a demonstration of skill, an evaluation of training and experience, or any combination of these. Investigations of character, personality, education and experience and any tests of intelligence, capacity, technical knowledge, manual skill or physical fitness which the department of human resources deems appropriate may be employed.~~

~~{'63, Ord. No. 213; A Ord. Nos. 733, 1060}~~

5.151 Investigations Review of applicants. ~~In order to determine~~

1. Human Resources shall determine whether an applicants meets the minimum qualifications to compete for an employment or promotion.

~~established for examinations or for other purposes, the department of human resources~~

2. Human Resources may consider any combination of the following before examination or certification of a list:

- (a) Tests of qualifications in written, oral, online and/or performance form;
- (b) Evaluation of education, experience, training, skills and/or abilities;
- (c) Investigation of character, personality, and/or background
- (d) References by persons having knowledge of the applicant;
- (e) Evidence of citizenship or right to work in the United States,
- (f) A DD-214 form showing honorable discharge from the Armed Forces of the United States,
- (g) Valid licenses or certifications, or
- (h) Evidence of identification, fitness and qualification.
- (i) Any other job-specific requirements Human Resources deems appropriate for the position.

~~require such certificates of citizens, physicians, public officers or others having knowledge of the applicant as the good of the service may require. It may require, either before examination or before certification, that documentary evidence be submitted substantiating such facts as citizenship, honorable discharge from the Armed Forces of the United States, possession of valid licenses for various purposes or other evidence of identification, fitness and qualification.~~
['64, Ord. No. 213; A Ord. Nos. 733, 1060]

5.153 Applications.

~~1. Applications Every applicant for examination must file an application in the office of the~~ be submitted to the department of human resources ~~by the close of business on the date contained in the examination announcement.~~

2. No additional information will be accepted after the recruitment deadline.

3. —A resume may be submitted in lieu of the employment history portion of the application ~~where only when~~ authorized by the department of human resources, ~~however, no additional information will be accepted after the filing deadline. Such applications, when filed,~~

4. Submitted applications and all other examination materials, including examination questions and booklets, are the property of the department.

['66, Ord. No. 213; A Ord. Nos. 733, 917, 1060, 1244]

5.154 Application for flexibly staffed class series.

1. "Flexibly staff series" means a group of related positions through which an employee may progress to the next level in the

series upon meeting the requirements of the class and the recommendation of the appointing authority.

2. The hiring department may hire at any of the advertised levels within the class series.

~~A flexibly staffed class series is comprised of related classes through which an employee may progress without competition from entry level to journey level. When recruiting for all levels within a flexibly staffed class series, applicants shall be tested and placed on the eligible lists for the highest level for which they qualify, unless the applicant specifically requests to be tested and placed on a lower level eligible list in lieu of the higher level.~~
~~{'2, Ord. No. 905}~~

5.155 Eligibility to compete.

1. Competitive examinations for classified positions in the Washoe County service shall be open to all applicants who are authorized to work in the United States and who meet the qualifications established for the class or position for which application is being made.

2. In accordance with NRS Chapter 245, the criminal history of an applicant for employment may be considered only after the earlier of the final interview conducted in person or the extension to the applicant of a conditional offer of employment unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person.

Commented [KM26]: Ban the Box legislation incorporated (AB 384). A policy will have to be drafted to incorporate specific statutory provisions.

~~Any applicant who has a conviction record (other than minor traffic violations involving a fine of less than \$25) shall so indicate on his application form. In addition, the application shall be accompanied by a complete explanation of the conviction.~~

~~3. In determining whether to accept the application, consideration shall be given by the department of human resources to the recency of the offense, age at time of the offense, conduct during incarceration and parole or probation period, reports from parole or probation officer concerning the applicant's employment record while on parole or probation and related factors.~~

~~4. Since the appointment decision is the prerogative of the appointing authority, all related records shall be made known to the appointing authority before such appointment is made.~~
~~{'67, Ord. No. 213; A Ord. Nos. 733, 945, 1060}~~

5.157 Promotional examinations.

1. Merit and fitness for promotion within the public service

shall be ascertained through competitive examinations, except as provided in sections 5.105 (reclassification), 5.160 (waiver of examination), and 5.202 (interjurisdictional transfers).

2. P A promotional examinations may apply to all departments or may be restricted to qualified employees in one department if it is determined by the director of human resources that there is a sufficient number of qualified employees in a single department. ~~and all relevant county policies are complied with, or, a promotional examination may apply to all departments.~~

3. Competition in promotional examinations shall be limited to employees who:

1(a). Have permanent or probationary status and have served at least 6 months in the classified service. Department only- promotions are limited to employees who have worked at least 6 months in the classified service in the department ~~organizational unit or units for which the examination is being held; and~~

2-(b) Meet the minimum requirements for the class for which the examination is being held; and

3. ~~Have demonstrated merit and fitness in their present positions as certified by their appointing authorities. {'68, Ord. No. 213; A Ord. Nos. 882, 1054, 1143}~~

5.159 Time for examinations and interviews.

1. Examinations. Upon giving a minimum of 3 days' notice to his or her immediate supervisor, a county employee, ~~otherwise-qualified,~~ shall be permitted to take a reasonable amount of time to take any examination given by the department of human resources during working hours without loss of pay. ~~Employees may schedule interviews using appropriate accrued leave and/or flexing their work hours upon supervisor approval.~~

2. Interviews. Upon giving a reasonable amount of notice to his or her immediate supervisor, a county employee shall be permitted to take a reasonable amount of time to interview during working hours. At the discretion of the appointing authority, employees may interview during working hours and are without loss of pay or may be required to use appropriate accrued leave and/or to flex their work time. ~~{'69, Ord. No. 213; A Ord. No. 733, 1060, 1244}~~

5.160 Waiver of examination. The director of human resources may waive examination for those classes requiring specific training, education, certification, licensure, experience or when there are an insufficient number of qualified candidates. ~~practical or professional certification or licensure. Consideration shall be given to the anticipated size of the applicant pool and other experience requirements. All available~~ All qualified applicants shall be placed on an unranked eligible

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list.

~~{'2, Ord. No. 882; A Ord. No. 1060}~~

5.161 Postponement of tests. If the department of human resources determines that a sufficient number of qualified candidates has not made application for an examination or for other good reason, the department may postpone or cancel a test or an examination or extend the filing ~~period by giving reasonable public notice thereof.~~

~~{'70, Ord. No. 213; A Ord. Nos. 733, 1060}~~

5.163 Continuous examinations.

1. The department of human resources may conduct examinations and create countywide eligible lists continuously.

2. The names of eligibles who took the same or a comparable examination on different dates may be ranked, for purposes of certification, in the order of final earned ratings, except as such order may be modified by the application of veterans' preference point.

3. Eligibility from a continuous examination may be deemed to be established as of the date of the candidate's application examination.

~~{'71, Ord. No. 213; A Ord. Nos. 733, 1060}~~

5.165 Announcement of examinations.

1. Public notice of each examination shall be given.

2. Examination announcements shall be in such form as the department of human resources requires. ~~but shall include a listing of the subjects to be included and the relative weights to be assigned the various parts.~~

~~{'72, Ord. No. 213; A Ord. Nos. 733, 1060}~~

5.167 Minimum passing scores.

1. The passing score for attaining a place on an eligible list shall be a rating of at least 70 percent. ~~In examinations, the 70 percent need not be the arithmetic. The 70 percent score is derived from the raw score and may be adjusted based on factors established by Human Resources. of the total possible score, but may be an adjusted score based on consideration of the difficulty of the test, the quality of the competition, and the needs of the service. Any scores shall be established before the identification of the competitors' examination papers. The final earned rating of each candidate competing in an examination shall be determined by the weighted average of the earned ratings on all phases of the examination according to the weights for each test established by the department of human resources in advance of the examination and published as a part of the examination announcement.~~

~~2. Competitors-Applicants~~ failing to achieve a passing score in any phase of the examination process may be disqualified from further participation in the ~~immediate-current~~ examination.

~~3. Test items and raters' comments are confidential and are not subject to inspection by the candidate.~~

~~4. Comments to test items must be submitted at the time the test is being administered on forms supplied by department of human resources. The department of human resources will review the comments and may take any actions it deems appropriate.~~

~~5. Failing score information is not provided to candidates.~~

~~{'73, Ord. No. 213; A Ord. Nos. 733, 1018, 1060, 1244}~~

5.169 Appeal of examinations.

~~1. Appeal of results of examinations or findings of ineligibility to compete must be received in writing in the department of human resources within 5-21 business day-calendar working days after the date of grade notification or notification of ineligibility to compete.~~

~~2. Appeals are limited to evaluation and/or clarification of application materials previously submitted. No new information may be considered. In the case of an appeal, a candidate may review his examination rating with the appropriate scoring key. Test items and raters' comments are confidential and are not subject to inspection by the candidate.~~

~~1. Objections to written test items must be submitted at the time the test is being administered on forms supplied by the department. The department will review items being questioned and revise or eliminate those items determined inappropriate.~~

~~2. Requests for review of training and/or experience evaluations are limited to evaluation and/or clarification of application materials previously submitted. No new information may be considered.~~

~~{'74, Ord. No. 213; A Ord. Nos. 733, 828, 945, 1060}~~

5.170 Joint appeal process for joint agency recruitments; appeals from joint agency examinations. In the event Washoe County is a party to a cooperative agreement with other local agencies for the purpose of conducting a joint recruitment for similar public employee positions, the county may agree to participate in a mutually agreed upon joint examination appeal process which shall be outlined in the cooperative agreement.

~~1. Appeals may only be taken from the joint examination. Appeals must be in writing and must be filed by the applicant within 10 days of notification of the element of the examination process which is being appealed.~~

~~2. A joint examination appeal process must involve an appeal panel consisting of an equal number of representatives from each participating jurisdiction. The appeal panel will convene as~~

~~soon as practical for all members to hear the appeal. The decision of the appeal panel will be final and no further appeal will be considered by the county.~~

~~3. In a joint recruitment where a joint appeal process is established as provided herein, an applicant may only appeal pursuant to such joint appeal process and may not also appeal pursuant to the provisions of section 5.169.~~

~~4. In the event of a joint recruitment where there is no mutually agreed upon joint appeal process, the provisions of section 5.169 shall apply.~~

~~['1, Ord. No. 929; A Ord. No. 1244]~~

5.171 Corrections of examination ratings. If, after examination of the appeal filed by any candidate, the department of human resources finds that any manifest error was made in rating, scoring or computation of the result, the department shall make the required correction and place the name of the person on the eligible list ~~in the correct position. its correct position by virtue of the correction.~~ Such correction, however, shall not invalidate any appointment previously made from such eligible list.

~~['75, Ord. No. 213; A Ord. Nos. 733, 1060]~~

~~5.173 Employment of disabled persons.~~

~~1. Full consideration shall be given for the employment of disabled persons in positions where they meet the minimum requirements established for the class and are certified from the appropriate eligible list.~~

~~2. Examination requirements may be modified to accommodate the individual's disabilities without detriment to the county service. When examination requirements cannot be modified to accommodate the individual's disabilities, the Nevada rehabilitation division may certify the individual under the 700-hour program. Individuals so certified shall be placed on the appropriate eligible list for temporary appointment under the provisions of section 5.213 without examination.~~

~~3. For purposes of the Merit Personnel Ordinance, "disability" is defined as physical or mental impairment which substantially limits one or more major life activities.~~

~~['76, Ord. No. 213; A Ord. No. 881]~~

5.174 Veterans' preference. All qualified open competitive candidates, who are honorably discharged veterans of the United States armed forces after having served at least 6 months on active duty, will be granted a ~~one~~ point preference which will be added to their passing score prior to placement on the eligible list. . A DD-214 specifically stating honorable discharge from the Armed Forces of the United States must be

Commented [KM27]: The ADA applies to applicants and employees. That means applicants shall be accommodated in the testing process unless it would result in undue hardship to the County. Since the federal law applies and this is not adding to it, consider deleting this section.

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submitted prior to exam scoring.
~~{'2, Ord. No. 828}~~

Eligible List and Certification

5.175 Types of lists.

1. The director shall adopt procedures for the establishment of eligible lists for appointment and promotion.

~~2. The following are eligible lists from which persons may be selected by an appointing authority to fill a vacant position. The types of eligible lists are as follows:~~

a1. Reemployment lists, consisting of the names of employees who have been laid off.

~~b2. Department promotional lists.~~

~~c3. Countywide promotional lists.~~

~~d4. Open competitive Eligible lists, from open examinations.~~

~~e5. Transfer lists.~~

~~f6. Inter-jurisdiction transfer lists.~~

~~g7. Voluntary demotion lists.~~

~~8h. Reinstatement lists.~~

9i. An unranked list created under section 5.160 (waiver of examination) or when there are insufficient number of qualified candidates. .

~~When using an inter-jurisdiction transfer list, an open competitive list must also be certified and candidates on the open competitive list given consideration in accordance with section 5.192. For all other lists, the county encourages consideration of candidates from open competitive lists.
~~{'77, Ord. No. 213; A Ord. Nos. 828, 1018, 1054}~~~~

5.177 Order of names. The names of eligibles on promotional and open eligible lists shall be ranked in the order of their total rating earned in the examination, including veterans' preference.

~~{'78, Ord. No. 213; A Ord. No. 1018}~~

~~Eligible List and Certification~~

5.179 Duration of lists. The term of eligibility of applicants on such lists is 1 year but may be extended by the director of human resources up to a maximum of 3 years unless one of the following conditions are met:

(a) until the duties or qualifications for the classification have materially changed;

(b) until a sufficient majority of candidates on the list have been interviewed and the hiring authority determines the number of remaining eligible candidates on the list in relation to the labor market is insufficient to meet the needs of the

Commented [KM28]: Required by NRS 284.250

department with the approval of the Director; or

(c)until the director determines the number of remaining eligible candidates on the list in relation to the labor market is insufficient to meet the needs of the County.

~~An eligible list remains in effect for 1 year but may be extended by the director of human resources if the number of remaining interested eligibles on the list in relation to the labor market is sufficient to meet the needs of the county service. A list may not be extended for more than 2 additional years. Reasonable notice of a proposed abolishment shall be given to the remaining eligibles prior to holding a new examination.~~

~~['79, Ord. No. 213; A Ord. Nos. 733, 828, 1060]~~

5.181 ~~Merger of lists.~~ Integration into Subsequent Lists

1. The names of eligible persons on current lists may be integrated onto subsequent lists for the same class if there has been no material change in the qualification requirements and/or examination process. If the list is a ranked list, the names of eligible persons may be integrated according to the final scores of those eligible persons.

2. As used in this section, "material change" includes, without limitation, a change in the minimum qualifications for the class or the subject matter, scope or weights of various phases of the examination.

