

Customer Account # 349008
 PO # / ID # 3506

-
- Washoe County Clerk
- PO Box 11130
- Reno, NV 89520
- Attn: Pauline Reese

Legal Ad Cost 26.66
 Extra Proof _____
 Notary Fee 2.00
TOTAL 28.66

STATE OF NEVADA
 COUNTY OF WASHOE

SS. Lisa A. Wakayama
 being first duly sworn, deposes and says:
 That as the legal clerk of the RENO GAZETTE-
 JOURNAL, a daily newspaper published in Reno,
 Washoe County, State of Nevada, that the notice:
of County Ordinance #882

of which a copy is hereto attached, has been
 published in each regular and entire issue of said
 newspaper on the following dates to wit:

Sept 24, & Oct 1, 1993

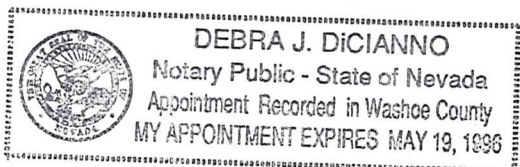
Signed Lisa A. Wakayama

Subscribed and sworn to before me this
1 day of Oct, 1993

Debra J. DiCianno
 Notary Public

PROOF OF PUBLICATION

NOTICE OF COUNTY ORDINANCE
 NO. 882
 NOTICE IS HEREBY GIVEN that
 Ordinance No. 882, Bill No. 1057,
 entitled,
 AN ORDINANCE AMENDING THE
 WASHOE COUNTY CODE BY MAK-
 ING VARIOUS AMENDMENTS TO
 THE MERIT PERSONNEL PRO-
 VISIONS OF CHAPTER 5 THEREOF,
 AND PROVIDING OTHER MATTERS
 PROPERLY RELATING THERETO
 was adopted on September 14, 1993,
 by Commissioners Larry Beck, Steve
 Bradhurst, Gene McDowell, and Jim
 Shaw, with Dianne Cornwall absent,
 and will become effective on October 1,
 1993.
 Typewritten copies of the ordinance are
 available for inspection by all interested
 persons at the office of the County
 Clerk at the County Courthouse,
 Virginia and Court Streets, Reno,
 Nevada.
 Judi Bailey, County Clerk
 No. 3506 Sept 24-Oct 1, 1993



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

BILL NO. 1057

ORDINANCE NO. 882

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY MAKING VARIOUS AMENDMENTS TO THE MERIT PERSONNEL PROVISIONS OF CHAPTER 5 THEREOF; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1. Chapter 5 of the Washoe County Code is hereby amended by adding thereto the provisions set forth in sections 2 and 3 of this ordinance.

SECTION 2.

5.160 Waiver of examination. The chief of personnel administration may waive examination for those classes requiring practical or professional certification or licensure. Consideration shall be given to the anticipated size of the applicant pool and other experience requirements. All available applicants shall be placed on an unranked eligible list.

SECTION 3.

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

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

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

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

(b) To care for the employee's spouse, child, or parent, who has a serious health condition. Serious health condition means an illness, injury, impairment, or physical or mental condition as defined by the FMLA. The county

requires an employee to provide medical certification of the serious health condition from the health care provider. Leave may be granted on a continual basis, or intermittent basis if medically necessary. For purposes of this paragraph:

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

(2) Parent includes biological parent or a person who stood in loco parentis when the employee was a child. The term parent does not include parents-in-law. Persons in loco parentis include those with day-to-day responsibilities to care for and provide financial support to a child, and need not have a biological or legal relationship;

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

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

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

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

6. This section shall be effective on and after August 5, 1993 (and if necessary given retroactive application to that date) for all eligible employees not covered by a collective bargaining agreement; and shall be effective on and after February 5, 1994, for all eligible employees currently covered by a collective bargaining agreement.

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

SECTION 4. Section 5.157 of the Washoe County Code is hereby amended to read as follows:

5.157 Promotional examinations. Merit and fitness for promotion within the public service shall be ascertained through competitive examinations, except as provided in section 5.105. Promotional examinations may be restricted 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 being held; and
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.

