

NEVADA STATE JOURNAL

PROOF OF PUBLICATION

STATE OF NEVADA }
COUNTY OF WASHOE } ss.

DOROTHY YOCOM

being first duly sworn, deposes and says: That she is the legal clerk of THE NEVADA STATE JOURNAL, a daily newspaper published at Reno, in Washoe County, in the State of Nevada.

That the notice..... BILL 338

.....
of which a copy is hereto attached, was first published in said newspaper in its issue dated the .. 8 .. day of Oct., 19 73 and Oct. 15

.....
the full period of 2 days, the last publication thereof being in the issue dated the 15 day of October 19 73

Signed *Dorothy Yocom*

Subscribed and sworn to before me this

..... 15 day of October 19 73

Hugh E. Robinson
Notary Public.

HUGH E. ROBINSON
Notary Public — State of Nevada
Washoe County
My Commission Expires Dec. 1, 1976

NOTICE OF COUNTY ORDINANCE
Notice is hereby given that Bill No. 338, Ordinance No. 213, entitled "An Ordinance establishing a merit personnel system for Washoe County employees; providing for a classification plan and compensation plan; requiring examinations of prospective employees; providing for eligible lists and certification of such prospective employees; specifying appointment procedures; providing for probationary periods and maintenance of personnel records; regulating attendance and leaves of absence; providing for employee-management relations; requiring evaluation of performance of employees; providing for training; specifying procedures for disciplinary and correctional actions, separations, and appeals and hearings; providing prohibitions and penalties; amending the titles of and amending Washoe County Ordinances Numbers 117 and 182 relating to vacation times for County Clerk's employees and for employees in the office of the Commissioner of Civil Marriages and Marriage License Bureau to conform to the provisions of this ordinance; repealing County Ordinances Numbers 105 and 127, relating to County employees' benefits, pay plan and position classification manual; and providing other matters properly relating thereto," was adopted on October 5, 1973 by Commissioners Rust, Scott, Peoni, Nelson and Grow, all voting aye.
Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.
H. K. BROWN, County Clerk
334900-Bill 338 Oct. 8-13

SUMMARY: Establishes merit personnel system for Washoe County employees.

BILL NO. 338

ORDINANCE NO. 213

AN ORDINANCE ESTABLISHING A MERIT PERSONNEL SYSTEM FOR WASHOE COUNTY EMPLOYEES; PROVIDING FOR A CLASSIFICATION PLAN AND COMPENSATION PLAN; REQUIRING EXAMINATIONS OF PROSPECTIVE EMPLOYEES; PROVIDING FOR ELIGIBLE LISTS AND CERTIFICATION OF SUCH PROSPECTIVE EMPLOYEES; SPECIFYING APPOINTMENT PROCEDURES; PROVIDING FOR PROBATIONARY PERIODS AND MAINTENANCE OF PERSONNEL RECORDS; REGULATING ATTENDANCE AND LEAVES OF ABSENCE; PROVIDING FOR EMPLOYEE-MANAGEMENT RELATIONS; REQUIRING EVALUATION OF PERFORMANCE OF EMPLOYEES; PROVIDING FOR TRAINING; SPECIFYING PROCEDURES FOR DISCIPLINARY AND CORRECTIVE ACTIONS, SEPARATIONS, AND APPEALS AND HEARINGS; PROVIDING PROHIBITIONS AND PENALTIES; AMENDING THE TITLES OF AND AMENDING WASHOE COUNTY ORDINANCES NUMBERS 117 AND 182, RELATING TO VACATION TIMES FOR COUNTY CLERK'S EMPLOYEES AND FOR EMPLOYEES IN THE OFFICE OF THE COMMISSIONER OF CIVIL MARRIAGES AND MARRIAGE LICENSE BUREAU TO CONFORM TO THE PROVISIONS OF THIS ORDINANCE; REPEALING COUNTY ORDINANCES NUMBERS 105 AND 127, RELATING TO COUNTY EMPLOYEES' BENEFITS, PAY PLAN AND POSITION CLASSIFICATION MANUAL; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

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

I. GENERAL PROVISIONS

Section 1. County Personnel System: Creation; qualifications, salary, duties, staff of Personnel Administrator.

1. The Personnel Department, which is hereby created, is responsible for the administration of the County Personnel System.
2. The executive head of the Personnel Department is the Personnel Administrator, who shall be appointed by the Board of County Commissioners, upon recommendation of the County Manager.
3. The Personnel Administrator shall:
 - (a) Possess such qualifications as are determined by the Board of County Commissioners.
 - (b) Be in the unclassified service and receive an annual salary in an amount to be set by the Board of County Commissioners.
 - (c) Perform such duties as are imposed by this ordinance, the County Manager and the Board of County Commissioners.
4. The Personnel Administrator may appoint, pursuant to the provisions of this ordinance, such technical, clerical and operational staff as the execution of his duties and the operation of the Personnel Department may require.

Sec. 2. Washoe County Personnel Committee: Creation; membership. There is hereby created in the Personnel Department the Washoe County Personnel Committee (hereafter termed the "Personnel Committee") composed of five members appointed by the Board of County Commissioners.

Sec. 3. Qualifications of members of Personnel Committee.

1. The Board of County Commissioners shall appoint members of the Personnel Committee who represent a balanced cross-section of the citizens of Washoe County, including but not limited to the areas of business, industry, trades and professions.
2. No member of the Personnel Committee shall have held a partisan political office or have been an employee of the county within the calendar year immediately preceding his appointment, nor shall he seek or hold such an office or employment during his term as a member of the committee.

Sec. 4. Members of Personnel Committee: Terms; removal.

1. The members of the Personnel Committee shall serve at the pleasure of the Board of County Commissioners, but no appointment shall extend beyond a period of 4 years from the date of expiration of the preceding appointment.
2. Absence from two successive regular meetings shall constitute good and sufficient cause for removal of a member by the Board of County Commissioners.

Sec. 5. Compensation and expenses of members of the Personnel Committee. While engaged in official business of the Personnel Department, the members of the Personnel Committee shall receive a salary of \$20 per day and the per diem expense allowance and travel expenses as provided by law.

Sec. 6. Chairman, secretary of the Personnel Committee.

1. The Personnel Committee shall designate one of its members as chairman of the committee to serve for a term of 1 year.
2. The Personnel Administrator shall act as the nonvoting recording secretary of the committee. He shall keep the minutes of the proceedings of the committee.

Sec. 7. Meetings, quorum of Personnel Committee.

1. The members of the Personnel Committee shall meet at such times and at such places as shall be specified by the call of the chairman or a majority of the committee, but a meeting of the committee shall be held at least once every 3 months.
2. Three members of the committee shall constitute a quorum. A quorum may exercise all the power and authority conferred on the committee, but no rules or regulations shall be adopted, amended or rescinded except by a majority vote of the entire membership of the committee.
3. The committee shall keep minutes of the transactions of each meeting, regular or special, which shall be filed with the Personnel Department and shall be public records.

Sec. 8. Rules for Personnel Committee management. The Personnel Committee shall prescribe rules and regulations for its own management and government.

Sec. 9. Powers and duties of Personnel Committee. In addition to the powers and duties set forth elsewhere in this ordinance, the committee shall have the following powers and duties:

1. To advise the Personnel Administrator concerning the organization and administration of the Personnel Department.
2. To report to the Board of County Commissioners annually on all matters which the committee may deem pertinent to the Personnel Department and concerning any specific matters previously requested by the Board of County Commissioners. After acceptance of such annual report by the Board of County Commissioners, the Personnel Administrator shall cause copies of the same to be transmitted to each elected county officer and appointive department head.

3. To advise and make recommendations to the Board of County Commissioners relative to the personnel policy of the county and required legislation.
4. To advise the Personnel Administrator with respect to the preparation and amendment of rules and regulations to give effect to the provisions of this ordinance.
5. To foster the interest of institutions of learning and of civic, professional and employee organizations in the improvement of personnel standards in the county service.
6. To exercise any other advisory powers necessary or reasonably implied within the provisions and purposes of this ordinance.

Sec. 10. Definitions. As used in this ordinance, the words and terms defined in sections 11 to 30, inclusive, have the meanings respectively ascribed to them in such sections.

Sec. 11. "Anniversary date" defined.

1. For all persons in the employ of Washoe County on the effective date of this ordinance, "anniversary date" means one year from July 1, 1973, most recent promotion or demotion after July 1, 1973, or last change in status within class grade after July 1, 1973.
2. For all persons employed by Washoe County after the effective date of this ordinance, "anniversary date" means one year from the date of hire, rehire, most recent promotion or demotion, or last change in status within class grade.
3. A cost-of-living increase affecting all Washoe County employees authorized at any time by the Board of County Commissioners shall not affect the anniversary date of any county employee.

Sec. 12. "Appointing authority" defined.

1. "Appointing authority" means each elected officer and each appointed head of a department having the authority legally to make appointments to positions 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 20.

Sec. 13. "Break in service" defined. "Break in service," except as exempted by section 127, means an interruption of an employee's continuous county service requiring the removal of his name from payroll records.

Sec. 14. "Class" defined. "Class" means a group of positions sufficiently similar with respect to their duties and responsibilities that the same title may reasonably and fairly be used to designate each position allocated to the class, that substantially the same criteria of fitness may be used, that substantially the same minimum qualifications may be required and that the same schedule of compensation may be made to apply with equity.

Sec. 15. "Class specification" defined. "Class specification" means a written description of a class, consisting of a title, a definition, examples of duties and minimum qualifications required.

Sec. 16. "Classification" defined. "Classification" means the systematic process of analytically grouping and allocating positions to classes based on the similarity of actual duties and responsibilities.

Sec. 17. "Classification plan" defined. "Classification plan" means all the classes which have been established, along with the rules for maintaining the plan and the class specifications.

Sec. 18. "Date of hire" ("hire date") defined. "Date of hire" (or "hire date") means the date of original employment by Washoe County.

Sec. 19. "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 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.

Sec. 20. "Employee," "employer," "exempt employee" defined.

1. Except as provided in subsection 2, "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) Employees of the Washoe Medical Center.

(c) Employees of the Washoe County Convention Authority.