[NAC 284.370]

~~Where there has been no material change in the qualification requirements, subject matter, scope or weights of various parts of the examinations, names on successive lists for the same class may be combined according to the final rating of the eligibles.~~

~~—['80, Ord. No. 213]~~

5.183 Removal of names from eligible lists.

1. The names of eligible persons may be removed from the active lists for any of the following causes:

~~The director of human resources may remove names of eligibles from active eligible lists for any of the following causes:~~

- ~~(a) Appointment-Selection~~ after certification to fill a full-time permanent position in the class for which the examination was given.
- (b) Expiration ~~of the term of eligibility~~ of the eligible list.
- (c) Separation of a promotional eligible from the county service.
- (d) Failure to respond within the required time to any ~~notice of certification or availability survey or~~

~~(e) Failure to appear for a scheduled interview,
(f) or where required, Failure to submit requested forms
or information.~~

~~(g) A request by the eligible to be removed from the list.~~

~~(h) A request by the eligible to be removed from the list.-~~

~~(i) For causes listed in section 5.185~~

~~A statement by the eligible that he is not willing to accept any
type of appointment from the eligible list.~~

~~(f) Three instances of voluntary withdrawal from
consideration for appointment.~~

~~2. Names of eligibles may be removed from the active eligible
lists for any of the causes listed under subsection 3 of section
5.155 or section 5.185.~~

~~3.2 A person whose name has been removed from an eligible
list may request to be reinstated on the list under the
following conditions:~~

~~(a) A probationary employee who has resigned from county
service in good standing may be reinstated to the eligible
list;~~

~~(b) A promotional eligible who has resigned from county
service in good standing may be reinstated to the open
competitive list; or~~

~~(c) An employee who is no longer eligible as a promotional
candidate on a list may be reinstated to placed on the open
competitive list.~~

~~Reinstatement may only occur upon request of the former
eligible and is limited to placement on the eligible list
with the score earned during the period of time that the
eligibility list is valid.~~

~~(d) An eligible employee removed from the list due to
selection pursuant to subsection 1(a) above who may
subsequently voluntarily demotes to a class in a lower
grade may be reinstated to the list.~~

~~(e) An eligible person whose name has been removed from a
current list may request that his or her name be
reactivated by stating the reasons for the request. If the
department of human resources determines that the reasons
are justified, and the person's term of eligibility has not
otherwise expired, his or her name may be reactivated. An
eligible who is removed from a list pursuant to subsection
1(d) above may be reinstated to the eligible list if the
director of human resources finds sufficient reason to
justify reinstatement.~~

~~{'81, Ord. No. 213; A Ord. Nos. 828, 882, 1060, 1244}~~

5.185 Director of human resources may refuse to examine or
refuse to certify an applicant. The director of human resources

may refuse to examine ~~an applicant or, after examination, may refuse to~~ certify an eligible person applicant who comes under any of the following categories:

1. Lacks any of the preliminary requirements established for the ~~examination for the position, or employment for which he applies.~~

2. ~~Is physically so disabled as to be rendered unfit for the proper performance of the duties of the position to which he seeks appointment.~~ After an interactive process, is determined to be under a disability that cannot be reasonably accommodated without undue hardship to the County.

3. Is addicted to the use of habit-forming drugs.

4. Is an habitual user of intoxicating liquors to excess.

5. Has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct.

~~6.~~ Has been dismissed from the public service for delinquency or misconduct.

~~6.7.~~ Has made a false statement of any material fact.

~~7. 8.~~ Has, directly or indirectly, given, rendered or paid, or promised to give, render or pay, any money, service or other valuable thing to any person for, or on account of, or in connection with, ~~his~~ the examination, appointment or proposed appointment.

~~8.9.~~ Has practiced, or attempted to practice, any deception or fraud in ~~his~~ the application, in ~~his~~ the certificate, in ~~his~~ the examination, or in securing ~~his~~ the eligibility or appointment. ~~['82, Ord. No. 213; A Ord. Nos. 733, 1060]~~

~~5.187 Statement of director of human resources upon refusal to examine or certify; appeal to personnel committee.~~

~~1. When the director of human resources refuses to examine an applicant or, after an examination, refuses to certify an eligible person, the applicant or eligible person may appeal that decision and request that the director furnish to him a statement of the reasons for the refusal to examine or the refusal to certify, as the case may be. The director shall furnish the statement upon request.~~

~~2. If the director of human resources refuses to examine an applicant or, after an examination, refuses to certify an eligible person, that person may appeal to the personnel committee in accordance with rules and regulations adopted by the committee. If the committee finds that the director is in error in refusing to examine an applicant or in refusing to certify an eligible person, the committee shall order the director to examine or certify, and the director shall comply. ~~['83, Ord. No. 213; A Ord. Nos. 733, 828, 1060]~~~~

5.189 Certification of names and creation of referral list.

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1. ~~In response to requests for certification from appointing authorities, the department of human resources shall certify the names, if any, of eligibles from current eligible lists for the class or flexibly staffed class series to be filled. The director of human resources may authorize certification as described in this section from each of the eligible lists within a flexibly staffed class series.~~

The Director shall create and certify the names from current eligible lists resulting in the creation of a referral list in response to a request from an appointing authority. The appointing authority shall specify the number of eligibles needed.

(a) ~~For an initial vacancy, the appointing authority shall request a the referral list shall contain an even number of eligibles. names to be certified, ranging from~~

(i) The list shall contain a minimum of one eligible from the promotional list and one eligible from the open competitive list.

(ii) The promotional list candidates shall be ranked by final score and precede the open competitive candidates, who are ranked by final score.

~~a minimum of three each from the promotional and open competitive portions of the eligible list, to a maximum of ten each from the promotional and open competitive portions of the eligible list. Certification must be made in the order of standing on the lists.~~

(iii) If an insufficient number of either open competitive or promotional eligibles are available, additional names may be certified from the other ~~portion of the eligible~~ list to complete the certification.

(iv) If there are fewer ~~than the number of available~~ names ~~than~~ requested by the appointing authority ~~on a list~~, the list may be forwarded with the fewer number or ~~certification-qualified eligible~~ from other lists may be ~~forwarded to the appointing authority determined to be appropriate by the human resources department.~~ Names from other lists must follow those names must follow those on the original referral list. , if any, certified from the original eligible list.

(b) For multiple vacancies within ~~45~~ 90 days of original certification ~~date~~, ~~one~~ more names from each ~~of~~ ~~from~~ the promotional and open competitive portions of the eligible list may be certified for each additional vacancy.

(c) When, ~~within the range of names to be certified~~, there are tied scores within the range of names to be certified, the tie shall not be broken, and all eligibles with the tied score shall be certified.

2. For each initial vacancy for unskilled and semiskilled

classes, the appointing authority shall request a number of names to be randomly certified from unranked eligible lists, ~~from a minimum of six to a maximum of twenty names.~~ For multiple vacancies within ~~45- 90~~ days of the original certification date, ~~one~~ more names may be certified for each additional vacancy.

3. An appointing authority may request selective certification for a particular position if the standard certification described in subsection 1 does not provide candidates qualified to perform duties of the position satisfactorily. Where selective certification is necessary, the appointing authority shall furnish in writing those specialized requirements ~~peculiar to~~ of the position and the reasons for such requirements.

(a) If the department of human resources determines that the facts and reasons justify selective certification, the department may certify the highest ranking eligibles who possess the special qualifications.

(b) Certification of eligibles of only one sex must not be made unless there is clear evidence that efficient performance of duties assigned could be performed only by the sex specified.

(c) Authorization for selective certification must be made on the basis of requirements and needs of the position. ~~an individual basis.~~

4. If the number of eligibles requested by the appointing authority pursuant to section 1 or 2 is not available for appointment, the appointing authority may make an appointment from the remaining eligibles or make a provisional appointment upon approval by the department of human resources.

5. ~~The name of an eligible may not be certified more than three times for permanent positions to the same appointing authority from the same eligible list, except at the request of the appointing authority.~~ After initial certification, an appointing authority may, based upon job-related criteria, request that the department of human resources remove an eligible's name from the eligible list for future certifications to that department. The appointing authority must notify the eligible in writing of the reasons justifying ~~their~~ removal from the list.

6. In order to be placed on a the applicable list, the department of human resources must be notified in writing when

(a) An employee who is requesting a transfer from one department or class, or

(b) a probationary employee who is requesting a transfer from a part-time to full-time position, or vice versa, or

(c) an employee who is requesting a voluntary demotion, or

(d) a current or former employee who is requesting

~~reinstatement. , must so notify the department of human resources in writing, in order to be placed on the appropriate certification list, in addition to the names certified under the provisions of subsections 1 and 2.~~

7. Certification of eligibles from unranked lists established in accordance with section 5.160 (waiver of examination) shall include all available eligibles on such lists.

8. Duplicate names shall not be certified from more than one eligible list in a flexibly staffed class series. Eligible candidates who appear on more than one list in the series shall be certified from the highest level list within the class series the hiring department requests. The hiring department has the discretion to hire at any level within the class series , unless they specifically request certification on a list at a lower level in lieu of the higher level.

['84, Ord. No. 213; A Ord. Nos. 360, 491, 611, 730, 733, 828, 882, 905, 945, 1054, 1060, 1244]

5.191 Duty of eligibles to respond. Every eligible shall respond by the deadline listed on the ~~within 7 calendar days after~~ notice. ~~of certification.~~

~~['85, Ord. No. 213; A Ord. No. 882]~~

5.192 Consideration of eligible candidates.

1. Once a list is certified, candidates on the list must be given consideration for ~~appointment~~ the position by the appointing authority.

2. An appointing authority may screen such candidates using any or all of the following job-related screening processes: interview, background investigation, reference check, pre-employment medical exam (where such exam meets the requirements of the ADA), and other appropriate job-related screening processes. If an appointing authority uses such screening processes, all eligible candidates must be screened with that process. ~~, however, a~~

3. An appointing authority may modify the process used for each list depending upon the list under consideration. ~~For example, a background check for an open competitive candidate may be more extensive than a background check for an inter-jurisdiction transfer.~~ All applicable screening processes must be followed for each certified list before a position is filled. ~~an appointment is made.~~

~~['3, Ord. No. 1054]~~

Appointments

5.193 Types of appointments. Vacancies in positions in the classified service may be filled by the appointing authority by rehire, transfer, demotion, appointment from an appropriate

eligible list. Vacancies in the unclassified service may be filled as discretionary by appointments or temporary appointment by a department head or elected official. ~~supplied by the department of human resources pursuant to sections 5.149 to 5.191, inclusive, or by appointment of a person under temporary or provisional appointment, in accordance with the provisions of the Merit Personnel Ordinance. {'86, Ord. No. 213; A Ord. Nos. 733, 1060}~~

5.195 Reinstatement.

1. An employee who has attained permanent status in a class and who has:

- (a) Resigned from the county service in good standing;
- (b) Accepted an unclassified appointment; or
- (c) Accepted a voluntary demotion

may be reinstated under the following conditions:

~~(i)~~ (i) The position must be in the same or related class to that held by the employee at the time of resignation, change to unclassified status, or voluntary demotion. The position must have reasonably similar knowledge, skills and abilities and be at the same or a lower salary grade. +

~~(i) Resignation;~~

~~(ii) Change to unclassified status; or~~

~~(iii) Voluntary demotion;~~

~~and such class shall have reasonably similar prerequisite knowledge, skills and abilities and the same or lower salary grade.~~

~~(ii)~~ (ii) Reinstatement must occur within 3 years 1 year from the date of resignation, change to unclassified status or voluntary demotion.

~~(iii)~~ (iii) Reinstatement must be upon approval by the director of human resources or designee.

2. Reinstatement of a permanent or unclassified employee shall not require the service of a new probationary period. Reinstatement of an employee who has resigned shall require the service of a new probationary period.

~~{'87, Ord. No. 213; A Ord. Nos. 733, 828, 917, 1060}~~

5.196 Voluntary demotion.

1. An employee may request demotion to a position in a class with reasonably similar ~~prerequisite~~ knowledge, skills and abilities and a lower salary grade.

2. Demotion to another department requires approval of the department of human resources. Demotion within a department is at the discretion of the appointing authority. Such demotion may be permitted upon approval of the appointing authority and after such investigation as the department of human resources deems necessary.

3. Voluntary demotion of a ~~permanent~~ classified employee with permanent status shall not require the service of a new probationary period. Employees serving an initial probationary period who voluntarily demote must serve the remaining portion of the probationary period in the new class.

~~{'1, Ord. No. 917; A Ord. No. 1060}~~

5.197 Transfers: Kinds of transfers; conditions.

1. An employee may request transfer to a position in a class with reasonably similar knowledge, skills and abilities in the same salary grade.

(a) The position to which an employee is transferred may be in a different department or location.

(b) When an employee transfers from a position under one appointing authority to a position under another appointing authority without a break in service, the employee's vacation and sick leave balances shall become a charge upon the department to which the employee transfers.

(c) All accumulated comp time shall be compensated for by the department the employee is leaving. Any exception must be agreed upon by both department appointing authorities or designees.

2. An appointing authority may, after reasonable notice and upon the approval of the director of human resources, transfer any permanent or probationary employee ~~under his jurisdiction within the department~~ from one position to another position in the same class in the same salary grade, -or

(b) from a position in one class to a position in a related class with the same grade and with reasonably similar ~~prerequisite~~ knowledge, skills and abilities in the same salary grade.

~~3. An appointing authority may, after reasonable notice and upon approval of the department of human resources, transfer for the convenience of the county any classified employee with ~~permanent status~~ from a position in ~~one class in~~ one location to another location. ~~permanent assignment in a position of the same or related class.~~~~

~~4. Transfer of a classified employee from one appointing authority to another shall not require the service of a new probationary period. Probationary employees so transferred shall serve the remaining portion of the probationary period. The position to which an employee is transferred may be in a location different from that from which he was transferred. When an employee transfers from a position under one appointing authority to a position under another appointing authority without a break in service, his vacation and sick leave balances shall become a charge upon the agency to which he transfers.~~

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~~All accumulated overtime shall be compensated for by the department he is leaving, if authorized in accordance with the provisions of the Merit Personnel Ordinance concerning payment of overtime.~~

~~['88, Ord. No. 213; A Ord. Nos. 733, 828, 917, 1060]~~

~~5.199 Transfers: Probationary periods. Transfer of a permanent employee from one class to another or from one appointing authority to another shall not require the service of a new probationary period. Probationary employees so transferred shall~~

~~serve the remaining portion of the probationary period.~~

~~['89, Ord. No. 213; A Ord. Nos. 408, 917]~~

5.201 Transfers: Protests.

1. If a transfer is protested by an employee as being made for the purpose of harassing or disciplining ~~him~~them, the employee may appeal such transfer in the manner provided in section 5.331. The appointing authority may require the employee to transfer pending disposition of the appeal.

2. If the transfer requires an employee to relocate ~~his~~their residence and the appointing authority requires the employee to transfer pending appeal, the county shall pay the employee's travel expenses or assist the employee to move in accordance with the provisions of subsections 1, 2 and 4 of section 5.395. ~~['90, Ord. No. 213; A Ord. No. 408]~~

5.202 Inter-jurisdiction (lateral) transfers; POST certified positions in law enforcement.

1. An individual seeking appointment to transfer to a law enforcement position in a class with reasonably similar knowledge, skills and abilities may be placed on an eligible list if ~~who~~ at the time of making application: ~~for employment with the county~~

(a) the person is employed as a law enforcement employee at the level or above the position they are applying for and holding a valid Peace Officer Standards and Training Certificate (P.O.S.T.); and

(b) the person is in good standing as either a permanent or probationary employee in the classified service of a Nevada public agency operating under a competitive hiring process - ~~operating a personnel merit system;~~ and

(c) the person ~~provided the individual~~ meets the minimum qualifications for the position; and applied for

(d) the person holds a position at the same level and Nevada (including holding the appropriate P.O.S.T category certificate), may be placed on an eligible list according

~~to section 5.189(7) seeking appointment to a law enforcement position in a class with reasonably similar knowledge, skills and abilities.~~

2. An eligible who is appointed under this section ~~and in accordance with section 5.189(7)~~, shall serve the required probationary period before attaining ~~permanent classified~~ status.