SECTION 5. Section 5.183 of the Washoe County Code is hereby amended to read as follows:

5.183 Removal of names from eligible lists.

1. The chief of personnel administration may remove names of eligibles from 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 or failure to appear for a scheduled interview.
- (e) A statement by the eligible that he is not willing to accept any type of appointment from the eligible list.
- (f) Three instances of voluntary withdrawal from consideration for appointment.

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

3. A person whose name has been removed from an eligible list may be reinstated on the list under the following conditions:

- (a) A probationary employee who has resigned from county service in good standing may be reinstated to the eligible list;
- (b) A promotional eligible who has resigned from county service in good standing may be reinstated to the open competitive list; or
- (c) An employee who is no longer eligible as a promotional candidate on a list may be reinstated to the open competitive list.

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

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

(e) An eligible who is removed from a list pursuant to

subsection 1(d) above may be reinstated to the eligible list if the chief of personnel administration finds sufficient reason to justify reinstatement.

SECTION 6. Section 5.189 of the Washoe County Code is hereby amended to read as follows:

5.189 Certification of names.

1. In response to requests for certification from appointing authorities, the personnel division shall certify the names, if any, of eligibles from current eligible lists for the class or position to be filled. Certification must be made in the order of standing on the lists. If there are fewer than ten names on a list, consideration may be given to certification from other lists determined to be appropriate by the personnel division. Names from other lists must follow those names certified, if any, from the original eligibility list for a total of ten names.

2. An appointing authority may request selective certification for a particular position if the standard certification described in subsection 1 does not provide candidates qualified to perform duties of the position satisfactorily. Where selective certification is necessary, the appointing authority shall furnish in writing those specialized requirements peculiar to the position and his reasons for such requirements. If the personnel division, after investigation, determines that the facts and reasons justify selective certification, the personnel division 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 must 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 must 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 division and the appointing authority shall jointly review all applications and select those applicants with the most relevant qualifications for certification. A minimum of ten names shall be certified for the first vacancy and one name for each additional vacancy.

4. For each initial vacancy, the personnel division shall certify three whole-number scores, but not less than ten names. For multiple vacancies within 30 days of original certification, one more whole score will be certified for each additional vacancy. For those examinations conducted on a promotional/open competitive basis, in addition to the top three whole-number scores being certified from the promotional list, all open competitive candidates who achieved

a higher score than the lowest promotional candidate certified must also be certified for the vacancy.

5. If less than ten eligibles are available for appointment, the appointing authority may make an appointment from among the remaining eligibles or make a provisional appointment upon approval by the personnel division.

6. The name of an eligible may 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 temporary positions shall not be counted.

7. Those eligibles on a current list for permanent positions, who are currently employed in a temporary or seasonal position in the same class and who have served at least 3 months in the class, shall be certified in addition to the names certified under the provisions of subsection 4.

8. An employee who is requesting a transfer from one department to another, or a probationary employee who is requesting a transfer from a part-time to full-time position, or vice versa, must so notify the personnel division in writing, in order to be placed on the appropriate certification list, in addition to the names certified under the provisions of subsection 4.

9. Certification of eligibles from unranked lists established in accordance with section 5.160 shall include all available eligibles on such lists.

SECTION 7. Section 5.191 of the Washoe County Code is hereby amended to read as follows:

5.191 Duty of eligibles to respond. Every eligible shall respond within seven calendar days after notice of certification.

SECTION 8. Sections 5.205 of the Washoe County Code is hereby amended to read as follows:

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

1. An exempt employee, except for district judges and justices of the peace, who is hired in the classified or unclassified service by Washoe County immediately upon termination as an exempt employee, shall be credited for time served as an exempt employee for purposes of sick leave accrual, vacation eligibility and accrual, career incentive, and health insurance benefits.

2. Certain persons employed in the office of the Washoe County clerk as of July 1, 1973, were designated as judicial employees by the enactment of Washoe County Ordinance No. 230 (section 10.010). Service of those persons as judicial employees shall be treated as the equivalent of county service for the purposes of the Merit Personnel Ordinance and

the transition from service as a judicial employee to a county employee shall not be deemed a break in continuous service.

SECTION 9. Section 5.227 of the Washoe County Code is hereby amended to read as follows:

5.227 Confidential records.

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

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

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

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

(d) Employee personnel files, except as provided in section 5.287.