(d) "Exempt employees," which term means:

(1) District judges and their employees, including but not limited to probation officers and employees of Wittenberg Hall appointed pursuant to the provisions of NRS 62.100, and secretaries and law clerks.

(2) Justices of the peace and their employees.

(3) Attorneys employed in the offices of the District Attorney and the Public Defender.

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

Sec. 21. "Grade" defined. "Grade" means a term used to designate a salary level. All classes placed in the same salary grade have the same salary range or rate.

Sec. 22. "Line personnel" defined.

1. "Line personnel" means deputies or officers of the Sheriff's Department who are deputized as peace officers according to the provisions of NRS 169.125, 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.

Sec. 23. "Merit salary increase date" defined. "Merit salary increase date" means one year from the date of employment, promotion or last full step annual merit salary increase.

Sec. 24. "Overtime" defined.

1. "Overtime" means any time worked in excess of 8 hours in a day or 40 hours in a week, or, if authorized, 4 10-hour days equalling a 40-hour week, except as provided in subsection 2.

2. All irregular or occasional hours of work, officially ordered and approved, which are in excess of hours designated for the class, shall be considered to be overtime work, except arrangements agreed upon for the convenience of the employee.

Sec. 25. "Permanent employee" defined. "Permanent employee" means an employee who has been lawfully retained in his position after completion of the probationary period.

Sec. 26. "Personnel Department" defined. "Personnel Department" means the county department created by section 1, and its staff.

Sec. 27. "Position" defined. "Position" means a group of duties and responsibilities which have been assigned to a single employee on a full-time or part-time basis.

Sec. 28. "Promotion" defined. "Promotion" means any movement of an employee to a position in a class having a higher maximum salary range than the position previously occupied, excluding general cost-of-living salary adjustments, or any upward movement, either in class, grade, or within grade, on the Washoe County Classification Plan and Salary Schedule adopted by the Board of County Commissioners.

Sec. 29. "Reclassification" defined. "Reclassification" means a reassignment or change in allocation of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level on the basis of significant changes in kind, difficulty or responsibility of the work performed.

Sec. 30. "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 position to another location.

Sec. 31. Establishment of merit personnel system. A merit personnel system for all employees of the county except those exempted under the provisions of section 20 is hereby established.

Sec. 32. Rules and regulations.

1. The Personnel Department, with the approval of the Board of County Commissioners, shall from time to time promulgate appropriate rules and regulations for the administration of the ordinance.

2. Nothing in this section shall be construed to:

(a) Prohibit elected officers and appointive department heads from promulgating office or department rules and regulations not in conflict with any provision of law, this ordinance, or the rules and regulations promulgated pursuant to the provisions of subsection 1. A copy of any such rule and regulation or amendment thereto shall be filed with the Personnel Department.

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

Sec. 33. Nepotism prohibited.

1. Except as provided in subsection 2, it is unlawful for an appointing authority as defined in section 12, 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.

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.

Sec. 34. Classified service: Composition, appointments and discharge.

1. The classified service of Washoe County shall be 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 20.
2. Appointments in the classified service shall be made according to merit and fitness from eligible lists prepared upon the basis of examination, which shall be open and competitive, except as otherwise provided in this ordinance.
3. No person shall be appointed, transferred, promoted, demoted or discharged as an officer, clerk, employee or laborer in the classified service in any manner or by any means other than those prescribed in this ordinance.
4. No person shall be discriminated against on account of his religious opinions or affiliations, his age, race, color, sex, physical or visual handicap or national origin.

Sec. 35. 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, appointed heads of departments and the County Manager.
 - (c) 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 positions as authorized by the Board of County Commissioners. If 3 percent of such positions is less than one employee, the elective officer or department head shall be entitled to at least one such unclassified employee.
 - (d) All persons holding temporary part-time or temporary full-time appointments the duration of which do not exceed 6 months.
 - (e) Part-time professional personnel who are paid for any form of medical, nursing or other professional service, and who are not engaged in the performance of administrative or substantially recurring duties.
 - (f) Such other officers and employees as are authorized by law to be employed in the unclassified service.
2. An elective officer or head of each department who elects to exercise his discretion allowed by paragraph (c) of subsection 1 shall immediately report to the Personnel Department the names of employees designated by him to be in the unclassified service.
3. Salaries of all persons in the unclassified service, including constables whose salaries are set by the Board of County Commissioners pursuant to the provisions of NRS 258.040 and excluding county elective officers whose salaries are fixed by statute, shall be fixed by the Board of County Commissioners upon recommendation of the Personnel Committee.

II. CLASSIFICATION PLAN**Sec. 36. Establishment of classification plan.**

1. The classification plan shall be approved by the Board of County Commissioners upon the recommendation of the Personnel Committee.
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. This ordinance shall not be construed to supersede or conflict with existing or future contracts of employment dealing with wages, hours and working conditions.

Sec. 37. Revision of classification plan.

1. Subject to the approval of the Board of County Commissioners, on the recommendation of the Personnel Committee after consultation with appointing authorities, the Personnel Department shall from time to time, as necessary, recommend additional classes, and divide, combine, alter or abolish classes to meet the needs of the service.

2. The Personnel Department shall from time to time, as necessary, after consultation with appointing authorities, recommend changes in this ordinance and county personnel regulations.

Sec. 38. 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 14 and 42.

Sec. 39. Reporting changes in positions; reclassification of positions. 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 Personnel Department in the manner and on the forms prescribed by the Personnel Committee, with the advice of appointing authorities. The Personnel Department shall then allocate the position to one of the existing classes or recommend the establishment of another class to which the position can be appropriately allocated.

Sec. 40. Investigations. The Personnel Department, 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.

Sec. 41. Status on reclassification.

1. Incumbents of reclassified positions will be entitled to retain their appointment status and move to the level of the reclassified position when their positions are reclassified on one of the following conditions:

- (a) In connection with a countywide reclassification survey.
- (b) When all incumbents of a given class are similarly affected by reclassification.
- (c) When a portion of the positions in a class are reclassified to a higher level, upon approval of his qualifications by the Personnel Department.
- (d) When a position is reclassified within the same class series, upon approval of his qualifications by the Personnel Department or upon completion of a training period at the conclusion of which his qualifications are approved by the Personnel Department. Class series distinctions are made not only on the basis of subject matter, but on the level of duties which includes differences between professional and nonprofessional work requirements.

2. Incumbents of reclassified positions under paragraphs (a) and (b) of subsection 1 are entitled to retain their appointment status as well as their step status in the new class. Incumbents affected under paragraphs (c) and (d) of subsection 1 shall be governed by the provisions relating to promotion when determining appointment and step status.

Sec. 42. 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, knowledges 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 for a particular class is intended as a standard for the evaluation of applicants. The Personnel Department shall have 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. Qualifications expected of all incumbents of positions in county employment, such as a valid driver's license when the position requires driving, good physical and mental health, 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.

III. COMPENSATION

Sec. 43. Compensation plan. The compensation plan of Washoe County consists of the schedule of grades of pay as prepared by the Personnel Department after consultation with appointing authorities and approved by the Board of County Commissioners on recommendation by the Personnel Committee. Each class in the classification plan shall be assigned to the appropriate grade in the compensation plan.

Sec. 44. Establishing salary grades. In recommending to which grade classes shall be assigned, the Personnel Department 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.

Sec. 45. Total compensation. The grade for each class represents the range of pay rates for full-time biweekly employment unless the compensation plan specifically states otherwise. Unless otherwise indicated in the compensation plan, the rates of pay set forth represent the total compensation in every form except for overtime compensation. Reimbursement of an employee for expenses incurred in operating his private motor vehicle for the convenience of the county shall not be deemed to be a part of total compensation.

Sec. 46. Application of rates. Each full-time employee in the classified service shall be paid at one of the established steps in the grade for the appropriate class, except that when a position has been reclassified to a class with a lower grade, the Personnel Department may authorize the retention by the affected employee of the salary rate in the specific grade held before reclassification, upon a documented and justifiable request by the appointing authority.

Sec. 47. Part-Time employment. An employee who works a fixed variable proportion of the established work week, such as one-half time, one-quarter time or hours as needed, shall be paid for the actual hours worked.

Sec. 48. 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 subsection 1 of section 50.
2. When a former permanent employee is rehired after a break in service to a position in the same or a related class, he may be paid at or below the step he held in the present grade for his former class.
3. When an employee, without a break in service, is promoted, he shall be entitled to the lowest step in the higher grade that provides at least an approximate 10 percent (two grades) increase over the salary rate last received, provided that there is at least an approximate 10 percent (two grades) differential between the lower and higher grades. In all other cases, the employee is entitled to an approximate 5 percent (one grade) increase over the salary rate last received. Any exception may be approved by the County Manager upon written justification from the appointing authority and recommendation of the Personnel Administrator.
4. When a permanent employee is demoted, he shall be paid at the nearest step in the range for the lower class that provides an approximate 5 percent (one grade) salary decrease. Any exception may be approved by the County Manager upon written justification from the appointing authority and recommendation of the Personnel Administrator.
5. When an employee transfers to a position in another class, he shall be entitled to the corresponding step in the same range. Any exception may be approved by the County Manager upon written justification of the appointing authority and recommendation of the Personnel Administrator.

Sec. 49. Merit salary adjustment.

1. Earned merit salary adjustment shall be made on the anniversary date.
2. An employee who is not given a merit salary increase or is given 2 1/2 percent (approximate) is eligible to receive all, or part, of the remaining 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 anniversary date, and will not extend the annual merit review date.
3. An employee who has had all or a portion of his merit salary increase withheld is entitled to receive this increase only within the immediately succeeding merit review period (i.e., 6 months or 1 year).
4. Periods of qualifying service which immediately precede a layoff or authorized leave of absence shall be qualifying service in determining an employee's eligibility for merit salary adjustment.
5. 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.

Sec. 50. Special salary adjustments. The County Manager may, upon recommendation of the Personnel Administrator, approve requests from appointing authorities for special salary adjustments in order to:

1. Meet difficult recruiting problems or to obtain a person with markedly superior qualifications.
2. Give 5 percent (approximate) pay increment recognition to employees carrying responsibilities beyond those required for the class as a whole, such as supervising persons in the same class on a continuing basis for a portion of their time, or working under considerably less supervision than is typical in the class.
3. Correct salary inequities, such as to maintain equitable step status relationships among employees.