3. Persons hired pursuant to ~~the inter-jurisdiction transfer provisions of the code this section~~ shall accrue sick leave, annual leave and overtime in the same manner and at the same rates and shall be entitled to the same benefits as those provided to new hires. Such persons shall not be entitled to transfer any leave balances ~~as set forth in section 5.197~~ from the transferring jurisdiction.

~~{'4, Ord. No. 1054; A Ord. No. 1101}~~

5.203 Employment by Washoe County of employees of agencies or organizations whose functions have been assumed by Washoe County.

1. If Washoe County assumes in whole or in part a function of an agency or organization, an employee who is performing that function for the agency or organization at the time of the assumption and who will be performing a similar function for Washoe County immediately following the assumption may be included within the county's merit personnel system without examination.

2. The department of human resources shall determine the status and benefits of each employee included within the county's merit personnel system pursuant to subsection 1. The employee's status must be equivalent to the status he or she would have had if ~~he were~~ employed by Washoe County during the term of his or her employment with the agency or organization. The employee's benefits may include those benefits which he or she had during the period of ~~his~~ employment by the agency or organization, but shall not exceed the benefits which would have been available to the employee under the Merit Personnel ~~Ordinance System~~ during the same period.

3. If the agency or organization paid an employee described in subsection 1 a salary which is greater than the salary allowed under the employee's classification with Washoe County, the employee shall receive his former salary until it is equaled or exceeded by the salary for that classification.

~~{'1, Ord. No. 608; A Ord. Nos. 733, 1060}~~

5.205 Employment by Washoe County of former exempt employees; retention of earned leave; continuous employment of certain judicial employees.

1. An ~~exempt~~ employee exempted from the merit personnel

system pursuant to 5.045(3), except for district judges and justices of the peace, who is hired in the classified or unclassified service by Washoe County immediately upon ~~termination~~ separation as an exempt employee, shall be credited for time served as an exempt employee for purposes of sick leave accrual, vacation eligibility and accrual, career incentive, and health insurance benefits. The transition from service as a judicial employee to a county employee shall not be deemed a break in continuous service.

~~2. Certain persons employed in the office of the Washoe County clerk as of July 1, 1973, were designated as judicial employees by the enactment of Washoe County Ordinance No. 230 (section 10.010). Service of those persons as judicial employees shall be treated as the equivalent of county service for the purposes of the Merit Personnel Ordinance and the transition from service as a judicial employee to a county employee shall not be deemed a break in continuous service. {'92, Ord. No. 213; A Ord. Nos. 408, 526, 608, 828, 882}~~

~~5.207 Probationary appointments. A probationary appointment shall be made by the appointing authority from the list of names certified if the list contains at least the names of five eligibles who have indicated their availability for appointment to the position. {'93, Ord. No. 213; A Ord. Nos. 360, 611}~~

5.209 Provisional appointments.

1. In the absence of an appropriate eligible list, and upon specific approval of the department of human resources, a provisional appointment may be made of a person meeting the minimum qualifications for the class.

2. The provisional appointment must be terminated within 30 days after the establishment of an appropriate eligible list and not later than 6 months following the date of ~~his~~ the person's original appointment.

3. Service in a provisional status will not be credited for purposes of probation but will be credited towards sick and annual leave and the anniversary date, if immediately followed by a probationary appointment.

4. A provisional appointee is not in the classified service.
{'94, Ord. No. 213; A Ord. Nos. 733, 828, 1060}

5.210~~04~~ Overfill appointments.

1. If an appointing authority determines that a position within the department is:

- (a) Critical to the mission of the department;
- (b) Has responsibility for a unique function; or
- (c) Requires the possession of highly specialized knowledge,

skills, and abilities;

the appointing authority may request that an overfill appointment to the position be made.

2. An overfill appointment is limited to 6 weeks overlap between the employee who is resigning the position and the incoming employee. An overfill appointment does not increase the number of permanently established positions. Any exception must be approved by the Board of County Commissioners.

3. A request for an overfill appointment must be made in writing and approved by the director of human resources or designee. ~~the form of a written justification based upon the criteria set forth herein, along with the appropriate requisition. Approval of the director of finance and the assistant county manager assigned that department, (or the county manager if there is no assigned assistant county manager), is required. The requisition, along with written justification and signed approvals of the director of finance and assistant county manager, or county manager, must be forwarded to the department of human resources.~~

4. No overfill appointment request may be made unless the employee occupying the position being vacated has provided a written resignation to and the appointing authority. ~~has submitted the written resignation attached to the prescribed action form.~~

5. Upon expiration of the period of time of the overfill appointment or sooner if the resigning employee vacates the position, the overfill appointment expires and the incoming employee fills the position of the resigning employee.

~~{1, Ord. No. 1085}~~

5.211 Temporary and seasonal appointments.

1. Temporary appointments are made by the appointing authority. When services to be performed are required for a limited term of not to exceed 6 months, the appointing authority shall indicate the probable duration of employment on his request for certification. 2. Seasonal appointments: Upon ~~receipt of the request of the appointing authority,~~ the department of human resources shall provide an unranked eligible list. ~~shall certify the names of eligibles from the appropriate eligible list who have noted that they will accept employment for the duration of the employment indicated.~~ If, before or after certification, it appears that there are no eligibles who will accept such employment, the human resources department may authorize a provisional appointment not to exceed 6 months to fill the vacancy.

3. Service under temporary or seasonal appointment immediately preceding appointment to a permanent position in the same department shall be credited for purposes of sick and

Commented [KM30]: Manager asked to be removed from the process.

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annual leave and merit salary increases, but shall not be counted as part of the probationary period applicable to the permanent position.

~~{'95, Ord. No. 213; A Ord. Nos. 733, 828, 1060}~~

~~5.213 Temporary appointments of disabled persons.~~

~~1. In order to assist disabled persons, appointing authorities are encouraged to make temporary limited appointments of disabled persons not to exceed 700 hours.~~

~~2. Such appointments shall be made from appropriate eligible lists where the individuals are identified as 700 hour certified, pursuant to section 5.173.~~

~~3. Disabled persons appointed in accordance with subsection 1 may be appointed to a permanent position on a probationary status without further examination upon successful completion of the 700 hours.~~

~~{'96, Ord. No. 213; A Ord. No. 881}~~

Probationary Period

5.215 Length of probationary period. After considering the recommendations of appointing authorities, the director of human resources or designee shall determine the length of the probationary period for each class in the classified service and shall identify the same in the county classification plan. The probationary period shall be either 6 months or 1 year. Classes shall be assigned to a 1-year probationary period if, in the judgment of the director of human resources or designee, they meet one of the following criteria:

1. The class requires work in locations where visits by supervisors are necessarily infrequent, and a 6-month period would be inadequate to judge fairly the employee's work.

2. The tasks to be performed in the class occur on a seasonal or cyclical basis so that in a 6-month period the supervisor would not be able to observe the employee in the performance of all aspects of the work.

3. The tasks to be performed are professional skills or highly skilled such that it would take a 1-year period to meet the full performance level knowledge, skills and abilities.

~~{'97, Ord. No. 213; A Ord. Nos. 733, 1143, 1244}~~

5.217 Interrupted probationary period.

1. With the prior approval of the department of human resources, the probationary period may be extended until the required number of months have been worked in the following circumstances:

(a) If a probationer has not, during ~~his~~ the prescribed probationary period, worked the number of months set forth

in the classification and compensation plan. ~~his probationary period may, with prior approval of the department of human resources, be extended until he has worked the required months.~~

~~2. In calculating the required period, overtime work and other time beyond those variations as specified in section 5.275 shall not be counted. The appointing authority shall report in the prescribed manner to the human resources department and the employee when, because of inadequate time served, the probationary period is to be extended under this section.~~

~~3. (b) When a probationary employee is injured on the job and is placed in a "light duty" assignment as certified by the risk management division, or is temporarily assigned to another position as certified by the appointing authority, his probationary period may, with prior approval of the department of human resources, be extended until he has worked the required months performing his regular assignment.~~

~~4. (c) When a probationary employee is incapacitated and in a paid leave status in excess of 30 consecutive days, his probationary period may, with prior approval of the department of human resources, be extended until he has worked the required number of months.~~

2. In no event may the probationary period exceed length of the probationary period for the job classification.

3. In calculating the required period, overtime work and other time beyond those variations as specified in section 5.275 shall not be counted. The appointing authority shall report to the human resources department and the employee when, because of inadequate time served, the probationary period is to be extended

~~{'98, Ord. No. 213; A Ord. Nos. 733, 828, 1060, 1143}~~

5.219 Reports of Performance evaluation of probationers.

~~1. The appointing authority shall file with the department of human resources a report of~~ A performance evaluation is required at the end of the 3rd and 5th month for each employee serving a 6-month probationary period. For those employees serving a 12-month period, the appointing authority shall file a performance ~~report evaluation~~ at the end of the 3rd, 8th and 11th month of employment.

2. Copies of all performance ~~reports evaluations~~ shall be given promptly to the employee and Human Resources.

~~3. and t~~The appointing authority shall provide for the training of and assistance to the employee to meet the standards of performance for the position. ~~to which he has been appointed.~~
~~{'99, Ord. No. 213; A Ord. Nos. 733, 1060}~~

5.221 Rejection-Termination of probationary employees.

1. Probationary employees serve at the pleasure of the appointing authority, and the appointing authority may, at any time during the probationary period, terminate a probationer.

2. ~~The appointing authority may terminate the probationer by filing all evaluations and a notice of termination with the department of human resources. Rejection of an employee during the probationary period shall be accomplished by the filing by the appointing authority with the department of human resources of all performance reports due and a report of separation for the probationary employee affected. The appointing authority shall advise the probationary employee, in writing, of the reason or reasons for the termination.~~

3. If a ~~report of separation for the employee~~ notice of termination is not received in the department of human resources or postmarked by the close of business on the last day of the probationary period, the employee will be considered satisfactorily to have completed the probationary period and acquired permanent status.

4. Any promotional appointee who fails to attain permanent status in the position to which he or she was promoted, or who is dismissed for cause other than misconduct or delinquency ~~on his part~~ from the position to which he or she was promoted, either during the probationary period or at the conclusion thereof, shall be restored to the position from which he or she was promoted. For purposes of this section, a promotional appointee is any person who was hired from a promotional list.

5. When an ~~incumbent employee~~ does not satisfactorily complete ~~his~~ the probationary period upon promotion, the employee shall return to ~~his~~ the former position and pay status as if the promotion had not occurred.

~~['100, Ord. No. 213; A Ord. Nos. 392, 733, 828, 1060, 1143]~~

5.223 Reports of personnel actions.

1. ~~Each appointing authority shall report promptly to the department of human resources such information as is required in connection with~~ The department of human resources shall establish the manner for recording employment actions such as appointment, separation from service or other change in position or salary or other matters affecting the status of positions or the performance of duties of county employees. Each appointing authority shall report such actions in the manner proscribed promptly.

~~All such reports shall be prepared in the manner and on the forms prescribed by the human resources department. The department of human resources shall establish procedures for sending copies of reports and notices to the county comptroller~~

~~and the department of technology services without delay of any new positions, new employees, changes in pay or status, and attendance and absence of employees and of its approval or disapproval of such actions for use in auditing and approval of payment of any salaries or wages to county employees. The department of human resources shall, if so requested by the county comptroller, make available the official roster for the purpose of making such audits.~~

2. Whenever the department of human resources determines that employment, ~~or~~ proposed employment or payment of any person as an employee in the classified or unclassified service is in any way contrary to law or the Merit Personnel System Ordinance, it shall so notify the county comptroller, after review with the division concerned. ~~Upon such notice neither the county comptroller nor the department of technology services shall approve any payment to such person.~~

3. Any personnel document effecting a change in an employee's salary rate and having the identical effective date shall be processed in the following order:

(a) Merit salary increase.

(b) Reclassification, Promotion or demotion. ~~or overall compensation plan adjustment.~~

(c) Overall compensation plan adjustment. ~~Promotion or demotion.~~

The combined salary increase which an employee shall receive under paragraphs (a) and (b) is 10 percent or the bottom of the salary range of the class to which the person is being promoted or reclassified, whichever is greater.

~~{'101, Ord. No. 213; A Ord. Nos. 408, 675, 733, 828, 1060, 1077, 1316 eff. 10-20-06}~~

Personnel Records

5.225 Roster. The official roster of county employees maintained by the department of human resources is a public record and is open to inspection in the offices of the department under reasonable conditions during business hours.

~~{'102, Ord. No. 213; A Ord. Nos. 733, 1060}~~

5.227 Confidential records.

1. The following records are confidential and not open to the public or admissible as evidence in any action or proceeding in the absences of a court order except proceedings and appeals before the personnel committee, a grievance board appointed pursuant to the provisions of section 5.319 et seq. (procedures for suspension and demotion), and appeals to the courts therefrom:

(a) Any material to be used in the development and administration of examinations.

Commented [KC32]: There is not a Personnel Committee any longer.

(b) Names and identities of applicants, eligibles and special examiners.

(c) Test scores, individual rating sheets, and evaluations. However, applicants ~~will may~~ receive notification of their own test results.

(d) Employee personnel files, except as provided in section 5.287 (copies of performance evaluations).

(e) ~~Reports of employers and appointing authorities~~ Records regarding applicants or eligibles.

~~(f) Salary data furnished on the condition that the sources remain confidential.~~

~~{'103, Ord. No. 213; A Ord. Nos. 733, 882}~~

Attendance and Leaves

5.229 Normal work week.

1. The normal work week for ~~county~~ employees shall be 40 hours, except that work weeks of a different number of hours may be established in order to meet the varying needs of different ~~county~~ departments. Appointing authorities shall report all deviations from the normal work schedule to the department of human resources personnel division and County Comptroller's payroll office.

2. ~~Except as otherwise provided in subsection 3, subsection 4 or by statute, pursuant to the provisions of NRS 245.040, the~~ The offices of all elected and appointed officers shall be kept open on all days except Saturdays and Sundays and nonjudicial days from 8 a.m. to 5 p.m. for the transaction of public business unless otherwise provided in section 3 or NRS 245.040.

3. The hours during which the Washoe County library and its branches are open to the public shall be as determined by the county library trustees.

