FINAL COPY PERSONNEL ORDINANCE

Summary: An ordinance amending the Washoe County Code at Chapter 5 (Administration and Personnel) by repealing sections 5.025 through 5.343 commonly known as the Merit Personnel Ordinance and adding two new sections 5.345 and 5.347. Section 5.345 establishes the department of human resources and its duties and authorizes the promulgation of regulations for the administration of the merit personnel system. Section 5.347 provides protections for Washoe County officers and employees against reprisal and retaliation for disclosure of improper governmental action as required by NRS 281.635.

BILL NO. 1886

ORDINANCE NO. 1695

Title: An ordinance amending the Washoe County Code at Chapter 5 (Administration and Personnel) by repealing sections 5.025 through 5.343 commonly known as the Merit Personnel Ordinance and adding two new sections 5.345 and 5.347. Section 5.345 establishes the department of human resources and its duties and authorizes the promulgation of regulations for the administration of the merit personnel system. Section 5.347 provides protections for Washoe County officers and employees against reprisal and retaliation for disclosure of improper governmental action as required by NRS 281.635.

A. The Washoe County Board of Commissioners desires to amend the Washoe County Code at Chapter 5 (Administration and Personnel) by repealing sections 5.025 through 5.343 and adding two new sections 5.345 and 5.347.

B. Business Impact Statement: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Sections 5.025 through 5.343 of the Washoe County Code are hereby repealed.

Sections 5.345 and 5.347 of the Washoe County Code are added to read as follows:

5.345 County merit personnel system; department of human resources; director of human resources; duties.

1. The board of commissioners hereby establishes a merit personnel system for all employees except those exempt by law.

2. The department of human resources is hereby created. The department of human resources is responsible for the administration of the county merit personnel system and other duties as provided by law.

3. The position of director of human resources is hereby created. The director of human resources shall be appointed by and serve at the pleasure of the county manager. 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) Appoint staff as the operation of the department may require. All such appointments must be made pursuant to the provisions of the Merit Personnel System.

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

(e) Oversee the daily operations of the department.

(f) Administer the health benefits program and provide periodic reports as required by the Manager or designee.

(g) Maintain confidentiality of personnel records.

(h) Serve as employer representative for relations and bargaining with recognized employee organizations as set forth in NRS 288.

(i) Administer procedures for disclosure of improper governmental action as set forth in section 5.347.

(j) Promulgate regulations for the administration of the merit personnel system for employees, which shall be presented to the county commissioners approximately every four years. The regulations shall provide:

(1) For the classification of all county positions, not exempt from the merit personnel system, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position

whatsoever whenever warranted by changed circumstances.

(2) A pay plan for all county employees, including exempt employees other than elected officers that are covered in other provisions of NRS or by special legislative act.

(3) Policies and procedures for regulating reduction in force and the removal of employees.

(4) Hours of work, attendance regulations and provisions for sick and vacation leave.

(5) Policies and procedures governing persons holding temporary or provisional appointments.

(6) Policies and procedures governing relationships with employees and employee organizations.

(7) Policies concerning employee training and development.

(8) Grievance procedures.

(9) Other policies and procedures necessary for the administration of a merit personnel system.

(10) In the event of a conflict between the policies and procedures adopted pursuant to this section and the provisions of a collective bargaining agreement entered into pursuant to chapter 288 of NRS, the provisions of the collective bargaining agreement prevail.

5.347 Reprisal for Disclosure of Improper Governmental Action

The board of county commissioners hereby establishes protections for Washoe County officers and employees against reprisal and retaliation for disclosure of improper governmental action as required by NRS 281.635.

1. Right to Appeal

(a) If any alleged violation of NRS 281.631 occurs within 2 years after disclosure, the County officer or employee may file a written appeal through the director of human resources, for a hearing officer to decide of whether a violation of NRS 281.631 occurred.

(b) The board will periodically appoint a hearing officer from the recommendations made by the director of human resources. A hearing officer must meet the qualifications set by the director of human resources.

2. Written appeal by officer or employee who claims reprisal or retaliatory action was taken.

(a) A county officer or employee who claims a violation of NRS 281.631 may file a written appeal with the director of human resources.

(b) The appeal must be:

(i) Filed within 60 workdays after the date of the alleged violation of NRS 281.631 took place.

(ii) Submitted on a form provided by the director of human resources.

(iii) Contain a statement that sets forth with particularity the facts and circumstances under which the disclosure of improper governmental action was made and the reprisal or retaliatory action that is alleged to have been taken against the county officer or employee in violation of NRS 281.631.

3. Hearing

(a) Upon receipt of the written appeal, the director of human resources shall contact a hearing officer. The director of human resources shall determine whether the hearing officer has any conflicts which would prevent them from hearing the appeal. The director of human resources shall forward the written appeal to the hearing officer.

(b) The hearing officer may reject an appeal form that is incomplete or otherwise deficient as insufficient to commence the appeal.

(c) Written notice of the time and place of the hearing must be given to the parties at least 10 days in advance of the hearing. The notice must contain the information required for a party to request reasonable accommodation.

(d) The Hearing will be held in accordance with the regulations set forth by the director of human resources.

4. Hearing Officer's decision.

(a)The hearing officer shall render their decision within 30 days of the conclusion of the hearing.

(b) If the hearing officer determines that a violation of NRS 281.631 occurred, the hearing officer may issue an order directing:

(i) The proper person to desist and refrain from engaging in such a violation or action; or

(ii) The termination of the employment of the proper person, subject to the provisions of the collective bargaining agreement procedure, if applicable.

(c) The hearing officer shall file a copy of the decision with the County Manager or any other elected County officer who is responsible for the actions of that person.

(d) The hearing officer may not rule against the County officer or employee based on the person or persons to whom the improper governmental action was disclosed.

SECTION 3. General Terms.

1. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and the officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date: December 23, 2022

This ordinance was proposed on: November 15, 2022

By: Commissioner Jung

This ordinance was passed on: December 13, 2022

Those voting "aye" were: Hartung, Hill, Lucey, Jung, Herman

Those voting "nay" were: None

Those absent were: None

This ordinance shall be published and shall be in force and effect immediately upon the date of the second publication as set forth in NRS 244.100.

Chair of County Commission: _____

Attest by Clerk: _____