Sec. 51. 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.

Sec. 52. 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 executive, administrative, supervisory or professional pursuant to section 59.

2. Executive, administrative, supervisory and professional employees shall earn overtime at the straight time rate, and be identified as such in the county classification plan. The Personnel Department, after consultation with appointing authorities, shall recommend to the Personnel Committee those classes to be eligible for time and one-half. Upon the establishment of such classes eligible for time and one-half by the Personnel Committee, the Personnel Administrator shall identify the same in the county classification plan.

Sec. 53. 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.

Sec. 54. 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.

Sec. 55. Reports of overtime work required.

1. All overtime work within a department or office shall be reported on a bi-weekly basis to the department head or elective officer.

2. Summaries of such biweekly reports shall be transmitted quarterly by department heads and elective officers to the Personnel Administrator.

3. Annually, or more often if deemed necessary, the Personnel Administrator shall submit a report of the total hours of overtime worked in each department or office to the Board of County Commissioners.

Sec. 56. 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 established in section 52.

(b) If cash payment cannot be made, compensatory time off, computed at the rate specified in section 52. Such compensatory time off shall be taken as soon as possible after accrual, and shall be taken during the calendar year in which it was earned, except that overtime earned during the last 3 months of the calendar year may be carried over into the next calendar year.

(c) For time accrued in excess of 120 hours, cash payment computed at the rate established in section 52.

2. Whether compensation for overtime work shall be made in cash or time shall be solely the decision of the appointing authority based upon consideration of good departmental and office management and the availability of appropriated monies.

Sec. 57. Limit on overtime accrual. An employee shall not accumulate more than 120 hours of overtime. When an employee accrues overtime credits in excess of 60 hours, the responsible department head shall review the workload problem with the Personnel Administrator. An employee, faced with losing annual leave at the end of the calendar year, may elect to use annual leave instead of compensatory time for approved leave.

Sec. 58. Payment of accrued overtime on transfer, termination.

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 he is leaving.

2. 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.

Sec. 59. Standards for determining rate of payment for overtime. The following standards are guidelines for determining whether or not a class is entitled to receive payment for overtime at the rate of straight time or time and one-half. These standards apply only to classifications above grade 33. Classifications grade 33 and below accrue overtime at the rate of time and one-half. This class grade limitation shall be adjusted by the Personnel Committee to confirm with any future overall salary adjustments ordered by the Board of County Commissioners.

1. Professional standards. Any employee shall be paid straight time:

(a) Whose work requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized college instruction, or equivalent in-service experience and training. The work does not involve routine mental, manual or physical processes; and

(b) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical or physical work) and is of such a character that the output produced cannot be generally standardized in relation to a given period of time.

2. Training level positions. Classifications that are clearly training level positions are eligible for time and one-half overtime compensation.

3. Supervisory standards. Any employee shall be paid straight time:

(a) Who is customarily engaged in directing the work of other employees, such as:

- (1) Day-to-day work direction and review of subordinate's work performance;
- (2) Training;
- (3) Performance evaluation;
- (4) Discipline and counseling;
- (5) Hiring, firing and promotion; and
- (6) Recommendations in the above categories that carry particular weight.

(b) When his classification pay differential is established at a level at least 10 percent (two grades) above his subordinate.

The rate of overtime pay is assigned to a classification based on the typical or average work requirements of the classification as a whole.

4. Executive standards. Any employee shall be paid straight time:

(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 the hiring and firing and as to the advancement and promotion or any other change of status of other employees will be 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.

5. Administrative standards. Any employee shall be paid straight time:

(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.

Sec. 60. Appeals from salary decisions. Reasonable opportunity to be heard shall be provided by the Personnel Department to any employee affected by a change in salary. The employee shall direct his request to his 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 Personnel Department. If still unresolved, the problem will be referred to the Employee-Management Committee. If the problem cannot be resolved at that level, it may be submitted to the Personnel Committee for decision.

Sec. 61. Career incentive plan.

1. There is instituted by the Board of County Commissioners a career incentive plan for employees with 10 years or more of continuous Washoe County service. Employees rated standard or better pursuant to sections 131 to 133, inclusive, with 10 years of continuous service shall receive \$125 semiannually on June 1 and December 1, with a semiannual increase of \$25 for each additional year of service up to a maximum semiannual amount of \$250 for 15 years or more of continuous county service. Service prior to the institution of a performance rating system shall be deemed "standard."

2. The first payments to employees having earned career incentive increments pursuant to subsection 1 shall be made on December 1, 1973.

3. For qualified employees retiring or resigning before the due date of any semiannual increment, the amount of the payment shall be prorated.

IV. EXAMINATIONS

Sec. 62. Examinations: No examination required of employees permanently employed prior to publication of ordinance; examinations required by federal agencies.

1. All permanent employees of Washoe County prior to the second publication of this ordinance by title as required by paragraph (c) of subsection 2 of NRS 244.100 are permanent employees without the necessity of examination. Persons employed on and after such final publication date in the classified service shall be in a provisional status until examinations can be given and proper certification procedures followed.

2. Until examinations required by federal agencies can be given by Washoe County, they shall be provided by contract with the Personnel Division of the Department of Administration of the State of Nevada.

Sec. 63. Types of examinations. Competitive examinations may be assembled or unassembled, 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 Personnel Department deems appropriate may be employed.

Sec. 64. Investigations of applicants. In order to determine whether applicants meet the minimum qualifications established for examinations or for other purposes, the Personnel Department may 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.

Sec. 65. Age limits.

1. Any employee in the classified service, except line personnel of the Sheriff's Department, who attains the age of 65 years shall be retired from service on the last day of the calendar month in which he has attained the age of 65 years or the last day of compensation (payroll period), whichever is later. In exceptional circumstances the Board of County Commissioners may, upon recommendation by the department head, in the best interests of the county, extend the retirement age at 1-year intervals.

2. Any person 65 to 69 years of age, inclusive, may be hired in the classified service, except as line personnel of the Sheriff's Department, on a year-to-year basis.

3. Any employee who has attained the age of 70 years on July 1, 1973, and any employee who attains the age of 70 years after July 1, 1973, is not eligible for county employment in the classified service.

4. All line personnel of the Sheriff's Department actively engaged in police work shall be retired from service on the last day of the calendar month in which they have attained the age of 55 years or the last day of compensation (payroll period), whichever is later. In exceptional circumstances the Board of County Commissioners may upon recommendation by the department head, in the best interests of the county, extend the retirement age at 1-year intervals. The granting of such extensions shall in no case extend beyond the age of 60 years.

5. Reasonable proof of age shall be submitted to the Personnel Department upon request.

Sec. 66. Applications. Every applicant for examination shall file an application in the office of the Personnel Department, or in the United States mail and postmarked by midnight of the date contained in the examination announcement. Such applications, when filed, and all other examination materials, including examination questions and booklets, shall be the property of the Personnel Department.

Sec. 67. Eligibility to compete.

1. Competitive examinations for classified positions in the Washoe County service shall be open to all applicants who are citizens or wards of the United States, or persons who have been discharged under honorable circumstances from the military service of the United States and who meet the qualifications established for the class for which application is being made.

2. 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 Personnel Department 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.

Sec. 68. Promotional examinations. Merit and fitness for promotion within the public service shall be ascertained through competitive examinations, except as provided in section 39. Promotional examinations may be restricted to qualified employees of a single county department or division or may be open to qualified employees in other or all departments. Competition in promotional examinations shall be limited to employees who:

1. Have permanent or probationary status and have served at least 6 months in the organizational unit or units for which the examination is held;

2. 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.

Sec. 69. Time for examinations. Upon giving 3 days' notice to his immediate supervisor, a county employee, otherwise qualified, shall be permitted to take a reasonable amount of time to take any Personnel Department examination during working hours without loss of pay.

Sec. 70. Postponement of tests. If the Personnel Department determines that a sufficient number of qualified candidates has not made application for an examination or for other good reason, the Personnel Department may postpone or cancel a test or an examination or extend the filing period by giving reasonable public notice thereof.

Sec. 71. Continuous examinations. The Personnel Department may conduct examinations and create countywide eligible lists continuously. 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. Eligibility from a continuous examination may be deemed to be established as of the date of the examination.

Sec. 72. Announcement of examinations. Public notice of each examination shall be given. Examination announcements shall be in such form as the Personnel Department shall require but shall include a listing of the subjects to be included and the relative weights to be assigned the various parts.

Sec. 73. Minimum passing scores. The passing score for attaining a place on an eligible list shall be a rating of at least 70 percent. In written examinations, the 70 percent need not be the arithmetic 70 percent 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 Personnel Department in advance of the examination and published as a part of the examination announcement. Competitors failing to achieve a passing score in any phase shall be disqualified from further participation in the immediate examination.

Sec. 74. Key copy review. Within 7 working days after an examination grade notification has been postmarked, a candidate may review a keyed copy of any written examination (except copyrighted, standardized or continuous examinations) for the purpose of requesting review of items the candidate believes to be improperly keyed. Written objections, with substantiation, shall be submitted during the review period. Items which a review by the Personnel Department indicates are incorrect shall be revised or eliminated.

Sec. 75. Corrections of examination ratings. If, after examination of the appeal filed by any candidate, the Personnel Department finds that any manifest error was made in rating, scoring or computation of the result, the Personnel Department shall make the required correction and place the name of the person on the eligible list in its correct position by virtue of the correction. Such correction, however, shall not invalidate any appointment previously made from such eligible list.

Sec. 76. Employment of handicapped persons.

1. Full consideration shall be given for the employment of handicapped persons in positions where they meet the minimum requirements established for the class and successfully compete in the appropriate examination. Examination requirements may be modified to take advantage of the individuals' abilities without detriment to the county service.

2. For purposes of this ordinance, "handicap" includes physical disability, mental retardation and mental or emotional disorder.

Sec. 77. Types of lists. The kinds of eligible lists and the order of their priority of use shall be in the sequence set forth in subsections 1 to 5, inclusive. Each list shall be used before names are certified from the next-succeeding list. In addition to using any of these lists except the reemployment list, appointing authorities may fill vacancies by rehire or transfer.