4. The office of commissioner of civil marriages will operate by appointment only as determined by the County Clerk.

~~{'104, Ord. No. 213; A Ord. Nos. 733, 887, 1031, 1060, 1262, 1373, 1409 eff. 07-01-2009}~~

5.231 Holidays.

1. Legal holidays for officers and employees of Washoe County are declared to be those set forth in NRS 236.015 as amended from time to time:-

January 1 (New Year's Day)

Martin Luther King, Jr.'s birthday is on January 15 but is to be observed on the third Monday in January

President's day Washington's birthday is on February 22 but is to be observed on the third Monday in February

Last Monday in May (Memorial Day)

July 4 (Independence Day)

First Monday in September (Labor Day)

Nevada Day is October 31 but is to be observed on the last Friday in October

November 11 (Veterans Day)

Fourth Thursday in November (Thanksgiving Day)

Friday following the fourth Thursday in November (Family Day)

December 25 (Christmas Day)

Any day that may be declared a holiday by the President of the United States or the Governor of the State of Nevada

2. ~~Except for employees working in an alternative work schedule, If~~ January 1, July 4, November 11 or December 25 falls upon a:

(a) Sunday, the Monday following shall be observed as a legal holiday.

(b) Saturday, the Friday preceding shall be observed as a legal holiday.

3. Employees working in an alternative work schedule are entitled to the same number of holidays as employees working a standard Monday through Friday work week. ~~If, pursuant to subsection 2, the day on which the relevant holiday is to be observed lands on an employee who is working in an alternative work schedule's regular day off, the employee shall be allowed to take either the day preceding or following the day described in subsection 2, as determined by the employee's supervisor.~~

4. When a holiday of less than a full day is ~~appointed~~declared, permanent part-time employees are entitled to the fractional equivalent time off; that is, an employee who regularly works 4 hours per day will be given 2 hours off for a 4-hour holiday.

~~5. Temporary, intermittent hourly, and seasonal employees and temporary part-time employees shall not be compensated for holidays on which they do not work. Such employees, however, who are required to work on holidays shall be compensated at their straight-time hourly rate unless otherwise provided by law. are not eligible for holiday pay for time not worked. [105, Ord. No. 213; A Ord. Nos. 275, 302, 1143, 1373 eff. 6-20-08]~~

5.233 **Compensation for holidays worked; limit on accrual.**

1. Compensation for Holidays.

(a) Employees who do not work on a holiday may only be compensated by cash payment.

(b) Employees who do work on a holiday have a choice of taking "holiday worked" or "holiday overtime" hours as either cash or compensatory time. The election shall be made at the time the hours are reported.

(c) An employee must be in a paid status for the entire working day both the scheduled work day before and the

Commented [KM33]: HR provided this after from 2017 CBAs?

scheduled work day after the holiday to be eligible for holiday pay.

(i) Employees on leave without pay are not eligible for holiday pay except for those employees called to military duty and on military leave without pay status.

(ii) Employees who are off duty on worker's compensation shall be considered on a paid status and shall receive holiday pay.

(iii) Employees hired on a holiday or hired the day after a holiday do not receive holiday pay for that holiday.

(iv) Employees leaving County service in a pay period that contains a holiday will not be paid for the holiday unless the employee is in a paid status for the entire working day both the scheduled work day before and the scheduled work day after the holiday.

2. Holiday Pay: "Holiday Pay" (Code 0005) shall be defined as an increment of pay equal to the work hours of the employee's regularly scheduled shift (i.e., 8 hours or 10 hours) at the employee's regular, straight time hourly pay rate except as follows:

(a) Part-time benefit eligible employees shall be entitled to a prorated number of holiday hours based upon the ratio of the number of hours in their regularly scheduled workweek to a normal 40 hour workweek rounded down to the nearest 15 minute increment.

(b) When a holiday of less than a full day is declared, part-time benefit eligible employees will be entitled to the fractional equivalent time off (i.e., an employee who works 4 hours a day will be given 2 hours off for a holiday).

(c) Non-benefited part time, temporary, seasonal and intermittent employees are not eligible for holiday pay. Hours worked on a holiday are treated as regular hours.

(d) Employees temporarily re-assigned for one week or longer to an assignment that is less than their regularly scheduled hours (i.e., working 5 days at 8 hours per day vs. normal schedule of 4 days at 10 hours per day) during a workweek containing a holiday shall be entitled to holiday pay at the lower temporary schedule (i.e., 8 hours vs. 10 hours).

(e) Employees on light duty assignment during a week which contains a holiday shall receive holiday pay in accordance with the light duty schedule.

(f) Holiday pay hours may fluctuate when an employee's assigned work schedule varies (i.e., employee working 9~~8~~, 9~~8~~, -9~~1~~2, -9~~1~~2, and 4 may sometimes receive a 9~~8~~ hour or 4

hour holiday pay—depending on the day the holiday falls).

(g) Work schedules may not be changed during a holiday week unless approved by Department Head or designee.

3. Holiday not Worked: If a holiday falls on an employee's regularly scheduled work day and the employee does not report to work and has the day off, the employee shall receive holiday pay, taken as cash only, at their regular, straight time hourly pay rate for the amount of hours that employee would have normally worked. Part-time benefit eligible employees are pro-rated for the holiday.

4. Holiday Off (RDO): If a holiday falls on the employee's regular day off (RDO), then the employee shall receive 8 hours of holiday pay, taken as cash only at their regular, straight time hourly rate. Part-time benefit eligible employees are pro-rated for the holiday.

5. Holiday Worked:

(a) An employee compensated for overtime at time and one-half who works on a holiday shall be compensated by receiving 1.5 times his or her regular, hourly pay rate for each hour or major fraction worked on that holiday up to a maximum of his/her regularly scheduled shift, in addition to receiving holiday pay. Employees who do work on a holiday have a choice of taking "holiday worked" ~~or~~ "holiday overtime" hours as either cash or compensatory time. The election shall be made at the time the hours are reported. Compensation for holiday pay hours must be taken as cash.

(b) An employee compensated for overtime at straight time who works on a holiday shall be compensated by receiving one (1) hour of compensatory time for each hour or major fraction worked, up to a maximum of (8) hours, in addition to receiving holiday pay. Compensation for holiday pay hours must be taken as cash.

6. Holiday Overtime: A full-time~~n~~ employee compensated for overtime at time and one-half who works over the maximum of his or her scheduled shift on a holiday or a part-time benefit eligible employee works over eight (8) hours on a holiday, shall be compensated by receiving 2.5 times the hourly rate for each hour or major fraction worked on that holiday, in addition to receiving holiday worked pay and holiday pay. Employees who receive holiday overtime have a choice of taking hours as either cash or compensatory time. The election shall be made at the time the hours are reported. Compensation for holiday pay hours must be taken as cash.

7. Weekend Holiday Worked: If January 1, July 4, November 11, December 25 or any other day declared as a holiday falls upon a Saturday, the Friday preceding must be observed as the legal holiday. If any of these holidays falls on a Sunday, the

Monday following must be observed as the legal holiday. Employees required by their department to work on an actual January 1, July 4, November 11 or December 25 when this holiday falls on a Saturday or Sunday will be compensated at 1.5 times the employee's hourly rate of pay for all hours worked on the actual holiday.

8. Holiday During Leave: If a holiday occurs during an employee's scheduled paid leave, that holiday shall be charged as holiday pay and not as leave.

9. The employee's shift schedule determines when and if an employee should report holiday hours on a recognized holiday. Employees shall report all applicable holiday hours on the day their shift begins or in accordance with current practice in the department.

~~1. An employee who is compensated for overtime at time and one-half and who is required by order of the employee's department head to work on any of the holidays identified in section 5.231, shall receive in addition to the employee's holiday pay, one and one-half (1 1/2) times the employee's hourly rate of pay for each hour or major fraction worked, up to a maximum of eight (8) hours. For time worked beyond eight (8) hours on a holiday, an employee shall receive two and one half (2 1/2) times the employee's hourly rate of pay for each hour or major fraction worked beyond eight (8) hours. An employee who is required by order of the employee's department head to work on both the observed and the traditional holiday shall be entitled to the following compensation: eight (8) hours of pay for the observed holiday and for pay at the rate of one and one half (1 1/2) times the employee's hourly rate of pay for each hour or major fraction worked on each such day, up to a maximum of eight (8) hours, and for time worked beyond eight (8) hours on either such day, an employee shall receive two and one half (2 1/2) times the employee's hourly rate of pay for each hour or major fraction worked beyond eight (8) hours. The decision as to whether compensation for a holiday worked shall be in case or compensatory time, shall be made at the time it is worked and shall be solely the decision of the employee.~~

~~2. An employee who is compensated for overtime at straight time and who is required by order of the employee's department head to work on any of the holidays identified in section 5.231, shall receive in addition to the employee's holiday pay, one (1) hour of compensatory time for each hour or major fraction worked, up to a maximum of eight (8) hours.~~

~~3. The equivalent holiday or cash payment shall be allowed within a reasonable time after the officially designated holiday. Employees must be either in a paid leave status or~~

~~work the entire working day before and the entire working day after a holiday in order to receive payment for that holiday. ['106, Ord. No. 213; A Ord. No. 1143]~~

5.235 ~~Temporary and temporary part-time~~ Employees not compensated for holidays on which they do not work. Temporary, ~~intermittent hourly, and seasonal and temporary part-time~~ employees shall not be compensated for holidays on which they do not work. Such employees, however, who are required to work on holidays shall be compensated at their straight-time hourly rate unless otherwise provided by law.
~~['107, Ord. No. 213]~~

5.237 Vacation: Full-time employees.

1. On the first day of the pay period following the completion of 6 months⁺ of continuous county service, each employee who is employed full time is entitled to 48 hours of vacation leave credit.
2. After the end of the pay period following the completion of 6 months' continuous county service, each employee who is employed full-time is entitled to vacation credit at the biweekly equivalent of the following hourly rates:
 - (a) Less than 3 years of continuous service, 96 hours.
 - (b) Three, but less than 5, years of continuous service, 136 hours.
 - (c) Five, but less than 10, years of continuous service, 152 hours.
 - (d) Ten, but less than 15, years of continuous service, 176 hours.
 - (e) Fifteen, but less than 20, years of continuous service, 192 hours.
 - (f) Twenty or more years of continuous service, 200 hours.
3. For the purpose of computing credit for vacation, each employee is considered to work not more than 40 hours each week.
4. For purposes of vacation credits, the number of years an employee has been in the continuous service of the county includes all periods of continuous service after the date the employee was last hired as a permanent employee and includes former periods of service if each applicable period of separation may be bridged pursuant to subsection 5.
5. A period of separation may not be bridged to increase the number of years of service, except that:
 - (a) A period of separation which resulted from a layoff may be bridged to increase the number of years of service if the employee was subsequently rehired pursuant to section 5.311 (Layoff: rehire preferences).
 - (b) A period of separation may be bridged if the employee was rehired within 1 year after the date of commencement of the

separation and the employee has been in the continuous service of the county for 1 year after the date ~~he was of being~~ rehired.

6. Service under temporary or seasonal appointment immediately preceding appointment to a permanent position in the same department shall be credited for purposes of annual leave at the biweekly equivalent of the above-listed annual hourly rates.

7. Vacation credit accrues only while an employee is in a paid status.

['108, Ord. No. 213; A Ord. Nos. 611, 828, 1018]

5.239 Vacation: Part-time employees. On the first day of the pay period following completion of 6 months of continuous county service, ~~and thereafter,~~ each part-time employee is entitled to vacation credit prorated on the basis of the rates established in section 5.237 (vacation) for full-time employees. If an employee who is paid by the hour works more than 40 hours per week, the hours which exceed 40 are not included in computing vacation with pay.

~~['109, Ord. No. 213; A Ord. No. 611]~~

5.243 Time when vacation shall be taken; limit on accrual.

1. The time when vacation leave may be taken shall be determined by the appointing authority after considering the needs of the ~~service department~~ and the seniority and wishes of the employees.

2. Vacation leave shall be charged on an hour for hour basis or major fraction thereof, if an employee has worked less than 40 hours in a work week.

3. Vacation credit may be accumulated from year to year, but may not exceed 240 hours.

(a) Amounts in excess of 240 hours as of the end of the biweekly pay period encompassing December 31st, ~~must shall~~ be forfeited as of that pay period.

(b) An employee who, on or before October 15, requests permission to take annual leave and the request is denied for any reason, is entitled to payment for any annual leave in excess of 240 hours which the employee requested to take and which the employee would otherwise forfeit as the result of the denial of the employee's request.

(c) The payment for the employee's unused annual leave pursuant to this section must be made to the employee not later than January 31.

4. Vacation leave must not be granted if it exceeds the vacation credit earned.

5. Vacation leave taken during a biweekly pay period must be deducted from the employee's vacation credit before vacation credit earned during that pay period is added to the employee's

~~{'111, Ord. No. 213; A Ord. Nos. 611, 882, 1018, 1143}~~

5.245 Cash payment for accrued vacation; death of employee entitled to unused, accumulated vacation.

1. Except as otherwise provided in this section, upon separation from service for any cause, an employee shall be paid a lump sum payment for any unused or accumulated vacation earned through the last day worked. ~~If this date is earlier than the last day of the month, the vacation shall be prorated.~~

2. Except as provided in section 5.243 (limit on vacation accrual), under no circumstances shall cash payment be made for accrued vacation while an employee is in regular employment status.

3. No elected county officer shall be paid for accumulated annual leave upon termination of his service.

4. If an appointed officer or employee dies and was entitled to accumulated ~~annual vacation~~ leave, payment for any accumulated and unused vacation earned through the last day worked shall be paid in accordance with State law. ~~under the provisions of the Merit Personnel Ordinance, the heirs of such deceased officer or employee who are given priority to succeed to his assets under the laws of intestate succession of this state, or the executor or administrator of his estate, upon submitting satisfactory proof to the board of county commissioners of their entitlement, shall be paid an amount of money equal to the number of days earned or accrued annual leave multiplied by the daily salary or wages of such deceased officer or employee.~~

~~{'112, Ord. No. 213; A Ord. No. 1143}~~

5.247 Vacation, records and reports.

1. Records. Each ~~employee appointing authority~~ shall keep accurate records of ~~earned and~~ used vacation. Such records shall be kept as prescribed by the County payroll controller ~~department of human resources and reports shall be made to the department as it may from time to time require.~~

2. Employees who are compensated for overtime at the rate of time and one-half under section 5.127, shall be charged vacation on an hour-for-hour basis or major fraction thereof.

3. Employees who are compensated for overtime at the rate of straight time under section 5.127, shall be charged vacation on an hour-for-hour basis or major fraction thereof only if they have worked less than forty hours in a workweek.

~~{'113, Ord. No. 213; A Ord. Nos. 408, 733, 856, 866, 977, 1060}~~

5.251 Sick leave.

1. Except as provided in subsection 7, each employee in the

Commented [KM34]: SAP does all this now

continuous service of the county for less than 10 years is entitled to sick leave credit at the rate of one and one quarter (~~1 1/4~~) days for each month of full-time service.

2. Each employee in the service of the county for 10 or more continuous years of service is entitled to sick leave credit at the rate of one and one half (~~1 1/2~~) days for each month of full-time service.

3. Part-time employees shall be allowed prorated sick leave ~~on the basis at the rate of one and one quarter~~ ~~of~~ (~~1 1/4~~) days of credit for each equivalent month of full-time service.

