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Ord. No. 856

349008

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September														X							X											

NOTICE OF COUNTY ORDINANCE
NO. 856

NOTICE IS HEREBY GIVEN that Ordinance No. 856, Bill No. 1031, entitled,
AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY MAKING VARIOUS AMENDMENTS RELATING TO OVERTIME AND THOSE EXEMPT THEREFROM WITHIN THE MERIT PERSONNEL PROVISIONS OF CHAPTER 5 THERETO
was adopted on September 8, 1992, by Commissioners Larry Beck, Dianne Cornwall, and Gene McDowell, and Rene Reid, with Tina Leighton absent, and will become effective on September 21, 1992.
Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk at the County Courthouse, Virginia and Court Streets, Reno, Nevada.
Judi Bailey, County Clerk
349008—No. 856
Sept 14, 21—ht133

PROOF OF PUBLICATION

STATE OF NEVADA, ss.
COUNTY OF WASHOE

Alice L. Buffaloe

being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice of _____ County Ordinance


_____ of which a copy is hereto attached, was first published in said newspaper in its issue dated the 14 day of Sept., 19 92 and, Sept. 21, the full period of 2 days, the last publication thereof being in the issue of Sept. 21st. 19 92.

Signed *Alice L. Buffaloe*

Subscribed and sworn to before me this 21st. day of September 19 92

Joanne F. Wessel
Notary Public

JOANNE F. WESSEL
Notary Public - State of Nevada
Appointment Recorded in Washoe County
MY APPOINTMENT EXPIRES NOV. 18, 1992



SUMMARY: Makes amendments to the merit personnel provisions of Chapter 5 of the Washoe County Code.

BILL NO. 1031

ORDINANCE NO. 856

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY MAKING VARIOUS AMENDMENTS RELATING TO OVERTIME AND THOSE EXEMPT THEREFROM WITHIN THE MERIT PERSONNEL PROVISIONS OF CHAPTER 5 THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 5 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as Section 2 of this ordinance.

SECTION 2.

5.142 Classes eligible for payment of overtime. Classes which are not exempt as referred to in section 5.141 above are entitled to receive payment for overtime at the rate of time and one-half. Classes that are clearly training-level positions are eligible for overtime compensation at time and one-half.

SECTION 3. Section 5.053 of the Washoe County Code is hereby amended to read as follows:

5.053³ "Overtime" defined. "Overtime" means any time worked in excess of 40 hours in a work week.

SECTION 4. Section 5.126 of the Washoe County Code is hereby amended to read as follows:

5.126 Overtime; computation of time worked. An employee shall only be paid for actual hours worked; however, time paid for but not worked on holidays shall be considered as time worked.

SECTION 5. Section 5.127 of the Washoe County Code is hereby amended to read as follows:

5.127 Rate of earning accrued overtime.
1. Overtime pay or compensatory time off for employees of Washoe County shall be earned at the rate of time and one-half except for elected officers, appointed department heads, and those employees determined to be execu-

92-976

tive, administrative, supervisory or professional pursuant to section 5.141.

2. The personnel division, after consultation with appointing authorities, shall report to the personnel committee those classes which are eligible for time and one-half and shall identify the same in the county classification plan.

SECTION 6. Section 5.135 of the Washoe County Code is hereby amended to read as follows:

5.135 Compensation for overtime.

1. Except as provided in subsection 2, an employee shall be compensated for overtime work in the following manner:

- (a) Cash payment computed at the rate of time and one-half.
- (b) If cash payment cannot be made, then compensatory time off shall be provided at the rate of time and one-half.
- (c) For compensatory time accrued in excess of 120 hours, cash payment shall be provided.

SECTION 7. Section 5.141 of the Washoe County Code is hereby amended to read as follows:

5.141 Standards for determining classes which are exempt from payment for overtime. The following standards apply in determining whether a class is exempt from payment for overtime.

1. Professional standards. An employee shall not be paid overtime:

- (a) Whose work consists of the performance of work requiring knowledge of an advance type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study; and
- (b) Whose work requires the consistent exercise of discretion and judgment in its performance; and
- (c) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and
- (d) Who does not devote more than 20 percent of his time to activities which are not an essential part of and necessarily incident to the work described in paragraphs (a) and (c).

2. Supervisory standards. An employee shall not be paid overtime when customarily engaged in directing the work of other employees, such as:

- (a) Day-to-day work direction and review of subordinate's work performance;
- (b) Training;
- (c) Performance evaluation;
- (d) Discipline and counseling;
- (e) Hiring, firing and promotion; and
- (f) Making recommendations in the above categories that carry particular weight.

3. Executive standards. An employee shall not be paid overtime:

- (a) Whose primary duty consists of management of a department or office in which he is employed or of a customarily recognized subdivision thereof; and
- (b) Who customarily and regularly directs the work of two or more employees; and
- (c) Who has the authority to hire and fire other employees or whose suggestions and recommendations as to hiring and firing and as to advancement and promotion or any other change of status of other employees are given particular weight; and
- (d) Who customarily and regularly exercises discretionary powers; and
- (e) Who does not devote more than 20 percent of his hours in a work week to activities not directly and closely related to the performance of the work described in paragraphs (a) to (d), inclusive.

4. Administrative standards. An employee shall not be paid overtime:

- (a) Whose primary duty consists of the performance of office or nonmanual work directly related to the management policies or general operations of his appointing authority; and
- (b) who customarily and regularly exercises discretion and independent judgment; and
- (c) Who regularly assists an employee employed in a bona fide executive or administrative capacity; or
- (d) Who performs, under only general supervision, work along specialized or technical lines requiring special training, experience or knowledge; or
- (e) Who executes, under only general supervision, special assignments and tasks; and
- (f) Who does not devote more than 20 percent of his hours in a work week to activities not directly and closely related to work described in paragraphs (a) to (e), inclusive.

SECTION 8. Section 5.247 of the Washoe County Code is hereby amended to read as follows:

5.247 Records and reports. Each appointing authority shall keep accurate records of earned and used vacation. Such records shall be kept as prescribed by the personnel division and reports shall be made to the personnel division as the personnel division may from time to time require. However, those classes which are exempt from overtime as provided in section 5.141 shall not be charged vacation for absences of less than one day.

SECTION 9. Section 5.267 of the Washoe County Code is hereby amended to read as follows:

5.267 Records and reports. Each appointing authority shall keep accurate records of earned and used sick leave. Such records shall be kept as prescribed by the personnel division and reports shall be made to the personnel division as the personnel division may from time to time require. However, those classes which are exempt from overtime as provided in section 5.141 shall not be charged sick leave for absences of less than one day.

Proposed on the 18th day of August, 1992.
Proposed by Commissioners Cornwall.
Passed on the 8th day of September, 1992.

Vote:

Ayes: Commissioners: Beck, Cornwall, McDowell, Reid

Nays: Commissioners: None

Absent: Commissioners: Leighton


Chairman of the Board

ATTEST:


County Clerk

This ordinance shall be in force and effect from and after the 21st day of September, 1992.