1. Reemployment lists, consisting of the names of employees who have been laid off.
2. Divisional promotional lists.
3. Department promotional lists.
4. Countywide promotional lists.
5. Eligible lists from open examinations.

Sec. 78. 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. In case of ties in ratings, such ties shall be broken on the basis of the ratings earned on the part of the examination having the greatest weight, and any remaining ties shall be broken by the ratings earned on parts of the examination having progressively lesser weights.

V. ELIGIBLE LIST AND CERTIFICATION

Sec. 79. Duration of lists. Eligible lists may be extended when they have been in effect for at least 1 year, but may be extended no more than 2 additional years. The Personnel Administrator may extend any list any time the number of remaining interested eligibles in relation to the labor market is sufficient to meet the needs of the county service. Reasonable notice of a proposed abolishment shall be given to the remaining eligibles prior to the holding of a new examination.

Sec. 80. Merger of lists. 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.

Sec. 81. Removal of names from eligible lists.

1. Names of eligibles shall be removed from the active eligible lists for any of the following causes:
 - (a) Appointment 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 a notice of certification or availability survey.
 - (e) A statement by the eligible that he is not willing to accept any type of appointment from the eligible list.
2. Names of eligibles may be removed from the active eligible lists for any of the causes listed under subsection 3 of section 67 or section 82.

Sec. 82. Personnel Administrator may refuse to examine or refuse to certify.
The Personnel Administrator may refuse to examine an applicant or, after examination, may refuse to certify an eligible person 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.
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.
7. Has made a false statement of any material fact.
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 examination, appointment or proposed appointment.
9. Has practiced, or attempted to practice, any deception or fraud in his application, in his certificate, in his examination, or in securing his eligibility or appointment.

Sec. 83. Statement of Personnel Administrator upon refusal to examine or certify; appeal to Personnel Committee.

1. When the Personnel Administrator refuses to examine an applicant or, after an examination, refuses to certify an eligible person, the applicant or eligible person may request the Personnel Administrator to furnish to him a statement of the reasons for the refusal to examine or the refusal to certify, as the case may be. The Personnel Administrator shall furnish the statement upon request.
2. If the Personnel Administrator refuses to examine an applicant or, after an examination, refuses to certify an eligible person, such person may take an appeal to the Personnel Committee in accordance with rules and regulations adopted by the committee. If the committee finds that the Personnel Administrator is in error in refusing to examine an applicant or in refusing to certify an eligible person, the committee shall order the Personnel Administrator to examine or certify, and the Personnel Administrator shall comply.

Sec. 84. Certification of names.

1. In response to requests for certification from appointing authorities, the Personnel Department shall certify the names, if any, of eligibles from current eligible lists for the class or position to be filled. Certification shall be made in the order of standing on the lists. If there are fewer than five names on a list, certification may be made from other appropriate lists as determined by the Personnel Department. Such names from other lists shall follow those certified (if any) from the original eligible lists.
2. The appointing authority may request selective certification for a particular position if normal 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 the position and his reasons therefor. If the Personnel Department, after investigation, determines that the

facts and reasons justify such selection, the Personnel Department may certify the highest ranking eligibles who possess the special qualifications. Determination of special qualifications may require circularization of eligibles before certification can be made. Certification of eligibles of only one sex shall not be made unless there is clear evidence that efficient performance of duties assigned could be performed only by the sex specified. Authorization for selective certification shall be made on an individual basis and subsequently reported to the Personnel Committee at its next regular meeting.

3. Upon receipt of an appointing authority's estimated unskilled and semiskilled labor requirements, the Personnel Department shall certify eligible applicants to meet employment requirements.

4. At least four more names shall be certified than there are vacancies to be filled. The appointing authority may communicate with the eligibles certified to determine their availability and qualifications.

5. If less than five eligibles are willing to accept appointment, the appointing authority may either make an appointment from among the remaining eligibles or make a provisional appointment upon approval by the Personnel Department.

6. The name of an eligible shall not be certified more than three times to the same appointing authority from the same eligible list, except at the request of the appointing authority. Certification to other than full-time permanent positions shall not be counted as one of such certifications.

Sec. 85. Duty of eligibles to respond. It shall be the duty of every eligible to respond within a reasonable time after notice of certification. When the eligible resides in a city from which the notice has been mailed, 3 days following the date the notice is mailed shall be deemed a reasonable time in which to respond. When the eligible resides outside such city, a reasonable time shall be 3 days plus the normal time required for communication to be transmitted by mail to the eligible's place of residence and for his answer to be returned by mail. If an eligible is notified by telegram of his certification, he shall communicate with the person or department by which addressed within 48 hours after the sending of the telegram.

VI. APPOINTMENTS

Sec. 86. 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 supplied by the Personnel Department pursuant to sections 63 to 85, inclusive, or by appointment of a person under temporary or provisional appointment, in accordance with the provisions of this ordinance.

Sec. 87. Rehire, veterans' rehire.

1. Any permanent employee who has resigned from the county service in good standing may be rehired in a position in the same or related class with reasonably similar qualifications within 3 years from the date of that separation, upon the approval of the Personnel Department. Employees so rehired shall serve a new probationary period as required for original appointments.

2. Rehire of veterans shall be in accordance with the provisions of chapter 418 of NRS.

Sec. 88. Transfers: Kinds of transfers; conditions.

1. An appointing authority may with reasonable notice transfer any permanent or probationary employee under his jurisdiction from one position to another position in the same class, or from a position in one class to a position in a related class with the same grade and with reasonably similar qualifications, upon the approval of the Personnel Department.
2. An appointing authority may, with reasonable notice, transfer for the convenience of the county any employee with permanent status from a position in one class in one location to another permanent assignment in a position of the same or related class upon the approval of the Personnel Department.
3. The transfer of an employee from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority may be made with the cooperation of the appointing authorities concerned and the approval of the Personnel Department, if the positions are in the same or a related class with the same grade and have reasonably similar qualification requirements. The position to which the employee is being transferred may be in a location different from that from which he is being 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. All accumulated overtime shall be compensated for by the department he is leaving, if authorized in accordance with the provisions of this ordinance concerning payment of overtime.

Sec. 89. Transfers: Probationary periods. Transfer of a permanent or probationary employee from one class to another or from one appointing authority to another shall require the service of a new probationary period, unless the probationary period or remaining portion thereof is waived by the appointing authority. An employee rejected during such probationary period shall be rehired to the position from which he transferred. However, when a transfer between positions, classes or agencies is arranged at the request of the employee, he shall waive his right to return to his former position if rejected during probationary period.

Sec. 90. Transfers: Protests. If a transfer is protested by an employee as being made for the purpose of harassing or disciplining him, the employee may appeal such transfer in the manner provided in subsection 2 of section 151. The appointing authority may not require the employee to transfer pending disposition of the appeal.

Sec. 91. Transfers: Unclassified to classified service. A service transfer from a position in the unclassified service to a position in the classified service may be made under the following conditions:

1. The position in the classified service is at approximately the same salary level as that in the unclassified service.
2. The employee has completed the equivalent of a probationary period in the unclassified position.
3. The transfer does not operate to prevent the appointment of any person from a reemployment list.
4. The employee being transferred possesses the minimum qualifications to take an examination for the class of the position to which transferred on a provisional appointment status not to exceed 6 months, or the employee has passed a competitive examination and has been placed within the past 3 years on an eligible list for the class of the position to which transferred.
5. A transfer between services shall require the service of a new probationary period in the classified position.

Sec. 92. Employment by Washoe County of former exempt employees, of employees of Washoe Medical Center, Washoe County Convention Authority; retention of earned leave.

1. When an individual leaves employment as an exempt employee as defined in section 20 or of the Washoe Medical Center or the Washoe County Convention Authority and is hired in the classified or unclassified service by Washoe County immediately upon his termination, the Washoe County appointing authority may, in his discretion, accept as an obligation of his department annual and sick leave accrued by such employee during his employment as an exempt employee or with Washoe Medical Center or the Washoe County Convention Authority. No accrued overtime may be accepted.

2. Such an employee, hired by Washoe County, may utilize his previously earned sick leave, upon proper justification, from the beginning of his employment with Washoe County, notwithstanding that he will be in probationary status. During his first 6 months of employment, his previously earned annual leave may be used only at the discretion of the department head, pursuant to the convenient conduct of department business.

3. Such employee shall earn and use annual and sick leave beginning with his first day of employment by Washoe County according to provisions governing other new-hire county employees.

Sec. 93. Probationary appointments. A probationary appointment shall be made by the appointing authority from among the highest five eligibles who indicate willingness to accept the position.

Sec. 94. Provisional appointments. A provisional appointment, in the absence of an appropriate eligible list, and upon specific approval of the Personnel Department, may be made of an applicant meeting the minimum qualifications for the class. 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 original appointment.

Sec. 95. Temporary appointments.

1. 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. Upon receipt of such request, the Personnel Department 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 Personnel Department may authorize a provisional appointment not to exceed 6 months to fill the vacancy.

2. Service under temporary appointment immediately preceding appointment to a permanent position shall be credited for purposes of annual leave and merit salary increases, but shall not be counted as part of the probationary period applicable to the permanent position. Sick leave shall be earned for each month of service as provided in section 115.

Sec. 96. Temporary appointments for the handicapped.

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

2. Such appointments need not be made from appropriate eligible lists, although persons appointed under the provisions of this section shall meet the minimum qualifications established for the class.

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

VII. PROBATIONARY PERIOD

Sec. 97. Length of probationary period. After considering the recommendations of appointing authorities, the Personnel Committee shall determine the length of the probationary period for each class in the classified service and the Personnel Administrator 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 Personnel Committee, 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. High administrative or area supervisory responsibilities are involved and the complexity and difficulty of planning and directing the work are such that effectiveness of performance cannot be fairly judged in a period of less than 1 year.

Sec. 98. Interrupted probationary period.

1. If a probationer has not, during his 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 Personnel Department, 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 127 shall not be counted. The appointing authority shall report in the prescribed manner to the Personnel Department and the employee when, because of inadequate time served, the probationary period is to be extended under this section.