4. For purposes of sick leave, the number of years an employee has been in the continuous service of the county includes all periods of continuous service after the date the employee was last hired in a permanent position and includes former periods of service if each applicable period of separation may be bridged pursuant to subsection 5.

5. A period of separation may not be bridged to increase the number of years of service, except that:

(a) A period of separation which resulted from a layoff may be bridged to increase the number of years of service if the employee was subsequently rehired pursuant to section 5.311 (layoff: rehire).

(b) A period of separation may be bridged if the employee was rehired within 1 year after the date of commencement of the separation and the employee has been in the continuous service of the county for 1 year after the date of rehiring ~~he was rehired~~.

6. Sick leave credit earned pursuant to this section is cumulative from year to year.

7. Seasonal, intermittent hourly, and temporary employees are not eligible for sick leave. However, time served as a seasonal and temporary employee may be credited for sick leave purposes when immediately followed by a probationary appointment within the same department.

~~{'115, Ord. No. 213; A Ord. Nos. 611, 828}~~

5.255 Sick leave accrual and payment on death, separation, disability or ~~termination~~.

1. An employee separated from service earns sick leave only through the last working day for which he or she is entitled to pay. If that last working day is prior to the last day of the pay period, the amount of sick leave accrued during that pay period shall be prorated.

2. Upon death, retirement or permanent disability of an employee, or upon termination of an employee after 10 years of full-time employment (or its equivalent if the employee has not served as a full-time employee) for other than just cause, an employee shall be compensated for total accrued sick leave in

Commented [KM35]: Amended in 2016 Bill 1704 Ordinance 1523 changes made. New changes are proposed and in red.

excess of 300 hours at the rate of 1 hour's pay at the employee's regular hourly rate for every 2 hours of such excess. The maximum payment for accrued sick leave shall not exceed ~~600~~ 800 hours at the employee's regular hourly rate. No payment shall be made for accrued sick leave of 300 hours or less.

Commented [KM36]: This was adopted by BCC

3. Upon recommendation of the county manager, the board of county commissioners may, in its sole discretion, increase the amount of sick leave payoff described in subsection 2 to any individual employee who has been employed for any length of time by altering the formula used to calculate the sick leave payoff provided for in subsection 2, or the minimum or maximum payoff provided for in subsection 2.

4. An employee who is laid off and is subsequently rehired pursuant to section 5.311 (layoff: rehire) shall, on the date he returns to work, be restored with all uncompensated sick leave which had accrued on the date of the layoff.

~~{'117, Ord. No. 213; A Ord. Nos. 417, 611, 730, 782, 1375 eff. 6-20-08}~~

5.257 Use of sick leave.

1. An employee is entitled to use accrued sick leave:
 - (a) When incapacitated to perform the duties of the employee's position due to sickness, injury, pregnancy or childbirth;
 - (b) When quarantined;
 - (c) When receiving required medical or dental service or examination;
 - (d) For adoption of a child, only as follows:
 - (i) A male or female employee seeking to become an adoptive parent may use sick leave for time required to pursue the specific legal process necessary to obtain an adoption; and
 - (ii) If a newborn infant is the subject of an adoption, ~~an female~~ employee may use up to a total of ~~6-12~~ weeks of sick leave, which may be designated as leave under the Family Medical Leave Act. , inclusive of the amount of sick leave used in subparagraph (1). ~~It is the intent of this section to allow a 6-week leave period to an adoptive mother which approximates the length of time a mother is normally incapacitated before and after giving birth to a child.~~
 - (e) In the event of an illness in the employee's immediate family where such illness requires the employee's attendance. For purposes of this paragraph, "immediate family" means the employee's spouse, parents (including step and foster), children (including step and foster), and corresponding relations by affinity to the above, ~~and corresponding relations by affinity to the above,~~ brothers

Commented [KC37]: Why is by "affinity" being removed? This is in WCEA contract.

Commented [KM38R37]: Can leave in if in CBA

and sisters, and if living in the employee's household, includes grandchildren, ~~and domestic partners pursuant to NRS 122A.~~

(f) In the event of a death in the employee's immediate family, the employee may use accrued sick leave in the amount of ~~105 days, or the equivalent of eighty (80) hours for full-time employees on alternate work schedules, or the pro-rated amount for part-time employees at the same ratio as their regular work hours relate to a full-time work schedule~~ days for attending the funeral and travel to and from, and attending to any family-related business matters. For purposes of this paragraph, "immediate family" means the employee's spouse, parents (including step and foster), children (including step and foster), brothers, sisters, grandparents, grandchildren, aunts, uncles, nieces, ~~and~~ nephews, ~~or corresponding relation by affinity, or domestic partner as defined by NRS 122A. Should additional leave be necessary, the department head may authorize the use of existing accrued leave credits or authorized leave without pay. and corresponding relations by affinity.~~

(g) Employees shall be allowed to voluntarily transfer up to a maximum of eighty (80) hours of their accumulated vacation leave during any calendar year to another employee who has no accumulated sick leave hours, but who is otherwise eligible to take paid sick leave in accordance with the provisions of this section.

(i) Donated vacation must be converted into money at the hourly rate of salary of the donor and the money must be converted into sick leave at the hourly rate of salary of the recipient.

(ii) Such time shall be transferred to the recipient employee in blocks of eighty (80) hours to cover a biweekly pay period in the order in which the donated time is received.

(iii) In the event that the recipient employee no longer requires the use of any donated vacation leave, the vacation leave that has not been transferred to the recipient employee shall be returned to the donor employee.

(iv) The maximum number of hours that may be transferred to a recipient employee is 480 hours in any calendar year.

~~{'118, Ord. No. 213; A Ord. Nos. 421, 611, 782, 882, 1018, 1143}~~

5.259 Sick leave when receiving industrial insurance or occupational disease benefits.

1. When a county employee is eligible at the same time for benefits under ~~NRS Chapters~~ 616 or 617 ~~of NRS~~ (Nevada Industrial Insurance and Occupational Disease Acts) and for sick leave benefits, the employee shall not be required to use

Commented [KC39]: Why is by "affinity" being removed? This is in WCEA.

accrued sick leave for the period during which Nevada industrial insurance or Nevada Occupational Disease Act benefits are being received.

2. Any employee who suffers a job-connected injury or illness in the course of his employment with Washoe County for which benefits are paid under ~~chapter NRS Chapters~~ 616 or 617 ~~of NRS-~~ may, at the option of the employee, apply for and receive accrued sick leave during the course of such disability. The amount of sick leave benefit paid to such employee for any pay period shall not exceed the difference between his normal salary and the amount of any benefit received, exclusive of reimbursement or payment of hospital or medical expenses.

3. Any time that is charged to an employee's sick leave on the first day of a job-connected injury or illness which qualifies for disability benefits under ~~chapter NRS Chapters~~ 616 or 617 ~~of NRS-~~ shall be credited back to the employee's sick leave.

~~{'119, Ord. No. 213; A Ord. Nos. 730, 882}~~

5.261 Approval and substantiating evidence for sick leave.

1. The appointing authority shall approve sick leave only after having ascertained that the absence was for an authorized reason. 2. For absences in excess of 3 days, or cases of apparent abuse, ~~he the appointing authority~~ may require the employee to submit substantiating evidence, including but not limited to, a physician's certificate.

~~{'120, Ord. No. 213}~~

5.263 Earning of sick or annual leave while on leave.

1. As long as an employee is ~~in on pay a paid~~ status, ~~he the employee~~ shall earn sick and annual leave while on leave.

2. ~~If the employee if he~~ is on leave without pay, ~~he there~~ shall ~~not earn be no accrual of~~ sick or annual leave during the time ~~the employee~~ is on such leave.

3. Upon ~~termination seperation~~separation, an employee shall be paid for accrued annual leave in a lump sum, and shall not earn additional leave of any kind.

~~{'121, Ord. No. 213}~~

5.267 Sick leave; records and reports.

1. Each ~~appointing authority employee~~ shall keep accurate records of ~~earned and~~ used sick leave. Such records shall be kept as prescribed by the ~~County payroll comptroller department of human resources and reports shall be made to the department as it may from time to time require.~~

2. Employees who are compensated for overtime at the rate of time and one-half ~~under section 5.127,~~ shall be charged sick leave on an hour-for-hour basis or major fraction thereof.

3. Employees who are compensated for overtime at straight time under section 5.127, shall be charged sick leave on an hour-for-hour basis or major fraction thereof only if they have worked less than forty hours in a workweek.

{122, Ord. No. 213; A Ord. Nos. 856, 866, 977, 1060}

5.268 Personal leave.

1. Personal Leave will be earned on a semi-annual basis as follows:

(a) Pay Period #01 - #13:

Employees who use between 0 - 16.00 hours of sick leave during the start of pay period #01 and as of the last day in pay period #13 in each calendar year shall receive twelve (12-hours) of Personal Leave credit at the end of the first full pay period in July of that calendar year. Employees who use between 16.01 - 20.00 hours of sick leave during the start of pay period #01 and as of the last day in pay period #13, in each calendar year, shall receive four (4-hours) of Personal Leave credit at the time specified above.

(b) Pay Period #14 - #26 or #27:

Employees who use between 0 - 16.00 hours of sick leave during the start of pay period #14 and as of the last day in pay period #26 (or in the event of a 27th pay period in a calendar year, pay period #27), shall receive twelve (12-hours) of Personal Leave credit at the end of the first full pay period in January of the next calendar year. Employees who use between 16.01 - 20.00 hours of sick leave during the start of pay period #14 and as of the last day in pay period #26 (or in the event of a 27th pay period in a calendar year, pay period #27), shall receive four (4-hours) of personal leave credit at the time specified above.

2. Personal Leave earned in July and January of each calendar year must be used by the end of pay period #26 (or in the event of a 27th pay period in a calendar year, pay period #27), and if not used, Personal Leave will be forfeited.

(a). Under no circumstances will there be any cash payment or cash value for Personal Leave credit that is not used.

(b). In order to accrue Personal Leave, an employee must be in a pay status (either working or on paid leave) for all of the pay periods within the applicable semi-annual period.

3. Permanent part-time employees shall receive a prorated amount of Personal Leave at the same ratio as their regular work hours relate to a full-time work schedule. Part-time regular work hours will be reviewed as of pay period #13 or pay period #26 (or #27) using the weekly working hours encoded in an

Commented [KM40]: This was enacted as Bill No. 1777 Ordinance No. 1593 in 2017

employees Planned Working Time record.

4. The use of sick leave for attending the funeral of a family member, travel to and from, and attending to family related business matters relating to the funeral shall not count towards the sick leave usage when calculating personal leave.

~~1. A full-time employee who uses no more than 32 hours of sick leave in the period commencing with the first pay period of a calendar year and ending with the last full pay period of that calendar year shall be credited with 24 hours of personal leave in the first full pay period in January of the following year. A full-time employee who uses more than 32 hours but no more than 40 hours of sick leave in that period shall be credited with 8 hours of personal leave in the first full pay period in January of the following year.~~

~~2. A permanent part-time employee shall be credited with a prorated number of hours of personal leave if he uses no more than a prorated number of hours of sick leave based upon the hours set forth in subsection 1. The prorations required by this subsection are to be calculated by using the same ratio as the employee's number of regular work hours bears to a 40-hour work schedule.~~

~~3. To be eligible for credit for personal leave under this section, an employee must be in a pay status (either working or on paid leave) during the entire calendar year.~~

~~4. All personal leave must be used before the end of pay period number 26, or in the event of a 27th payroll paid in a calendar year, pay period number 27, and, if not so used, is forfeited.~~

~~5. Under no circumstances shall cash be paid for unused personal leave.~~

~~{'5, Ord. No. 637; A Ord. Nos. 782, 882, 1143}~~

5.269 **Leaves of absence.** A leave of absence, except for leave granted in accordance with the Family Medical Leave Act ~~except for family and medical leave as described in section 5.270~~, may be granted as follows:

1. A leave of absence may be granted to any employee occupying a permanent position. A leave of absence shall be granted only to an employee who desires to return ~~therefrom~~ to the county service and who at the time the leave is granted has a satisfactory service record.

2. Leaves of absence for 30 working days or less in any calendar year may be granted upon the approval of the appointing authority. Leaves for a longer period and up to 1 year may be granted upon the recommendation of the appointing authority and

the approval of the county manager or ~~his~~-designee.

3. Upon the request of the appointing authority and approval of the county manager or ~~his~~-designee, a leave of absence may be granted to an employee who:

- (a) ~~desires~~ to attend school or college or to enter training to improve the quality of his or her service, ~~who~~
- (b) is temporarily incapacitated by illness or is pregnant,
- (c) who is loaned to another governmental agency for the performance of a specific assignment, or
- (d) for some other reason equally satisfactory.

4. A leave of absence shall not be granted to an employee who is accepting another position in the classified service or who is leaving the county service to accept other employment, except as provided in this subsection.

54. A leave of absence with pay must be granted to any employee who is required by law to appear as a juror or, who in their official capacity, is required by law to ~~or~~ serve as a witness for ~~juror in~~ a case before a grand jury or tribunal of the United States Government, the State of Nevada or a political subdivision thereof, or when subpoenaed to give a deposition that is related to his or her employment. The employee must be paid ~~his-the~~ regular salary while on leave of absence, but must remit to his department head, for deposit in the county general fund, all fees ~~which he received~~ as a witness, juror or when subpoenaed to give a deposition on job-related matters. The employee may retain amounts received as reimbursement for mileage and per diem. Court leave must not be charged against the employee's vacation credit.

Commented [KC41]: These are all for work related correct? Jury Duty is now used for Jurors. Can we please discuss this with you Mary? Thx!

65. The board of county commissioners, upon the recommendation of the county manager, may grant leaves of absence without pay in excess of 1 year for the purpose of attending extended courses of training at a recognized college or university, accepting a position in the unclassified service, and for other purposes deemed beneficial to the public service.

76. Employees taking authorized educational leaves may elect to use accumulated annual leave at their option.

87. Leaves of absence with pay may be granted by the appointing authority to allow employees time off to vote, pursuant to the provisions of NRS 293.463 (employees may absent themselves from employment to vote).

98. Leaves of absence with pay shall be granted to an employee, whether in the classified or unclassified service, to act as a volunteer fireman of any regular organized and recognized fire department for the protection of life or property during working hours or fractions thereof which should otherwise have been devoted to county employment.

109. Any employee who is an active member of the any branch United States armed services United States Army Reserve, the

~~United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve or the Nevada National Guard shall be relieved from his or her employment duties, upon request to his-the appointing authority, to serve under orders on training duty without loss of his regular compensation for a period not to exceed 15 working days in any 1 calendar year. Any such absence shall not be deemed to be such employee's annual leave. provided for by the Merit Personnel Ordinance.~~

Commented [KM42]: FMLA allows more leave in an unpaid status

~~10. In cases of childbirth, or the adoption of an infant, less than 12 months of age, the county shall make a reasonable effort to grant up to 6 weeks of unpaid leave for bonding purposes with the infant in addition to any sick leave which is specifically provided for in section 5.257.~~

~~{'124, Ord. No. 213; A Ord. Nos. 675, 730, 882, 1018}~~

~~5.270 Leave of absence under the Family and Medical Leave Act.~~

Commented [KM43]: Federal law and County policy are sufficient to explain this law.

~~1. Pursuant to the provisions of the Family and Medical Leave Act (FMLA), an eligible employee may take up to 12 weeks of unpaid, job protected leave during any 12 month period for certain family or medical reasons as provided herein. An employee is eligible if he or she has worked for the county for at least 1 year, and for 1,250 hours over the previous 12 months.~~

~~2. Unpaid leave may be granted to an eligible employee for any of the following reasons:~~

~~(a) For birth and to care for the employee's child after birth, or placement with the employee of a child for adoption for foster care. Leave must occur within the first year after the event. If both husband and wife are employed by the county, leave is limited to a combined total of 12 work weeks in any 12 month period. Leave may be granted on a continual basis, or if the department head agrees, intermittently or on a reduced leave schedule;~~

~~(b) To care for the employee's spouse, child, or parent, who has a serious health condition. Serious health condition means an illness, injury, impairment, or physical or mental condition as defined by the FMLA. The county requires an employee to provide medical certification of the serious health condition from the health care provider. Leave may be granted on a continual basis, or intermittent basis if medically necessary. For purposes of this paragraph:~~

~~(1) Child includes biological, adopted, stepchild, foster child, legal ward, or child of a person standing in loco parentis.~~

~~(2) Parent includes biological parent or a person who stood~~

~~in loco parentis when the employee was a child. The term parent does not include parents in law. Persons in loco parentis include those with day-to-day responsibilities to care for and provide financial support to a child, and need not have a biological or legal relationship.~~

~~(c) Where an employee's serious health condition as defined by the FMLA, makes the employee unable to perform his or her essential job functions. The county requires an employee to provide medical certification of the serious health condition from the employee's health care provider.~~

~~3. An employee's health coverage under the appropriate group health plan will be maintained by the county for the duration of the unpaid leave provided in subsection 2 above on the same terms as if the employee was at work. The employee is responsible for the appropriate dependent premium for the maintenance of dependent coverage.~~

~~4. An employee returning from unpaid leave as provided in subsection 2 above will be restored to his or her original or an equivalent position with equivalent pay, benefits, and other employment terms upon return from FMLA leave.~~

~~5. Leave taken pursuant to this section will be reported and charged against an employee's annual FMLA leave entitlement. Appropriate forms must be completed by an employee and health care provider, and submitted to the department head and the department of human resources for review and approval.~~

~~6. This section shall be effective on January, 1, 2006.~~

~~7. This section shall be construed in accordance with the provisions of the Family and Medical Leave Act and the regulations promulgated thereunder.~~

~~{'3, Ord. No. 882; A Ord. Nos. 1060, 1280 eff. 12-23-05}~~

5.271 Reporting of absences. An ~~officer or~~ employee who is absent from duty shall report the reason ~~therefor to his to the~~ supervisor or designee immediately on the day of absence where possible and, except in exceptional circumstances, no later than noon on the following day.

~~{'125, Ord. No. 213}~~

5.273 Absence without leave. All unauthorized and unreported absences shall be considered absence without leave, and deduction of pay shall be made for each period of such absence. Such absence is grounds for disciplinary action or discharge, and will serve to interrupt continuous service of the employee. ~~as defined in the Merit Personnel Ordinance.~~

~~{'126, Ord. No. 213; A Ord. No. 408}~~

5.275 Adjustments in anniversary dates: Continuous service.

1. The following shall be the equivalent of county service for

purposes of career incentive pay, leave accrual, rate of leave accrual, longevity and merit increase:

(a) Military leave for active service pursuant to an involuntary call-up, for the duration of the call-up, provided that the employee resumes active service with the county within 90 days following honorable discharge from military service.

(b) Authorized military leave for training duties, not to exceed 15 working days in any 1 calendar year.

2. Authorized leave without pay shall not be deemed a break in continuous qualifying service. However, the period during which the employee is on leave without pay status shall not be considered as the equivalent of county service for a purpose of qualifying time for career incentive and leave accrual.

3. Authorized leave without pay for 30 working days or less shall not result in a new anniversary date. Authorized leave without pay in excess of 30 working days shall establish a new anniversary date commencing with the employee's return to active service.

~~{ '127, Ord. No. 213; A Ord. No. 385, 1018 }~~

Employees' Right to Organize

5.281 Rights of organization.

1. Unless otherwise prohibited by the provisions of NRS Chapter 288 ~~of NRS~~ (Local Government Employee-Management Relations Act), employees have the right to join an employee organization of their choice and shall be free from coercion in exercising this right.

2. Employees who feel this right has been diminished by management have, in addition to any other rights provided by law, the right of an administrative review by the department of human resources ~~and then may appeal the matter to the personnel committee if the employee is aggrieved by the action which the department takes. . -~~

3. The provisions of sections 5.295 to 5.333, inclusive, relating to disciplinary and correctional actions, separations, and appeals and hearings shall not be applicable to employees covered by a collective bargaining agreement which contains a grievance procedure for discharge and disciplinary actions.

~~{ '130, Ord. No. 213; A 73-1879, Ord. No. 307; A Ord. No. 1060 }~~

Evaluation of Performance

5.283 Performance evaluation: Timing and method.

1. Each appointing authority shall provide for an annual evaluation of all classified employees, other than those in temporary appointments or positions, ~~in his department,~~ in achieving the standard of work performance established.

(a) The evaluation shall be made at least annually during the month prior to the anniversary date but effective as of the anniversary date, and will be effective in accordance with section 5.121 (merit salary adjustment).

(b) Probationary employees shall be further evaluated in accordance with section 5.219 (rate on initial hire, etc.).

(c) All evaluations shall include a discussion between the employee and ~~his-the~~ immediate supervisor for the purpose of determining goals and methods and evaluating progress toward better performance and personal development.

(d) After discussion, the evaluation report shall be forwarded to the appointing authority for final approval by the supervisor on forms and in the manner prescribed by the department of human resources.

2. The final approved evaluation shall be forwarded to the department of human resources for placement in the employee's personnel file.

~~{'131, Ord. No. 213; A Ord. Nos. 733, 1060}~~

5.285 Standard performance. Wherever reference is made ~~in the Merit Personnel Ordinance~~ to satisfactory service or standard performance, this shall be determined by the appointing authority, based upon the completed evaluation forms submitted ~~to him~~ by the supervisor.

~~{'132, Ord. No. 213}~~

5.287 Copies of performance evaluation reports. Each employee shall be ~~given~~ provided a copy of the evaluation form prepared by ~~his-the~~ supervisor. ~~regarding his progress.~~ Copies of the evaluations may only be made available to that current supervisor, the appointing authority, the department of human resources or an appointing authority (or designee) who is considering the employee for a vacant position.

~~{'133, Ord. No. 213; A Ord. Nos. 733, 828, 1060}~~

Training

5.289 Training: Responsibility of appointing authority.

1. The appointing authority shall be responsible for the provision of orientation, induction and on-the-job training and for the continuing development of the employees in ~~his-the~~ department.

2. The department of human resources shall cooperate with and assist appointing authorities in carrying out this responsibility and in meeting any special training needs of the departments.

~~{'134, Ord. No. 213; A Ord. Nos. 733, 1060}~~

5.291 Training in new processes. for new job duties.

1. Whenever the duties of a position are to be materially changed ~~by the introduction of new machinery or processes requiring different skills and knowledge~~, any permanent or probationary employee affected by the change shall be given a reasonable opportunity at the expense of the county to learn to perform the new duties and to qualify for status in any new class of positions required for such work.

2. An employee who, after a reasonable training period, qualifies ~~+~~ for appointment in the different class shall be deemed to possess the specific education, experience or other requirements for such class and shall be appointed thereto with the same status and seniority which he or she last had in ~~his-~~ the previous class, upon the written recommendation of the appointing authority and the approval of the.

3. Employees who do not qualify for such appointment shall be reassigned to other duties appropriate to their class, or be laid off in accordance with the provisions of the Merit County Personnel ~~System Ordinance~~ concerning layoff.

~~{'135, Ord. No. 213; A Ord. Nos. 733, 1060}~~

5.293 Specialized training. In order to meet the needs of the county service for scientific, technical, professional and management skills which cannot be provided through available in-service training, the department of human resources may arrange for the provision of such training. ~~through recognized educational or training facilities.~~

~~{'136, Ord. No. 213; A Ord. Nos. 733, 1060}~~

Separation

5.295 Resignation.

1. An employee may resign by providing written notice to the appointing authority of the effective date. notifying his- ~~appointing authority in writing of the reason therefor and the effective date thereof.~~ The notice shall contain the specific reason for resigning and a certification that the resignation is of the employee's own free will.

2. Failure to give at least 2 weeks' notice may constitute ~~+~~ cause for denial of future employment with the county.

3. The appointing authority shall promptly report the notice of resignation on the- ~~in the manner proscribed by the department of human resources.~~ No updated resignation may be accepted without the approval of the appointing authority and/or the director of human resources. prescribed action form. The- ~~written resignation of the employee shall be attached to the form or the employee shall sign the action form stating the specific reason for resigning and certifying that the-~~

~~resignation is of his own free will. No updated resignation may be accepted.~~

~~{'137, Ord. No. 213; A Ord. Nos. 385, 491}~~

5.297 Notice of rights upon resignation. Contents of action form; review, recommendations, appeal.

1. ~~The action form on which an~~ A classified employee who resigns shall ~~contain a statement of all appeal rights of a classified employee and the fact be provided notice~~ that the employee is relinquishing all appeal rights by resigning.

2. The ~~notice form~~ shall also contain a statement that a classified employee may only appeal the resignation if ~~he alleges that the resignation was obtained against his the~~ employee's will.

3. ~~Such an Any~~ Any appeal claiming that the resignation was against the employee's will must be received by the department of human resources within 5 ~~working~~ days of the date of the resignation.

~~(a) 2.~~ After review of the facts presented by the classified employee and the ~~employer, the department of human resources appointing authority, the director of human resources~~ may make ~~its~~ a recommendation.

~~(b) If the employee is not satisfied with the recommendation and believes he or she has been wrongfully discharged, an An~~ employee covered by the terms of a collective bargaining agreement, who wishes to appeal the Director's decision, may pursue any applicable appeal procedure under the terms of such agreement.

~~(c) A non-probationary, classified employee who is not otherwise~~ covered by an appeal procedure under a collective bargaining agreement, may file an appeal in accordance with section 5.331 (appeal from discipline).

~~{'138, Ord. No. 213; A Ord. Nos. 385, 491, 733, 1060, 1244}~~

5.303 Layoff: Formula. Whenever it becomes necessary for permanent employees ~~having permanent status~~ in a county department to be laid off because of lack of work or lack of funds, the following procedure shall be used:

1. The department head shall determine whether reduction in personnel shall occur. The layoff procedure for a reduction applies to the entire department.

2. The department head shall determine in what class series and in which classes within that class series reductions in staff will have the least detrimental effect on departmental operations and will specify layoff accordingly.

(a) A "class series," for purposes of layoff, is defined as a normal line of progression from trainee, entry or preparatory levels to supervisory or administrative levels within a job

Commented [KC44]: Believe this should be left in. Keeps employees from being "wishy washy" with their term dates. Allows us the flexibility to accept a revised date.

Commented [KM45R44]: Leave it in - I go with what Cat says!

specialty.

(b) Within a class series, the minimum qualifications, tests for fitness, duties and responsibilities are similar but different in level.

3. Within the department and in the class series selected and the class specified, all nonpermanent employees of the department shall be laid off before any permanent employees and in the following order:

~~(a)~~ Temporary, provisional and probationary.

(b) A person who attained permanent status but is serving a new probationary period because of a promotion is considered a permanent employee for purposes of layoff.

(c) An employee who has been employed in a class series for a period of time equivalent to the minimum required to complete a probationary period but, because of promotions within that class series, has never completed a probationary period, shall be considered a permanent employee for purposes of layoff.

(d) Seniority within a class shall prevail as the determining factor for purpose of layoff and right to rehire. An employee's seniority within a class for layoff and displacing purposes shall include all periods of service within the class from the employee's last continuous permanent county employment date (except as provided herein). An employee who transfers or voluntary demotes from one class to another class shall be allowed to include all periods of service within the former class from the employee's last, continuous permanent county employment date for determining seniority. For these purposes, a transfer is defined as the movement of an employee from a position in one class to a position in another class having the same salary grade. Periods of separation may not be bridged to extend service for the purposes of class seniority unless the separation is a result of a layoff in which case bridging will be authorized if the employee is reemployed in a permanent position in the class within the period of the employee's layoff eligibility.

4. If additional reductions are necessary, permanent employees shall be laid off based on the following formula:

(a) A combination of performance evaluation and seniority must be utilized. All seniority points must be calculated from the first day of employment during the employee's last continuous permanent county employment. Periods of separation may not be bridged to extend such service unless the separation is a result of a layoff, in which case bridging will be used if the employee is reemployed in a permanent position in the class series within the period of his layoff eligibility.

Commented [KC46]: What about unclassified employees?

(b) One point must be allowed for each complete month of continuous county service in the class of the layoff or in classes having the same or a higher maximum salary.

(c) Three-fourths of one point must be allowed for each complete month of continuous county service in all other classes within the class series having a lower maximum salary.

(d) In addition, each employee's last three performance reports must be considered based on the following:

(i) Twelve points will be subtracted for each "below standard" report.

(ii) Only performance reports which have been completed 30 days before the notification of layoff (which is 60 days before the actual layoff) will be considered.

(e) Employees with the lowest total points shall be laid off first, in numerical order from low to high. In the event of a tie in the total points, the order of layoff shall be determined by drawing lots.

~~{'140, Ord. No. 213; repealed by Ord. No. 385; added by Ord. No. 491; A Ord. No. 562}~~

5.305 Layoff: Returnees from military service.

1. Permanent # employees returning from a period of active military service are entitled to seniority ~~points~~ as if they had been continuously employed by the county.

2. If such an employee returning from military service had not completed ~~his-the~~ probationary period prior to entry into military service, ~~he it~~ must be completed ~~-it~~ upon return before acquiring permanent status.

3. Such an employee must be ~~rehired-reinstated~~ to his or her former position or a similar position if ~~his-the~~ former position has been abolished.

4. There is no length of time specified as to the duration of the ~~rehire reinstatement~~; but the employee may not be ~~rehired-reinstated~~ to a position that has already been designated as a layoff category. That is, ~~he-the employee~~ must not be ~~rehired-reinstated~~ and immediately ~~terminated laid off~~. However, if at some time after ~~rehire his- reinstatement to the~~ position, in the normal course of events, the position is properly designated as a layoff class, the employee may be ~~laid off-terminated~~.

5. There is no specified time limit for which such an employee must be retained after ~~-reinstatement~~. If at some time after reinstatement the position, in the normal course of events, is properly designated as a layoff class, the employee may be laid off. ~~his rehire, but in order for him to be terminated, his position must be properly designated as being in a layoff class at some point in time after his rehire.~~

5.307 Layoff: Demotions; displacements; transfers.

1. A permanent employee who is laid off is entitled to displace to lower positions in ~~his~~ the department under either of the following circumstances:

(a) To a position in any lower class in which ~~he~~ the employee formerly held a permanent appointment and in which there is an employee with less seniority, or

(b) To a position in a lower class within ~~his~~ the employee's existing class series, even though the person had not previously held a permanent appointment within the lower class, if there is an employee with less seniority in the lower class.