Sec. 99. Reports of performance of probationers.

1. The appointing authority shall file with the Personnel Department a report of performance at the end of the third and fifth 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 at the end of the third, eighth and 11th month of employment.

2. Copies of all performance reports shall be given to the employee, and 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.

Sec. 100. Rejection of probationary employees.

1. It shall be the duty of the appointing authority at any time during the probationary period to reject a probationer if his conduct, capacity, moral responsibility, integrity or work performance is found to be unsatisfactory.
2. Rejection of an employee during the probationary period shall be accomplished by the filing by the appointing authority with the Personnel Department of all performance reports due and a report of separation for the probationary employee affected.
3. If a report of separation for the employee is not received in the Personnel Department 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 was promoted, or who is dismissed for cause other than misconduct or delinquency on his part from the position to which he was promoted, either during the probationary period or at the conclusion thereof, shall be restored to the position from which he was promoted.

VIII. PERSONNEL RECORDS**Sec. 101. Reports of personnel actions.**

1. Each appointing authority shall report promptly to the Personnel Department such information as required in connection with each 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. All such reports shall be prepared in the manner and on the forms prescribed by the Personnel Department. The Personnel Department shall establish procedures for sending copies of reports and notices to the County Comptroller and Management Information 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 Personnel Department shall, if so requested by the County Comptroller and Management Information Services, make available the official roster for the purpose of making such audits.
2. Whenever the Personnel Department 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 this ordinance, it shall so notify the County Comptroller and Management Information Services, after review with the department concerned. Upon such notice neither the County Comptroller nor Management Information Services shall approve any payment to such person.
3. Any personnel documents effecting changes 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 or overall compensation plan adjustment.
 - (c) Promotion or demotion.

Sec. 102. Roster. The official roster of county employees maintained by the Personnel Department is a public record and shall be open to inspection in the Personnel Department offices or offices officially delegated such record responsibility under reasonable conditions during business hours.

Sec. 103. Confidential records. Salary data furnished to the Personnel Department on the condition that the sources remain confidential, and material to be used in examinations, confidential reports of employers and county appointing authorities regarding applicants, eligibles or employees, and the names and identity of applicants, eligibles or employees and special examiners, and the contents of individual employees' personnel jackets shall be considered confidential and not open to the public or admissible as evidence in any action or proceeding except proceedings and appeals before the Personnel Committee, a grievance board appointed pursuant to the provisions of section 150 et seq., and appeals to the courts therefrom.

IX. ATTENDANCE AND LEAVES

Sec. 104. Normal work week.

1. On and after October 15, 1973, 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 Personnel Department.

2. Except as otherwise provided in subsection 3 or by statute, pursuant to the provisions of NRS 245.040, the offices of all elected and appointed officers shall be kept open on all days except Saturdays and Sundays and nonjudicial days from 8:00 a.m. to 5:00 p.m. for the transaction of public business.

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.

Sec. 105. Holidays.

1. The following days are declared to be legal holidays for officers and employees of Washoe County:

- January 1 (New Year's Day)
- Third Monday in February (Washington's Birthday)
- Last Monday in May (Memorial Day)
- July 4 (Independence Day)
- First Monday in September (Labor Day)
- Fourth Monday in October (Veterans' Day)
- October 31 (Nevada Day)
- Fourth Thursday in November (Thanksgiving Day)
- December 25 (Christmas Day)

Any day that may be appointed by the President of the United States or by the Governor for public fast, thanksgiving or as a holiday or legal holiday.

2. If January 1, July 4, October 31 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 other than the standard work week (that is, Monday through Friday) are entitled to the same number of holidays as employees working a standard work week.

4. When a holiday of less than a full day is appointed, permanent part-time employees will be 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. Temporary and temporary part-time employees are not eligible for holiday pay for time not worked.

Sec. 106. Compensation for holidays worked; limit on accrual. The equivalent holiday or cash payment will 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.

Sec. 107. Temporary and temporary part-time employees not compensated for holidays on which they do not work. Temporary 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.

Sec. 108. Vacation: Full-time employees.

1. On the first day of the pay period, following the completion of 6 months' continuous county service, each employee who is employed full time shall be allowed 7 1/2 working days' credit for vacation with pay. Thereafter, for each calendar month of service, he shall be allowed 1 1/4 days of credit for vacation with pay.

2. Employees who have completed 10 years of total county service shall be allowed 1 1/2 working days of credit; employees who have completed 15 years of total county service shall be allowed 1 3/4 working days of vacation credit.

3. For the purpose of computing credit for vacation, each employee shall be considered to work not more than 5 days each week.

4. Total county service, even though interrupted, will be counted if a person returned to county service within 3 years of his date of separation, and has worked 3 continuous years subsequent to reemployment.

Sec. 109. Vacation: Part-time employees. On the first day of the pay period, following the completion of 6 months of service, each part-time employee shall be allowed prorated annual leave on the basis of 7 1/2 days of credit for full-time employees. Thereafter, for each month of service, the part-time employee shall be allowed prorated annual leave on the basis of 1 1/4 days of vacation credit per month for full-time employees.

Sec. 110. Vacation accrual for employees holding more than one position, hourly paid employees. An employee who holds two or more part-time positions in the county service may combine the time in both positions for purposes of computing credit for a vacation with pay. A full-time employee shall not be engaged in additional part-time work for the county. Combined part-time positions with the county shall not aggregate more than 8 hours per day total work time, excepting in the case of authorized overtime. Such authorized overtime shall not be credited for purposes of vacation with pay. When an hourly paid employee works in excess of his regularly assigned hours in any calendar month, the excess hours shall be considered as overtime for the purposes of leave accrual for which vacation with pay is not granted.

Sec. 111. Time when vacation shall be taken; limit on accrual. The time when vacation shall be taken shall be determined by the appointing authority after considering the needs of the service and the seniority and wishes of the employees. Vacation credit may not be accumulated to exceed 30 working days at the beginning of any calendar year. Amounts in excess of 30 working days at the beginning of any calendar year shall be forfeited. Vacation leave shall not be granted in excess of the vacation credit earned.

Sec. 112. 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. 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 leave under the provisions of this ordinance, the heirs of such deceased officer or employee who are given priority to succeed to his assets under the laws of interstate 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.

Sec. 113. 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 Department and reports shall be made to the Personnel Department and Management Information Services as the Personnel Department may from time to time require.

Sec. 114. Accrual of vacation credit on separation and rehire. Upon separation from service in good standing, an employee who is rehired within 3 years from the date of separation shall accumulate, after completion of 3 years of satisfactory service, annual leave credits based on total county service.

Sec. 115. Sick leave.

1. Each employee in the service of the county for less than 10 years shall be credited with sick leave at the rate of 1 1/4 working days for each month of full-time service, which is cumulative from year to year not to exceed 90 working days.
2. Part-time employees shall be allowed prorated sick leave on the basis of 1 1/4 days of credit for each equivalent month of full-time service.
3. Each employee in the service of the county for 10 or more continuous years of service shall be credited with sick leave at the rate of 1 1/2 working days for each month of full-time service, which is cumulative from year to year not to exceed 90 working days.

Sec. 116. Sick leave accrual for employees holding more than one position, hourly paid employees. The provisions of section 110 shall likewise apply to the earning of sick leave for such employees described in that section.

Sec. 117. Sick leave accrual and payment on separation. An employee separated from service shall earn sick leave only through the last working day for which he is entitled to pay. If this date is earlier than the last day of the month, the sick leave with pay shall be prorated. No payment for unused sick leave shall be made upon separation.

Sec. 118. Use of sick leave.

1. An employee is entitled to use accrued sick leave only:

- (a) When incapacitated to perform the duties of his position due to sickness or injury;
- (b) When quarantined;
- (c) When receiving required medical or dental service or examination; or
- (d) Upon illness or death in his immediate family.

2. If an illness in an employee's immediate family requires his attendance, he may use accrued sick leave. For this purpose, "immediate family" means the employee's parents, spouse, children, brothers, sisters, grandparents, great grandparents, uncles, aunts, nephews, grandchildren, nieces, great grandchildren, and, if living in the employee's household, includes father-in-law, mother-in-law, son-in-law or daughter-in-law, grandfather-in-law or grandmother-in-law, great grandfather-in-law or great grandmother-in-law, uncle-in-law or aunt-in-law, brother-in-law or sister-in-law, grandson-in-law or granddaughter-in-law, nephew-in-law or niece-in-law, and great grandson-in-law or great granddaughter-in-law.

3. In the event of a death in the employee's immediate family, he may use accrued sick leave not to exceed 5 days for each death. For this purpose, "immediate family" is as defined in subsection 2.

Sec. 119. Sick leave when receiving industrial insurance or occupational disease benefits.

1. When a county employee is eligible at the same time for benefits under chapter 616 or 617 of NRS (Industrial Insurance and Occupational Disease Acts) and for sick leave benefits, he shall not be required to use accrued sick leave for the period during which Nevada Industrial Commission or 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 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. An employee shall be entitled to receive all unused accrued sick leave and accrued annual leave upon termination from employment with Washoe County as a result of a permanent disability, whether or not such disability is a result of an injury or illness for which the Nevada Industrial Commission pays benefits.

Sec. 120. Approval and substantiating evidence for sick leave. The appointing authority shall approve sick leave only after having ascertained that the absence was for an authorized reason. For absences in excess of 3 days, or cases of apparent abuse, he may require the employee to submit substantiating evidence, including but not limited to, a physician's certificate.

Sec. 121. Earning of sick or annual leave while on leave. As long as an employee is on pay status, he shall earn sick and annual leave while on leave. If he is on leave without pay, he shall not earn sick or annual leave during the time he is on such leave. Upon termination, an employee shall be paid for accrued annual leave in a lump sum, and shall not earn additional leave of any kind.

Sec. 122. 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 Department and reports shall be made to the Personnel Department as it may from time to time require.

Sec. 123. Maternity leave. An employee is entitled to accumulated sick leave as maternity leave regardless of the type of delivery or results of pregnancy, if the provisions specified in subsections 1 to 7, inclusive, are fully complied with.

1. If, after exhausting her accumulated sick leave, an employee needs additional time off from work, accumulated vacation shall be granted. If additional time is required, leave without pay may be granted by the Board of County Commissioners if it is considered to be justifiable and for the good of the public service.

2. A maternity leave may be taken for 6 weeks. The decision as to when such leave begins or ends shall be made by the employee with the approval of the appointing authority, accompanied by the approval of the employee's personal physician or physician designated by the appointing authority.

3. Maternity leave shall not be used for infant care or for the conditions of pregnancy which do not incapacitate the employee for duty.

4. Pregnancy shall not jeopardize an employee's job or seniority, except for leave with pay limitations, but she shall be responsible for reporting the pregnancy as soon as it is an established fact so that steps may be taken to protect the employee's health or modify her working conditions and in order that any necessary staffing adjustments may be planned.

5. All maternity leave requests shall contain a signed statement by the employee of her intention to return to her job at the earliest possible time in accordance with her physician's decision. If the employee does not carry out her stated intention, paid maternity leave shall be completely repaid to the county by the employee.

6. The failure to report for assignment at the expiration of a maternity leave shall be considered as a resignation, the effective date of which shall be determined based on the repayment of paid sick leave.

7. In every case, an employee shall submit a written report from her physician to the appointing authority as to the anticipated dates of absence, and a second report stating that she is physically able to return to work as of a given date.

Sec. 124. Leaves of absence.

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 Board of County Commissioners.

3. Upon request of the appointing authority and approval of the Board of County Commissioners, a leave of absence may be granted to an employee who desires to attend school or college or to enter training to improve the quality of his service, who is temporarily incapacitated by illness or is pregnant, who is loaned to another governmental agency for the performance of a specific assignment, or for some other reason equally satisfactory. 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.

4. A leave of absence with pay shall be granted to any county employee who serves on a jury or as a witness for the Federal Government, the State of Nevada, or a political subdivision thereof. The employee shall be paid his regular salary while on court leave and retain any compensation fees or reimbursements for travel and per diem he receives. Court leave shall not be charged against any employee's vacation credit.

5. 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.

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

7. 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.

8. 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.

9. Any employee who is an active member of the 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 duties, upon request to his 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 this ordinance.

Sec. 125. Reporting of absences. An officer or employee who is absent from duty shall report the reason therefor to his supervisor immediately on the day of absence where possible and, except in exceptional circumstances, no later than noon on the following day.

Sec. 126. Absence without leave.

1. 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 may be made the grounds for disciplinary action and will serve to interrupt continuous service as defined in this ordinance. Absence without leave, whether voluntary or involuntary, for 5 consecutive working days is an automatic resignation from county service.

2. An employee separated because of absence without leave may not be restored to his position unless, within 30 days of the date of his separation, he makes a satisfactory explanation as to the cause of his absence and the appointing authority approves his reinstatement.

Sec. 127. Adjustments in anniversary dates. The following shall not be considered as breaks in continuous qualifying service for all personnel action:

1. Authorized military leave for active service, provided that the person is re-hired within 90 days following honorable discharge from military service.
2. Authorized military leave for training duties not to exceed 15 working days in any 1 calendar year.
3. Authorized leave without pay for educational purposes.
4. Authorized leave with pay for purposes deemed to be beneficial to the public service.

5. Authorized leave without pay of 30 working days or less in any calendar year for personal reasons.
6. Authorized leave without pay during which an employee is receiving compensation for injury or disease arising from his employment.
7. The exception provided in section 95.

X. EMPLOYEE-MANAGEMENT RELATIONS

Sec. 128. Organization of Employee-Management Committee.

1. There is established in the county service an Employee-Management Committee. The committee shall consist of:

- (a) Three county officials, two elective and one appointive, appointed by the Board of County Commissioners.
- (b) Two representatives of employee associations now or hereafter established, with not more than one representative from each association appointed by the associations in accordance with their bylaws and operating practices, and by mutual agreement among themselves.
- (c) One representative of employees not eligible to be members of or represented by an employee association appointed by the Employee-Management Committee.
- (d) The Personnel Administrator.

2. The elected and appointive officials shall hold their appointments at the pleasure of the Board of County Commissioners. The employee representatives shall serve for terms of 2 years, which may be extended by reappointment for subsequent terms of 2 years. The Personnel Administrator shall serve on the committee without vote.

3. The Personnel Administrator shall serve as ex officio secretary of the committee. The chairman of the committee shall be chosen by majority vote of the voting members. The committee shall adopt such rules for the conduct of its business as it deems necessary. It shall meet at least once each quarter and at such other times as the chairman may determine.

4. The secretary shall keep a summary record of the matters considered and recommended by the committee and shall transmit any committee recommendations to the proper county officials, as authorized by the committee.

Sec. 129. Functions of committee. The Employee-Management Committee shall serve in an advisory capacity to the Board of County Commissioners, to the Personnel Committee and to the Personnel Department with respect to all matters of personnel administration and employee relations, excepting matters of formal appeals and hearings. It shall be the function of the committee to:

1. Receive, consider and make recommendations on matters relating to personnel administration, policy and procedures;
2. Provide a forum for the hearing of individual employee suggestions, complaints or disciplinary problems; and
3. Provide a means of communication for disseminating information to employees in the county service regarding the personnel program.

Sec. 130. Rights of organization. Classified employees have the right to join an employee organization of their choice and shall be free from coercion in exercising this right. Employees who feel this right has been diminished by management have the right of an administrative review by the Personnel Department and then may appeal the matter to the Personnel Committee if the employee is aggrieved by the action the Personnel Department takes.

XI. EVALUATION OF PERFORMANCE

Sec. 131. Performance evaluation: Timing and method. Each appointing authority shall provide for an annual evaluation of all employees, other than those in temporary appointments or positions in his department, in achieving the standard of work performance established. 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 49. Probationary employees shall be further evaluated in accordance with section 99. All evaluations shall include a discussion between the employee and his immediate supervisor for the purpose of determining goals and methods and evaluating progress toward better performance and personal development. After discussion, the evaluation report shall be forwarded to the appointing authority by the supervisor on forms and in the manner prescribed by the Personnel Department.

Sec. 132. Standard performance. Wherever reference is made in this 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.

Sec. 133. Copies of performance evaluation reports. Each employee shall be given a copy of the evaluation form prepared by his supervisor regarding his progress. Copies of the reports shall be available only to the supervisors, the appointing authorities and the Personnel Department.

XII. TRAINING

Sec. 134. Training: Responsibility of appointing authority. 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 department. The Personnel Department shall cooperate with and assist appointing authorities in carrying out this responsibility and in meeting any special training needs of the departments.

Sec. 135. Training in new processes. 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 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. 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 last had in his previous class, upon the written recommendation of the appointing authority and the approval of the Personnel Department. 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 this ordinance concerning layoff.

Sec. 136. 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 Personnel Department may arrange for the provision of such training through recognized educational or training facilities.

XIII. DISCIPLINARY AND CORRECTIONAL ACTIONS

Sec. 137. Warning and reprimand. Whenever employee performance falls below standard or when an employee's conduct comes under one of the causes for action listed in section 140, his supervisor shall inform the employee promptly and specifically of such lapses. If appropriate and justified, following a discussion of the matter, a reasonable period of time for improvement or correction may be allowed before initiating disciplinary action. 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 Personnel Department.

Sec. 138. Suspension. If the written reprimand is not effective, or in those cases where the seriousness of the offense or condition warrants it, an employee may be suspended without pay by his appointing authority for a period of not to exceed 30 calendar days for any cause or causes listed in section 140.

Sec. 139. Demotion and dismissal. 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 employee for any cause or causes listed in section 140.

Sec. 140. Causes for action. Appropriate disciplinary or correctional action may be taken by the appointing authority for any of the following causes:

1. Incompetency, inefficiency or negligence in the performance of duty.
2. Activity which has been determined to be incompatible with employment as provided in sections 158 and 159.
3. Chronic incapacity to perform the work of the position.
4. Insubordination constituting a serious breach of discipline.
5. Notoriously disgraceful personal conduct.
6. Unauthorized absence or abuse of leave privileges.
7. An employee of any institution administering a maximum security program who, in the considered judgment of the appointing authority, has conducted himself in a manner detrimental to the good of the institution.
8. Acceptance of any valuable consideration given to influence an employee in the performance of his duties.
9. Falsification of any county records.
10. Use of official position for personal advantage.
11. Political activity as described in section 161.
12. Conversion or taking by any employee of any county property for the benefit of or use by any employee or for any other person.
13. Willful violation of the provisions of law, of this ordinance, or of any rule or regulation promulgated pursuant to authority granted by this ordinance.

Sec. 141. Resignation. An employee desiring to resign may do so by notifying the appointing authority in writing of the reason therefor and the effective date. Failure to give at least 2 weeks' notice may be cause for denying future employment with the county. The appointing authority shall report the resignation on the prescribed action form. The written resignation of the employee shall be attached to such form or the employee shall sign the action form, stating the specific reason therefor and certifying that the resignation is of his own free will. No undated resignation may be accepted.

XIV. SEPARATIONS

Sec. 142. Contents of action form; review, recommendations, appeal.

1. The action form on which an employee resigns shall contain a statement of all the employee's appeal rights and the fact that the employee is relinquishing all appeal rights by resigning. The form shall also contain a statement that the employee may only appeal the resignation if he alleges that the resignation was obtained against his will. Such an appeal must be received by the Personnel Department within 5 working days of the date of the resignation.

2. After review of the facts presented by the employee and the employer, the Personnel Department may make appropriate recommendation. If the employee is not satisfied with the Personnel Department recommendation, he may appeal the matter to the Employee-Management Committee and finally to the Personnel Committee if he is still not satisfied.

Sec. 143. Voluntary demotion. An employee who becomes physically or mentally incapacitated for the performance of the duties of his position, or for other personal reasons, may request demotion to a position in a lower class. Such demotion may be permitted upon the approval of the appointing authority and after such investigation as the Personnel Department deems necessary.