2. A ~~permanent~~ permanent employee who has been transferred or promoted from one department to a new department and who is subsequently laid off may displace an employee in ~~his~~ the employee's former department who has less seniority in the class formerly held by the employee in the former department. This interdepartmental displacement remains in effect until the employee's seniority in the new department exceeds his seniority in the former department.

3. Permanent part-time employees may displace only employees holding permanent part-time positions.

4. A permanent full-time employee may displace a permanent part-time employee with less seniority in the same class or in a lower class under the same conditions governing full-time permanent displacements.

5. The employee with the least seniority shall be displaced by the person who is laid off. The employee displaced shall be considered as laid off for the same reason as the person who displaced him or her and shall be eligible to displace in the same manner. If two or more employees have the same seniority to a position in a class, the order of displacement shall be determined by the drawing of lots.

6. In the absence of an election by an employee to waive ~~his~~ the right to displace another employee, the employee shall displace to a position in the highest class permissible under this section. If the employee has the right to displace in two or more classes at the same level, the employee shall displace to the class in which the employee has greater seniority. If the employee has the right to displace in his or her highest class in more than one department, the employee shall displace to the department in which the employee has the most seniority. If ~~his~~ the employee's departmental seniority is equal in two or more classes or departments, ~~he~~ the employee shall displace to that class or department in which the employee with the least seniority is working.

7. Any election or waiver by an employee of ~~his~~ the right to

displace another employee must be made in writing.

8. When simultaneous layoffs occur in a class series, the layoff will first be made in the higher class, followed by displacement to the lower class. When displacements to the lower class have been completed, the layoff in the lower class will be made.

9. A department may transfer employees to fill vacancies rather than use a reemployment list if the transfer is to a position within the same class series or if the transfer does not adversely affect other employees. If, for example, a person in a layoff class is qualified for a totally unrelated position in the department, ~~he-that person~~ may be transferred to that position in lieu of layoff, but only if such transfer does not result in other employees being forced to accept a lower position. If such a transfer adversely affects other employees, the employee must be laid off, placed on a reemployment list and rehired if a position becomes available.

10. For purposes of this section, "seniority" means seniority for purposes of layoffs and displacement and is calculated pursuant to section 5.303 (Layoff: formula).
~~{'143, Ord. No. 213; A Ord. Nos. 491, 562}~~

5.309 Layoff: Written notice. ~~All career-e~~ Employees to be laid off shall be given written notice ~~of the layoff~~ at least 30 calendar days before the effective date thereof. ~~A copy of t~~The layoff computations ~~as well as a copy of and~~ the notice of layoff to the employee shall be maintained by the department of human resources Relations. ~~sent to the department of human resources for approval.~~

~~{'144, Ord. No. 213; A Ord. Nos. 491, 733, 1060}~~

5.311 Layoff: Rehire; preference for employees electing displacement or temporary demotion; status; dispositions of accrued sick leave.

1. Last out - first in. The names of permanent employees who have elected displacement or temporary demotion pursuant to the provisions of section 5.307 must be placed first upon the reemployment list for the class of position involved, in reverse order of displacement or temporary demotion, within the department in which the employees elected displacement or temporary demotion. The employee who was last to displace or demote is the first on the reemployment list, and must be given preference in rehiring. Each person on such a list retains eligibility for appointment for 1 year-an unlimited period of time.

2. Re-employment List. ~~The names of All~~ permanent employees laid off ~~must- shall~~ be placed upon the reemployment list within the department from which the employee was laid off, for the

class of position involved in the layoff, in reverse order of layoff after the names of permanent employees who have elected displacement or temporary demotion. Each person on such a list retains eligibility for appointment from the list for a period of 1 year after the date ~~his~~the name was placed on the list. A permanent employee who has been laid off and is rehired in the same department is restored to permanent status.

3. Employees who are ~~rehired~~re-employed by the county within 1 calendar year after they are laid off are entitled to reinstatement of accrued and unused sick leave remaining to their credit at the time of their layoff.

~~{'145, Ord. No. 213; A Ord. Nos. 491, 562}~~

Disciplinary and Correctional Actions

5.313 Warning and reprimand.

1. Whenever a ~~n~~ employee's performance falls below standard or, for other just cause, there is a lapse in ~~his~~ performance, the employee's supervisor shall inform the employee promptly and specifically of such lapse.

2. If appropriate and justified, and following a discussion of the matter, a reasonable period of time for improvement or correction may be allowed before initiating disciplinary action.

3. In situations where an oral warning has not resulted in a correction of the condition or where more severe initial action is warranted, a written reprimand shall be sent to the employee and a copy placed in the employee's personnel folder in the department and in the department of human resources.

4. ~~This section applies only to permanent employees not covered by a collective bargaining agreement.~~

~~{'146, Ord. No. 213; repealed by Ord. No. 275; added by Ord. No. 491; A Ord. Nos. 733, 1060}~~

5.315 Suspension.

1. If the written reprimand is not effective, or in those cases where the seriousness of the offense or condition warrants it, a ~~permanent~~ ~~n~~ employee may be suspended without pay by ~~his~~the appointing authority ~~for a period of not to exceed 30 calendar days~~ for just cause.

2. ~~This section applies only to permanent employees not covered by a collective bargaining agreement.~~

~~{'147, Ord. No. 213; A Ord. No. 491}~~

5.317 Demotion and dismissal.

1. When other forms of disciplinary or correctional action have proved ineffective or when the seriousness of the offense or condition warrants it, the appointing authority may demote or dismiss ~~the~~a permanent employee for just cause.

2. This section applies only to permanent employees not covered by a collective bargaining agreement
~~['148, Ord. No. 213; A Ord. No. 491]~~

Appeals and Hearings

5.319 Procedures for suspension and demotion.

1An order by an appointing authority to suspend or demote a permanent, ~~classified~~ employee shall:

~~(a) 1.~~ Be in writing;

~~(b) 2.~~ State specifically the action to be taken;

~~(c) 3.~~ State specifically the cause or causes upon which the action is based for the action to be taken;

~~(d) 4.~~ State the effective date of such action;

~~(e) 5.~~ State that the employee has 7 calendar days within which to appeal the action;

~~(f) 6.~~ Be served on the employee, either personally or by posting by certified mail no later than 24 hours after the effective date of the action; and

~~(g) 7.~~ Be filed with the department of human resources.

2. This section applies only to permanent employees not covered by a collective bargaining agreement
~~['150, Ord. No. 213; A 74-130, Ord. Nos. 491, 733, 1060]~~

5.321 Discharge: Notice of proposed action.

1. Before taking action to discharge a ~~permanent~~ employee ~~having permanent status in the classified service~~, the appointing authority shall serve on the employee, either personally or by posting by certified mail, a notice of proposed action which shall contain the following:

~~(a) 1.~~ A statement of the action proposed to be taken; ~~;~~

~~(b) 2.~~ A statement of the ~~charges~~ cause or causes upon which the action is based; ~~;~~

~~(c) 3.~~ The effective date of the action;

~~(d) 4.~~ A statement that the employee has 7 calendar days to respond to the appointing authority either orally or in writing.

2. This section applies only to permanent employees not covered by a collective bargaining agreement.
~~['151, Ord. No. 213; A 74-130, Ord. No. 491]~~

5.323 Immediate suspension pending discharge.

1. An appointing authority may immediately suspend a ~~permanent~~ employee without pay, pending discharge, for:

(a) Conduct which gives rise to a clear and present danger to public health and safety; or

(b) Gross misconduct which is seriously and substantially disruptive of department or county operations in relation

to established policies, fellow employees or supervisors.

2. Notice of immediate suspension pending discharge shall comply with the provisions of section 5.321 (discharge) and be served on the employee either personally or by posting by certified mail within 24 hours of the effective time of suspension.

3. This section applies only to permanent employees not covered by a collective bargaining agreement.
~~['152, Ord. No. 213; A Ord. No. 491]~~

5.325 Suspensions due to pending criminal charges. An appointing authority, upon giving notice as provided in section 5.321 (discharge), may immediately suspend a permanent employee against whom there is pending a criminal charge and which charge adversely ~~and directly~~ affects the county service or conflicts with continued employment, or is seriously and substantially disruptive of department or county operations. Pending criminal charges exist when an employee has been named a defendant in a criminal complaint or indictment filed in any court. This section applies only to permanent employees not covered by a collective bargaining agreement.
~~['153, Ord. No. 213; A Ord. No. 491]~~

5.327 Procedure for discharge.

1. In any action to discharge a permanent employee, ~~having permanent status in a position in the classified service,~~ after having complied with the applicable requirements set forth in sections 5.321 (discharge) or 5.323 (suspension), the appointing authority may order the discharge of the employee.

2. Such order shall:

- (a) Be in writing;
- (b) State specifically the cause or causes for the action;
- (c) State the effective date of such action, which shall be no less than 7 calendar days from the date of issuance of the notice of proposed action under section 5.321;
- (d) State that the employee has 7 calendar days within which to appeal the action;
- (e) Be served on the employee, either personally or by posting by certified mail, prior to the effective date of such discharge; and
- (f) Be filed with the department of human resources.

3. This section applies only to permanent employees not covered by a collective bargaining agreement.
~~['154, Ord. No. 213; A 74-130, Ord. Nos. 491, 733, 1060]~~

5.329 Response to notice of proposed action. A permanent employee who is served with a notice of proposed action involving either an intent to discharge, an immediate suspension

pending discharge or an immediate suspension resulting from a pending criminal charge has 7 calendar days from proof of receipt of the notice to respond to the appointing authority either orally or in writing to refute the charges and/or to dissuade the appointing authority from taking the action. This section applies only to permanent employees not covered by a collective bargaining agreement.

~~['155, Ord. No. 213; A 74-130, Ord. No. 491]~~

5.331 Appeal from discipline; selection of arbitrator.

1. A permanent, ~~classified~~ employee who has been demoted, suspended or discharged may, within 7 calendar days of the effective date of the discipline imposed, appeal the action. The appeal shall be in writing and shall be filed with the Assistant County Manager for Administration and Finance (ACM). ~~assistant county manager for personnel.~~

2. Upon receipt of the appeal, the ~~assistant county manager for personnel or his designee~~ ACM or designee shall meet with the employee and the appointing authority in an attempt to select a mutually acceptable arbitrator. ~~For cases involving demotion and suspension, the Rules for Expedited Arbitration of the American Arbitration Association apply. For cases involving discharge, the director of human resources shall determine, based upon the complexity of the case, whether the Rules for Expedited Arbitration or the regular Voluntary Labor Arbitration Rules of the American Arbitration Association apply.~~

3. If an arbitrator cannot be agreed upon, ~~and if the Voluntary Labor Arbitration Rules are to be followed,~~ the director of human resources shall submit a request to the American Arbitration Association, or similar service, for a list of arbitrators. Upon receipt of the list, an arbitrator shall be selected by the ~~assistant county manager for personnel~~ ACM and the employee by alternately striking names, the employee striking first.

4. The parties shall use the Labor Arbitration Rules of the American Arbitration Association unless otherwise agreed to by both parties in writing.

5. This section applies only to permanent employees not covered by a collective bargaining agreement.

~~['156, Ord. No. 213; A Ord. Nos. 491, 733, 1055, 1060]~~

5.333 Arbitration: Hearing; costs; decision.

1. ~~The arbitration proceedings shall be governed by the applicable rules of the American Arbitration Association.~~ The cost of the proceedings in cases of suspension of 10 working days or less shall be borne equally by the county and the employee. ~~The cost of the proceedings in cases of suspensions in excess of 10 working days or demotions or discharges shall be~~

~~borne by the county.~~

2. The arbitrator may determine whether the action taken was for just cause and, if not, what remedy would be appropriate under the circumstances. The arbitrator's decision shall be limited to either sustaining the discipline imposed, modifying the discipline imposed or restoring the employee to his status prior to the imposition of discipline, including full restoration of all wages and benefits with no loss of rights. The arbitrator's decision shall be final and binding on the parties.

~~3. Appeals under sections 5.319 to 5.333, inclusive, are limited to nonprobationary, classified employees who are not otherwise covered by an appeal procedure under a collective bargaining agreement adopted pursuant to chapter 288 of NRS. This section applies only to permanent employees not covered by a collective bargaining agreement.
[157, Ord. No. 213; A 74-130, Ord. No. 491]~~

Disclosure Improper Governmental Action

5.3331 Definitions.

As used in sections 5.3331 to 5.3336, inclusive, the following words and phrases shall have the following meanings:

1. "Improper governmental action" means any action taken by an officer or employee in the performance of his official duties, whether or not the action is within the scope of his employment, which is:
 - (a) In violation of any state law or regulation;
 - (b) In violation of Washoe County Code, an ordinance adopted by the board of county commissioners, or an ordinance or regulation adopted by the appointing authority which employs the officer or employee;
 - (c) An abuse of authority;
 - (d) Of substantial and specific danger to the public health or safety;or
 - (e) A gross waste of public money.
2. "County" means Washoe County.
3. "County employee" means any person who performs public duties under the direction and control of a county officer, or in the case of the district health department, for the district health officer, and in either case, for compensation paid by or through the county.
4. "County officer" means a person elected or appointed to a position with the county, or the district health department, that involves the exercise of a county or district health department power, trust or duty, as applicable, including:
 - (a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of county or district health department policy;
 - (b) The expenditure of money of the county; and
 - (c) The enforcement of laws and regulations of the state, county, or district health department.
5. "Reprisal or retaliatory action" includes:
 - (a) The denial of adequate personnel to perform duties;

- (b) Frequent replacement of members of the staff;
- (c) Frequent and undesirable changes in the location of an office;
- (d) The refusal to assign meaningful work;
- (e) The issuance of letters of reprimand or evaluations of poor performance;
- (f) A demotion;
- (g) A reduction in pay;
- (h) The denial of a promotion;
- (i) A suspension;
- (j) A dismissal;
- (k) A transfer;
- (l) Frequent changes in working hours or workdays; or
- (m) If the employee is licensed or certified by an occupational licensing board, the filing with that board, by or on behalf of the employer, of a complaint concerning the employee, if such action is taken, in whole or in part, because the county officer or employee disclosed information concerning improper governmental action.

~~{S2, Ord. No. 1141}~~

5.3332 Appointment, qualifications and authority of hearing officer; county manager's duties.

1. The board will periodically appoint a hearing officer or a panel of hearing officers from the recommendations made by the county manager. A person who wishes to serve as a hearing officer pursuant to sections 5.3331 to 5.3336, must:

- (a) Possess a bachelor's degree from an accredited college or university and have at least 4 years of professional experience in resolving disputes between opposing parties, 2 years of which included making determinations or adjudicating issues by interpreting statutes or administrative rules or regulations;
- (b) Possess an associate's degree from an accredited junior college or community college and have at least 5 years of professional experience in resolving disputes between opposing parties, 2 years of which included making determinations or adjudicating issues by interpreting statutes or administrative rules or regulations;
- (c) Have at least 2 years of experience as a hearing officer with an administrative agency of the state; or
- (d) Possess any other combination of education and experience which the county manager deems to be equivalent to the education and experience required by paragraph a, b, or c, and demonstrate to the satisfaction of the county manager that he possesses the knowledge, skills and abilities required by this subsection.