Sec. 144. Layoff: Formula. Whenever it becomes necessary for classified employees in a county department to be laid off because of lack of work or lack of funds, the following formula shall apply:

1. The department head shall determine in what division of his department the reductions shall occur. A division is defined as a clearly established first sub-unit of a department, which has been determined to be a division by departmental management and the Personnel Department. Each division chief normally reports directly to the department head or his deputy. If there are no divisions in the department, the layoff formula for a division applies to the entire department.

2. The department head shall determine in what class series and at what level reductions in staff will have the least detrimental effect on department operations and will specify layoff accordingly. A "class series," for purposes of layoff, is defined as the normal line of progression from trainee, entry or preparatory levels to supervisory or administrative levels within a job specialty. The minimum qualifications, tests for fitness and the duties and responsibilities are similar but different in level. "Class series" includes all positions which an employee has previously held in county service, provided that such positions are reasonably related to his present position and the employee is still qualified to hold the former position.

3. Within the division and within the class series selected and at the specified level, all nonpermanent employees of the division shall be laid off before any permanent employees and in the following order: Temporary, provisional and probationary. An individual who attained permanent status but is serving a new probationary period because of a promotion is grouped with permanent employees for layoff purposes. If an employee 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 he has never completed a probationary period he shall, for layoff purposes, be considered a permanent employee.

4. If additional reductions are necessary, permanent employees shall be laid off based on the following procedures:

- (a) A combination of performance evaluation and seniority will be utilized.
- (b) One point shall be allowed for each complete month of continuous Washoe County service in the class of the layoff or in unclassified positions that, on the computation date, have the same or a higher maximum salary.
- (c) Three-fourths of one point shall be allowed for each complete month of full-time, continuous Washoe County service in all other classes below the layoff class.

(d) In addition, the last three performance reports will be considered based on the following: Twelve points will be subtracted for each "below standard" report. Performance reports will only be considered up to 30 days prior to the notification of layoff, which is 60 days prior to the actual layoff.

(e) Employees with the least total points will be laid off first, in numerical order from low to high.

Sec. 145. Layoff: Returnees from military service. Employees returning from a period of active military service are entitled to seniority points as if they had been continuously employed by Washoe County. If such an employee had not completed his probationary period prior to entry into military service, he must complete it upon return before acquiring permanent status. Such an employee must be rehired to his former position or a similar position if his former position has been abolished. There is no length of time specified as to the duration of the rehire; but he may not be rehired to a position that has already been designated as a layoff category. That is, he must not be rehired and immediately terminated. However, if at some time after rehire his position, in the normal course of events, is properly designated as a layoff class, he may be terminated. There is no specified time limit for which such an employee must be retained after 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.

Sec. 146. Layoff: Employees over 55, 65 years of age. If a layoff class contains an employee over 65, or line personnel of the Sheriff's Department over 55, who has been extended on a year-to-year basis under the provisions of this ordinance, he shall be treated the same as other classified employees. The extension of his employment creates a maximum time span during which he may maintain his position with the county. No binding contractual agreement is entered into which would prohibit termination of that employee sooner than the end of the period of extension. Conversely, such employees may not be terminated en masse before other employees are terminated. Once an extension has been granted, such an employee has all the rights and privileges of other employees, and even though he may be terminated, such termination may occur only if his position is validly designated as being in a layoff class.

Sec. 147. Layoff: Demotions; transfers.

1. In lieu of being laid off, an employee may elect temporary demotion to any class with a lower maximum salary within the same class series in which the layoff is occurring within the division.

2. Those employees laid off will have employment rights at a lower level within the same class series within the division, determined by the point totals. The individual being bumped reestablishes the layoff class for the purposes of points toward continued employment.

3. A department may transfer employees to fill vacancies rather than use a reemployment list provided that 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 another division, he may be transferred there in lieu of termination but only if such a transfer does not result in other employees being bumped. If such a transfer adversely affects other employees, the employee must be terminated, placed on a reemployment list and rehired if a position is available.

Sec. 148. Layoff: Written notice. All career employees to be laid off shall be given written notice of such layoff at least 30 calendar days prior to the effective date. A copy of the layoff computations as well as a copy of the notice of layoff to the employee shall be sent to the Personnel Department for approval.

Sec. 149. Layoff: Rehire; preference for employees electing temporary demotion; status; disposition of accrued sick leave.

1. The names of permanent employees who have elected temporary demotion pursuant to the provisions of section 147 shall be placed first upon the rehire list for the class of position involved, in chronological order of temporary demotion, within the department wherein the employees elected temporary demotion. Such employees shall be given preference in rehiring. Each person on such a list shall retain unlimited eligibility for appointment therefrom.

2. The names of permanent employees laid off shall be placed upon the rehire list within the department from which laid off, for the class of position involved in the layoff, in reverse order of termination after the names of permanent employees who have elected temporary demotion. Each person on such a list shall retain eligibility for appointment therefrom for a period of 1 year from the date his name was placed on the list. A permanent employee who had been laid off and is being rehired in the same division shall have permanent status restored.

3. Employees who are rehired by the county within 1 calendar year after they are laid off are entitled to the reinstatement of accrued and unused sick leave remaining to their credit at the time of their layoff.

XV. APPEALS AND HEARINGS

Sec. 150. Appeal from dismissal, demotion or suspension. An employee other than a department head or the County Manager who has been employed by the county for 12 months or more and is dismissed from employment, demoted or suspended without pay may, within 15 days of dismissal, demotion or suspension, request a written statement from his appointing authority specifically setting forth the reasons for such dismissal. Within 15 days of the date of such request he shall be furnished such a written statement. Within 30 days after receipt of such written statement, the dismissed, demoted or suspended employee may, in writing, request a public hearing before a grievance board appointed by the Board of County Commissioners, to consist of two persons other than the appointing authority or immediate supervisor of the employee, appointed from the department where the employee is employed, and three persons appointed from other departments in the county.

Sec. 151. Other appeals.

1. Any person who feels aggrieved by the action of the Personnel Department or alleges that he has been dismissed because of religious opinions or affiliations, race, national origin, age or sex may request a hearing before a grievance board, constituted as provided in section 150, to determine the reasonableness of the action.

2. An employee may appeal a transfer for alleged purposes of harassment or discipline. Such appeals shall be filed in writing with the Personnel Department within 30 calendar days after receiving a notice of the action and shall contain specific details of the alleged discrimination or harassment. Such person shall be heard at the earliest possible time by a grievance board constituted as provided in section 150. If the board finds that there was such discrimination, it shall order appropriate corrective action.

Sec. 152. Conduct of hearings. All hearings on appeals provided for in sections 150 and 151 shall be open to the public; however, upon motion of any directly interested party, the grievance board shall conduct all or parts of a hearing in executive session, and shall exclude from the hearing room any or all other witnesses in the matter not at the time under examination except the party to the proceeding or his counsel. All written materials introduced shall be identified for the record and the board may request the production of such records and the appearance of such persons as required.

Sec. 153. Hearing decisions. At the conclusion of the hearing the grievance board shall take the case under submission and shall notify the parties of the board's decision in the matter in writing within 30 days from the date of the hearing.

Sec. 154. Power to subpoena witnesses, administer oaths and reimbursement of witnesses.

1. The grievance board or any member thereof may, upon application of any party to a hearing on an appeal from a dismissal, demotion or suspension of an employee, issue a subpoena requiring the attendance and testimony of witnesses at such proceedings.
2. Any member of the board, or any agent or agency designated by the board for such purposes, may administer oaths and affirmations and examine witnesses.
3. Any subpoena issued shall extend to all parts of the county and shall be served in accordance with the provisions of N.R.C.P. 4(c).
4. All witnesses appearing pursuant to subpoena, other than parties or officers or employees of the county, shall receive fees and mileage in the same amounts and under the same circumstances as prescribed by law for witnesses and civil actions in the district court.

Sec. 155. Appeal to Board of County Commissioners.

1. The appointing authority or the employee may appeal the decisions of the grievance board to the Board of County Commissioners by filing a written request with the Board of County Commissioners within 15 days following receipt by the appointing authority and the employee of notice of the grievance board's decision.
2. All requests for hearings and other pertinent communications directed to the Board of County Commissioners shall be in writing and addressed to the County Manager.

Sec. 156. Information for conduct of hearings.

1. Hearings shall be open to the public. However, upon motion of a directly interested party, the chairman of the Board of County Commissioners, in his discretion, may exclude from the hearing room any witnesses not at the time under examination, except a party to the proceeding, or his counsel or other person conducting his case.
2. The Board of County Commissioners shall determine the evidence upon the charges and specifications as set forth in the letter of dismissal, demotion or suspension, or as contained in other appropriate documents, and shall not consider any additional evidence beyond the scope of the charges.
3. The technical rules of evidence shall not apply. However, all testimony and exhibits offered must be relevant and bear upon the act of dismissal, demotion, suspension or other matter in contention. Any testimony or exhibits considered by the Board of County Commissioners not to meet this criterion may properly be excluded. The Board of County Commissioners shall also consider the objection of either side to the introduction of evidence (either oral testimony or exhibit). Competence and relevance shall be the primary test in ruling on such objections.

4. The Board of County Commissioners shall make no assumptions of innocence of guilt, but shall be guided in its decision by the weight of the evidence as it appears to it at the hearing.

5. At the beginning of his testimony, each witness who has not previously testified in the hearing then before the Board of County Commissioners shall be required to state his name, address, and business, employment or position.

6. Any letter, paper or object offered in evidence shall be properly authenticated, and if received shall be marked by the hearing reporter with a distinguishing number or letter, such as "Employee's Exhibit 1" or "Employer's Exhibit A." Counsel for the opposing party shall be entitled to examine the exhibit when offered.

7. Testimony may be presented in statement or question and answer form, and shall, in the discretion of the Board of County Commissioners, be reported and transcribed.

8. Good reason appearing therefor, hearings may be continued beyond the period originally scheduled, or recessed until a future date agreeable to the Board of County Commissioners and the parties.

Sec. 157. Order of hearing procedure.

1. The chairman of the Board of County Commissioners shall convene the board at the time and place specified for the purpose of the hearing. Written notice of the time and place of the hearing shall have been furnished the parties at least 10 days in advance.

2. The chairman of the Board of County Commissioners shall state the subject of the hearing and the names of the principals.

3. The chairman shall read the letter of dismissal, demotion or suspension and the employee's request for a hearing.

4. The parties may appear in person and may be represented by counsel. All testimony shall be under oath administered by the chairman. The matter shall then be heard in the following manner:

- (a) Opening statement for employee.
- (b) Opening statement for employer.
- (c) Presentation of employee's case, followed by cross-examination.
- (d) Responsive presentation by employer, followed by cross-examination.
- (e) The parties may then respectively offer rebutting testimony only, unless the Board of County Commissioners, in its discretion, permits additional evidence upon the original cause.
- (f) Argument for employee.
- (g) Argument for employer.
- (h) Closing argument for employee.
- (i) Submission of case.

5. At the conclusion of the hearing the Board of County Commissioners shall take the case under submission and shall notify the parties in writing within 30 days from the date of the hearing of the board's findings and recommendations in the matter. Immediately upon receipt of the board's recommendations the appointing authority shall execute the same.

6. Within 45 days after receipt of the Board of County Commissioners' findings and recommendations, either party may request a rehearing, setting forth in full the reasons why a rehearing shall be granted, and furnishing a copy of the same to the adverse party. The board shall act upon the request within 30 days and upon at least 10 days' written notice to the parties, who shall be represented in person or by counsel when the board convenes to act upon the request. A request for a rehearing shall not operate to stay the execution of the recommendations of the Board of County Commissioners by an appointing authority.

XVI. PROHIBITIONS AND PENALTIES

Sec. 158. Incompatible activities: Prohibition. 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.

Sec. 159. Incompatible activities: Designation. Each appointing authority shall determine and describe in writing, subject to the approval of the Board of County Commissioners, those specific activities which, for employees under his jurisdiction, will be considered inconsistent, incompatible or in conflict with their duties as employees, and shall provide a copy to each such employee. In making this determination, the appointing authority shall give consideration to any employment, activity or enterprise which involves:

1. The use for private gain or advantage of the county's time, facilities, equipment and supplies, or the badge, uniform, prestige or influence of his county position or employment.
2. The receipt or acceptance by the employee of any money or other consideration from anyone other than the county for the performance of an act which the employee would be required or expected to render in the regular course or hours of his county employment or as a part of his duties as an employee.
3. The performance of an act in other than his capacity as an employee which act may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such employee or the department by which he is employed.

Sec. 160. Full-time service required. Each employee shall during his hours of duty as an employee and subject to such other laws, rules or regulations as pertain thereto, devote his full time, attention and efforts to county employment.

Sec. 161. 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 county employment with the purpose of improving the chances of a political party or individual seeking office; or at any time engaging 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 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.

Sec. 162. Prohibition of discrimination. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action because of political or religious opinions or affiliations or because of race, national origin, age, sex, or any other nonmerit factor is prohibited.

XVII. MISCELLANEOUS PROVISIONS

Sec. 163. Provision for retention of accrued annual, sick leave, overtime, compensatory holiday time when new ordinance takes effect.

1. Overtime accrued by each person employed by Washoe County prior to the effective date of this ordinance shall be credited to such person upon the effective date of this ordinance, from which time overtime shall be accrued pursuant to the provisions of section 51 et seq.

2. Annual and sick leave and compensatory holiday time accrued by each person employed by Washoe County prior to the effective date of this ordinance shall be credited to such person upon the effective date of this ordinance, from which time annual and sick leave and compensatory holiday time shall be accrued and utilized pursuant to the provisions of section 104 et seq. Accrued annual and sick leave shall be prorated for the period from the employee's anniversary date as prescribed under Washoe County Ordinance Number 105 to July 1, 1973, to the nearest calendar month. That is, an employee with 7 months' accrued leave as of July 1, 1973, would be entitled to:

- (a) Any leave accrued up to his anniversary date; plus
- (b) Seven-twelfths of the leave which would have been accrued for the full calendar year beginning with the anniversary date prior to July 1, 1973.

3. Within 30 days after the effective date of this ordinance each appointing authority shall certify to the Personnel Administrator all annual and sick leave accrued prior to July 1, 1973, by each person employed in his department or agency. The correctness of the amount of such accrued annual and sick leave shall be agreed to by each employee prior to certification to the Personnel Administrator.

Sec. 164. New employees to be given copies of ordinance, regulations. The Personnel Department shall provide each individual in the employ of Washoe County on July 1, 1973, and each individual employed by Washoe County thereafter with a copy of this ordinance and all pertinent regulations promulgated thereunder.

Sec. 165. Severability clause. If any section, sentence, clause or phrase of this ordinance is held, for any reason, to be inoperative or unconstitutional, void or invalid, the validity of the remaining portion of this ordinance shall not be affected thereby, it being the intention of the Board of County Commissioners in enacting this ordinance that no portion thereof, or provision therein, shall become inoperative or fail by reason of the unconstitutionality or invalidity of any other portion or provision, and the Board of County Commissioners does hereby declare that it would have severally passed and adopted the provisions contained herein separately and apart one from the other.

Sec. 166. Section 4 of Washoe County Ordinance No. 117 is hereby amended to read as follows:

Section 4. Regular employees of the County Clerk's office performing election services before and after regular office hours shall be allowed accrued overtime pursuant to the provisions governing all other employees of Washoe County. If election day is declared a legal holiday for other county employees, such regular employees of the County Clerk's office shall accrue holiday compensatory time pursuant to the provisions governing all other employees of Washoe County.

Sec. 167. The title of Washoe County Ordinance No. 117 is hereby amended to read as follows:

An Ordinance specifying certain duties of voting board chairmen, setting the compensations for voting board chairmen, voting board officers, counting board officers and specially appointed deputy sheriffs during an election; and providing that accrued overtime and holiday compensatory time shall be allowed for regular employees of the County Clerk's office at the same rate as for other county employees.

Sec. 168. Section 4 of Washoe County Ordinance No. 182 is hereby amended to read as follows:

Section 4. Salaries of the employees of the Office of the Commissioner of Civil Marriages and Marriage License Bureau shall be paid at the same rates as other county employees of equivalent classification.

Sec. 169. The title of Washoe County Ordinance No. 182 is hereby amended to read as follows:

An Ordinance establishing fees for solemnization of marriages by the Office of the Commissioner of Civil Marriages, authorizing the hours of operation for the Office of the Commissioner of Civil Marriages to be established by the Commissioner, providing for payment of salaries to employees of the Office of the Commissioner of Civil Marriages and Marriage License Bureau for Sundays and holidays at the same rate as other county employees, and other matters properly relating thereto.


Sec. 170. Washoe County Ordinance No. 105, entitled "an Ordinance providing local regulations for the establishment of vacation periods, holidays, computation and amount of sick leave and compulsory retirement ages for employees of Washoe County and other matters relating thereto," is hereby repealed.

Sec. 171. Washoe County Ordinance No. 127, entitled "an Ordinance of the County of Washoe adopting a Position Classification Manual and pay plan for employees of Washoe County, whose duties and compensation are not prescribed by the Constitution or Statutes of the State of Nevada, creating a County Job Classification and Salary Committee, and other matters properly relating thereto," is hereby repealed.

Sec. 172. This Ordinance shall be in full force and effect after its passage, approval and publication as prescribed by NRS 244.100, and shall operate retroactively from and after July 1, 1973, except as otherwise provided in this ordinance.

Proposed on the 15th day of August, 1973.
Proposed by Commissioners Rusk, Scott, Pagni, Nelson and Grow.
Passed on the 5th day of October, 1973.

Vote:
Ayes: Commissioners: Rusk, Scott, Pagni, Nelson and Grow
Nays: Commissioners: None
Absent: Commissioners: None


Chairman of the Board


ATTEST H. K. GROWN COUNTY CLERK


Chief Deputy County Clerk

This Ordinance shall be in force and effect from and after the 15th day of October, 1973 except as otherwise specifically provided herein.

ORDINANCE NO. 213

Amended by Ordinance No. 246, Bill No. 417, Item 75-101
 Sec. 164.6, effective 1-16-75

Amended by Ordinance No. 259, Bill No. 422, Item 75-537
 Sec. 20(1), 61, effective 3-12-75

Amended by Ordinance No. 275, Bill No. 438, Item 75-1420
 Section 105, repeals Secs. 65, 142

Amended by Ordinance No. 289, Bill No. 453, Item 75-2066
 Sec. 35, SS 2 and Sec. 162, effective 11-13-75, also Sec. 129

Amended by Ordinance No. 302, Bill No. 467, Item 76-195
 Section 105, effective 2-4-76; Subsection 1

Amended by Ordinance No. 307, Bill No. 472, Item 76-525
 Section 130, effective 3-17-76

Amended by Ordinance No. 360, Bill No. 529, Item No. 2189
 Sec. 84(6), effective 12-28-77; Sec. 93

Amended by Ordinance No. 361, Bill No. 530, Item No. 2190

Amended by Ordinance No. 385, Bill No. 553, Item No. 78-1096
 Secs. 127, 137, 138, 139, 162 amended; 140, 166, 167 repealed, effective 6-21-78

Amended by Ordinance No. 392, Bill No. 560, Item No. 78-1475
 Secs. 35, 100

Amended by Ordinance No. 407, Bill No. 575, Item 78-2508
 Sections 117, 121.1, 123, effective 12-27-78

Amended by Ordinance No. 408, Bill No. 576, Item 78-2509
 Secs. 49, 55, 89, 90, 92, 101, 113, 126, 162, effective 12-27-78

Amended by Ordinance No. 410, Bill No. 578, Item 78-2573

Amended by Ordinance No. 421, Bill No. 590, Item 79-522
 Section 118 amended, Section 123 repealed, effective 4-11-79

Amended by Ordinance No. 424, Bill No. 593, Item 79-708
 Section 50, effective 5-9-79

Amended by Ordinance No. 491, Bill No. 662, Item 81-906, effective 7-1-81
 Section 84(4); all sections Article XIII, Article XV

Amended by Ordinance No. 492, Bill No. 663, Item 81-1061, effective 8-5-81
 Section 158, 159
 Sections 158, 159 amended by Ord. 492, Bill 663, effective 8-5-81

SECTION 92 (adding RAPA employees), Subsection 5, Ord. 526 (Bill 697) effective 1-27-82