3. In addition to those qualifications listed in subsection 2, a hearing officer must:

- (a) Be able to:
 - (1) Interact effectively with all participants at a hearing in a manner which ensures an impartial, orderly proceeding;
 - (2) Work independently;
 - (3) Listen and analyze the evidence presented at a hearing and communicate effectively ~~his~~ decisions on motions and objections related to that evidence;
 - (4) Communicate effectively, orally and in writing, with persons from

a variety of social, economic and educational backgrounds;

(5) Render an impartial decision based on:

- (i) The evidence presented at a hearing; and
- (ii) An objective analysis of applicable statutes, regulations and case law;

(6) Write decisions and opinions in a clear, concise and accurate manner; and

(b) Be knowledgeable of the provisions of state law and regulations, and county code relating to local governments, including county government.

4. If the hearing officer determines that the action taken was a reprisal or retaliatory action, the hearing officer may issue an order directing the proper person to desist and refrain from engaging in such action. The hearing officer shall file ~~his~~^{his} decision with the county manager, or other elected or appointed board responsible for the actions of that person and prepare a separate copy redacting identifying or sensitive information. The redacted copy of the decision of the hearing officer shall be made public.

5. The county manager, or the county manager's designee, shall provide each officer and employee with a summary of the provisions of sections 5.3331 to 5.3336, inclusive.

~~{§3, Ord. No. 1141}~~

5.3333 Written appeal by officer or employee who claims reprisal or retaliatory action was taken.

~~1. A county officer or employee who claims a reprisal or retaliatory action was taken against him for disclosing information concerning improper governmental action may file a written appeal with the director of human resources. The appeal must be:~~

~~(a) Filed within 60 workdays after the date the alleged reprisal or retaliatory action took place.~~

~~(b) Submitted on a form provided by the director of human resources.~~

~~(c) Contain a statement that sets forth with particularity:~~

~~(1) The facts and circumstances under which the disclosure of improper governmental action was made; and~~

~~(2) The reprisal or retaliatory action that is alleged to have been taken against the county officer or employee.~~

~~2. Upon receipt of the written appeal, the director of human resources shall contact a hearing officer from among those who have qualified and been appointed by the board. The director of human resources shall ascertain whether the hearing officer has any conflicts which would prevent him from hearing the appeal. The hearing officer shall be entitled to reasonable compensation from the county for time spent hearing and determining the appeal, and for reasonable travel costs or other expenses incurred in hearing the appeal. The director of human resources shall forward the written appeal to the hearing officer.~~

~~3. The hearing officer may reject an appeal form that is incomplete or otherwise deficient as insufficient to commence the appeal.~~

~~{§4, Ord. No. 1141}~~

5.3334 Time for hearing; continuances.

1. The hearing officer shall convene the hearing at the time and place specified for the purpose of hearing the appeal.

~~2. Written notice of the time and place of the hearing must be given to the parties at least 10 days in advance. The notice must contain the information required for a party to request reasonable accommodation.~~

~~3~~2. The hearing officer shall provide reasonable accommodation to a party with a disability who requests such accommodation within the time sufficient to make the accommodation.

43. Hearings may be continued beyond the period originally scheduled or recessed until a future date which is agreeable to the hearing officer and the parties if good cause is shown.

~~{S5, Ord. No. 1141}~~

5.3335 Procedures for conduct of hearing on written appeal; hearing officer's decision.

1. The provisions of this section govern the procedure for conducting a hearing ~~for a written appeal filed pursuant to sections 5.3331 to 5.3336, inclusive.~~

2. The employee or officer filing the appeal may represent ~~himself~~ themselves at the hearing or be represented by an attorney or other person of the employee's or officer's own choosing at no expense to the County.

3. All testimony must be under oath administered by the hearing officer.

4. The appeal ~~must~~ should be heard in the following manner:

(a) Opening statements ~~for the officer or employee.~~

~~(b) Opening statement for the employer, unless reserved.~~

~~(be)~~ Presentation of the officer's or employee's case, followed by cross-examination. During the presentation of the officer's or employee's case, the county officer or employee must establish

(1) The officer or employee was an officer or employee on the date of the alleged reprisal or retaliatory action;

(2) The officer or employee disclosed information concerning improper governmental action; and

(3) The alleged reprisal or retaliatory action was taken against him within 2 years after the date he disclosed the information concerning improper governmental action.

~~(ca)~~ If the officer or employee establishes the facts set forth in paragraph (c), presentation of the employer's case, followed by cross-examination, to establish that the employer did not engage in the alleged reprisal or retaliatory action or that the action was taken for a legitimate business purpose and was not the result of the disclosure of information concerning improper governmental action by the officer or employee.

~~(de)~~ If the employer establishes a legitimate business purpose for the alleged reprisal or retaliatory action, the officer or employee may introduce evidence, followed by cross-examination, to demonstrate that the stated business purpose is a pretext for the reprisal or retaliatory action.

~~(e#)~~ The parties may respectively offer rebutting testimony only, unless the hearing officer permits additional evidence upon the original cause.

~~(g) Argument for the officer or employee.~~

~~(h) Argument for the employer.~~

(f±) Closing arguments ~~for the officer or employee.~~

(g±) Submission of the appeal for a decision.

5. Except as otherwise provided in subsection 6, all hearings on appeals must be open to the public.

6. On the motion of either party, the hearing officer shall exclude from the hearing room witnesses in the matter not at the time under examination except the parties to the proceeding. No hearing may be closed to the public except on motion of either party for good cause shown.

~~7. A document or piece of physical evidence sought to be introduced during the hearing must first be identified for the record and the hearing officer may request the production of such records and the appearance of such persons as he requires.~~

8. The hearing officer shall determine the evidence upon the ~~charges and specifications~~ facts and circumstances as set forth by the appeal document, and shall not consider any additional evidence beyond the scope of the charges.

9. An officer's or employee's past performance by way of an act or a failure to act may be shown by competent evidence.

10. All testimony and exhibits offered at the hearing must be relevant and bear upon the matter in contention. Any testimony or exhibits which are considered by the hearing officer as not meeting this criterion may ~~properly~~ be excluded.

11. The hearing officer shall also consider the objection of either side to the introduction of evidence. Competence and relevance must be the primary test in ruling on objections. ,

12. A decision must be based on evidence presented. The hearing officer shall be guided in ~~his~~ their decision by the weight of the evidence as it appears to him at the hearing.

13. Any letter, paper or object offered in evidence must be properly authenticated. The representative for the opposing party is entitled to examine the exhibit when it is offered.

~~14. The hearing officer shall render his decision within 30 days of the conclusion of the hearing.~~

~~{S6, Ord. No. 1141}~~

5.3336 Prohibitions and application.

1. An officer or employee shall not directly or indirectly use or attempt to use the officer's or employee's official authority or influence to intimidate, threaten, coerce, command, influence or attempt to intimidate, threaten, coerce, command or influence another officer or employee, as applicable, in an effort to interfere with or prevent the disclosure of information concerning improper governmental action.

2. For the purposes of this section, use of "official authority or influence" includes taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary action.

3. An officer or employee shall not use the provisions contained in sections 5.3331 to 5.3336, inclusive, to harass another officer or employee.

4. Nothing contained in section 5.3331 to 5.3336, inclusive, prohibits

an officer or employee from initiating proper disciplinary procedures against another officer or employee, as applicable, who discloses untruthful information concerning improper governmental action.

5. Sections 5.3331 to 5.3336, inclusive, are intended to be directory and preventive rather than punitive, and do not abrogate or decrease the effect of any of the provisions of state statutes or county code provisions which define crimes or prescribe punishments with respect to the conduct of officers or employees.

~~§7, Ord. No. 1141~~

Full-Time Service Required

5.334 Full-time service required.

Each employee shall, during ~~his~~their hours of duty as an employee and subject to such other laws, rules or regulations as pertain thereto, devote ~~his~~their full-time attention and efforts to county employment. A full-time employee may not engage in additional part-time work for the county.

~~§1, Ord. No. 729; A Ord. No. 828~~

Prohibitions and Penalties

5.337 Incompatible activities: Prohibitions.

Employees shall not engage in any employment, activity or enterprise which has been determined to be inconsistent, incompatible or in conflict with their duties as Washoe County officers and employees, or with the duties, functions or responsibilities of their appointing authorities or departments by which they are employed.

~~§158, Ord. No. 213~~

5.337 Incompatible activities: Specific prohibitions.

Employees shall not engage in any employment, activity or enterprise which is inconsistent, incompatible or in conflict with their duties as Washoe County officers and employees, or with the duties, functions or responsibilities of their appointing authorities or departments by, which they are employed, including but not limited to:

1. Except for the limited use authorized in section 5.340, the use for private gain or advantage of the county's time, facilities, equipment, and supplies.
2. The use for private gain or advantage of a badge, uniform, prestige or influence of their county positions of employment.
3. The receipt or acceptance by employees of any money or other consideration from anyone other than the county for the performance of an act which the employees would be required or expected to render in the regular course of

hours of their county employment or as a part of their duties as employees.

4. The performance of an act in other than their capacity as employees, which act may later be subject, directly or indirectly, to control, inspection, review, audit or enforcement by such employees or the department by which they are employed.

~~[\$158, Ord. No. 213; A Ord. Nos. 492, 1053]~~

5.339 Incompatible activities: Designation.

Each appointing authority may determine and describe in writing additional specific activities which, for employees under ~~his~~ their jurisdiction, will be considered inconsistent, incompatible or in conflict with their duties as employees, and shall provide a copy to each such employee.

~~[\$159, Ord. No. 213; A Ord. No. 492]~~

5.340 Ownership of county computer system; de minimis use of county property, equipment or other county facility authorized; restrictions and prohibitions.

1. For purposes of this section, limited use for personal purposes, also referred to as "personal use" of county computers, as well as business related uses, does not create any expectation of privacy in that use by county officers, employees or other users. All data and other electronic messages within the county's computer system are the property of Washoe County. The county has the right to periodically and/or randomly inspect, review, audit and monitor employees' computer files, Internet use, electronic messages and other data stored in the county computer system.

2. The board of county commissioners authorizes the limited use for personal purposes by county officers and employees of county property, equipment or other facility if:

(a) The use does not interfere with the performance of public duties including duties of both the officer/employee and other county staff, or interfere with the provision of county services;

(b) The cost or value related to the use is nominal; and

(c) The use does not create the appearance of impropriety.

This section does not prohibit the use of mailing lists, computer data or other information lawfully obtained from a county agency which is available to members of the general public for nongovernmental purposes. Further, this section does not prohibit the use of telephones and electronic mail (e-mail) if

there is not a special charge for that use. If there is a special charge for that use, then the use is not prohibited but the officer or employee must reimburse the cost or pay the charge to the county in accordance with subsection 3 below, unless the use is made necessary because the officer or employee is attending to county business.

3. Except as provided in subsection 2 above, if the county incurs a cost as a result of a use that is authorized hereunder, or if the county would ordinarily charge a member of the general public for the use, the county officer or employee shall reimburse the cost or pay the charge to the county.

4. Except as otherwise provided herein, a county officer or employee shall not use any county time, property, equipment, or other facility to benefit that officer's or employee's private business interests. This prohibition includes, but is not limited to: selling products for private business, solicitation related to private business or personal interests, mass mailings, keeping private business accounts, or similar uses. The county may provide access via computer to a bulletin board for use by county officers and employees. If provided, this section does not prohibit a county officer or employee from advertising on the county maintained bulletin board: personal items for purchase or sale so long as those items are not connected with a private business interest of the officer or employee, posting information regarding upcoming social events, or such other uses as may be permitted by the county through rules posted on the bulletin board web page.

5. With the exception of use of county computers for electronic mail (e-mail), the personal use of county computers as authorized in subsection 2, shall not exceed 30 minutes per workweek which may not occur during the officer's or employee's work time, which time may not be accumulated from week to week. For purposes of this section, use of computers is use of a county computer to access Internet web sites, use of a modem from a noncounty location to access a county computer, use of county owned software or computer programs, and use of county owned computer hardware to run personal software or programs. Notwithstanding the authorization for limited use of county computers, and personal use of county telephones and electronic mail (e-mail), county officers and employees shall not use county computers, telephones or electronic mail for personal use if the use would violate the provisions of paragraph (a), (b) or (c) of subsection 2, or if the use would violate any county or department policies.

Prohibited uses include, but are not limited to:

(a) Interdepartmental e-mails to groups of persons regarding noncounty community-wide projects or events or noncounty social events;

(b) Noncounty business uses which violate county policies on sexual harassment, discrimination and harassment, workplace violence, or other county policies.

6. The limited use of county property, equipment or other facility as set forth in this section shall not be deemed a violation of section 5.337(1).

7. The county may adopt policies to interpret and implement the provisions of this section and to further prescribe, restrict or limit use of the county's computer system. In addition, county department heads may adopt more restrictive policies on the use of the county property, equipment or other facility than as set forth in this section, but department heads may not adopt less restrictive policies. A county department head who adopts a more restrictive policy than as set forth in this section, must file a copy of the policy with the human resources department.

8. Nothing herein prohibits the limited use of county property, equipment, or other facility for personal purposes where the use is necessary as a result of emergency circumstances.

~~[\$3, Ord. No. 1053; A Ord. Nos. 1167, 1219]~~

5.341 Political activity.

Employees shall have the right to vote as they choose and to express their political opinions on all subjects without recourse, except that no employee shall:

1. Directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, contribution or political service, whether voluntary or involuntary, for any political purpose from anyone on any employment list or holding any position in the classified service.

2. Engage in political activity during the hours of ~~his~~their county employment with the purpose of improving the chances of a political party or individual seeking office, or at any time engage in political activity for the purpose of securing preference for promotion, transfer or salary advancement.

3. While off duty, engage in political activity to an extent that it impairs ~~his~~their attendance or efficiency as an employee.

4. As an employee in a department administering federally aided programs, engage in political activities at any time which are forbidden by federal law.

~~5.343 Prohibition against discrimination.~~

~~1. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action because of race, color, religion, sex, age, protected disability, national origin, political affiliation or sexual orientation is prohibited.~~

~~2. The department of human resources is responsible for promulgating and maintaining an antidiscrimination and harassment policy and procedures for effectively dealing with such complaints.~~

~~§162, Ord. No. 213; A Ord. Nos. 289, 385, 408, 882, 1078~~

~~5.349 Employees' compliance with Nevada Motor Vehicle Insurance Act.~~

~~Compliance with the provisions of the Nevada Motor Vehicle Insurance Act (chapter 698 of NRS) is required of all persons employed by Washoe County whose employment requires the use of their personal motor vehicles in the conduct of county business. The department of human resources shall promulgate regulations to effectuate the provisions of this section to guarantee compliance at the time of initial appointment, and shall periodically require evidence of compliance with the Nevada Motor Vehicle Insurance Act.~~

~~Ord No. 213, § 164.5; 74-654; Ord. No. 733; Ord. No. 1060~~

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