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

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

SECTION 10. Section 5.243 of the Washoe County Code is hereby amended to read as follows:

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

The time when vacation leave may 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 be accumulated from year to year, but may not exceed 240 hours. Amounts in excess of 240 hours at the end of pay period number 26, or in the event of a 27th payroll paid in a calendar year, pay period number 27, must be forfeited. Vacation leave must not be granted if it exceeds the vacation credit earned. Vacation leave taken during a biweekly pay period must be deducted from the employee's vacation credit before vacation credit earned during that pay period is added to the employee's vacation credit.

SECTION 11. Section 5.257 of the Washoe County Code is hereby amended to read as follows:

5.257 Use of sick leave.

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

(a) When incapacitated to perform the duties of the employee's position due to sickness, injury, pregnancy or childbirth;

(b) When quarantined;
 (c) When receiving required medical or dental service or examination;

(d) For adoption of a child, only as follows:

(1) A male or female employee seeking to become an adoptive parent may use sick leave for time required to pursue the specific legal process necessary to obtain an adoption; and

(2) If a newborn infant is the subject of an adoption, a female employee may use up to a total of 6 weeks of sick leave, inclusive of the amount of sick leave used in subparagraph (1).

It is the intent of this section to allow a 6-week leave period to an adoptive mother which approximates the length of time a mother is normally incapacitated before and after giving birth to a child.

(e) In the event of an illness in the employee's immediate family where such illness requires the employee's attendance. For purposes of this paragraph, "immediate family" means the employee's spouse, parents (including step and foster), children (including step and foster), and corresponding relations by affinity to the above, brothers and sisters, and if living in the employee's household, includes grandchildren.

(f) In the event of a death in the employee's immediate family, the employee may use accrued sick leave in the amount of 5 days for attending the funeral and travel to and from, and attending to any family related business matters. For purposes of this paragraph, "immediate family" means the employee's spouse, parents (including step and foster), children (including step and foster), brothers, sisters, grandparents, grandchildren, aunts, uncles, nieces, nephews and corresponding relations by affinity.

SECTION 12. Section 5.259 of the Washoe County Code is hereby amended to read as follows:

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

1. When a county employee is eligible at the same time for benefits under chapter 616 or 617 of NRS (Nevada 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 insurance or Nevada Occupational Disease Act benefits are being received.

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

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

SECTION 13. Section 5.268 of the Washoe County Code is hereby amended to read as follows:

5.268 Personal leave.

1. A full-time employee who uses no more than 32 hours of sick leave in the period commencing with the first pay period of a calendar year and ending with the last full pay period of that calendar year shall be credited with 16 hours of personal leave on the first paycheck in January. A full-time employee who uses more than 32 hours but no more than 40 hours of sick leave in that period shall be credited with 8 hours of personal leave on the first paycheck in January.

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

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

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

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

SECTION 14. Section 5.269 of the Washoe County Code is hereby amended to read as follows:

5.269 Leaves of absence. A leave of absence, except for family and medical leave as described in section 5.270, may be granted as follows:

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

2. Leaves of absence for 30 working days or less in any calendar year may be granted upon the approval of the appointing authority. Leaves for a longer period and up to 1 year may be granted upon the recommendation of the appointing authority and the approval of the 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 must be granted to any employee who is required by law to appear or serve as a witness or juror in a case before a grand jury or tribunal of the United States Government, the State of Nevada or a political subdivision thereof, or when subpoenaed to give a deposition that is related to his employment. The employee must be paid his regular salary while on leave of absence, but must remit to his department head, for deposit in the county general fund, all fees which he receives as a witness, juror or when subpoenaed to give a deposition on job related matters. The employee may retain amounts received as reimbursement for mileage and per diem. Court leave must not be charged against the employee's vacation credit.

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 the Merit Personnel Ordinance.

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

SECTION 15. Section 5.343 of the Washoe County Code is hereby amended to read as follows:

5.343 Prohibition against discrimination.

1. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action because of race, color, religion, sex, age, protected disability, national origin, or because of political or personal reasons or affiliations or any other nonmerit factor is prohibited.

2. Any person aggrieved under this section may appeal any adverse action to the personnel committee. The personnel committee shall be convened to hear the appeal and the decision of the personnel committee is final and binding.

3. The personnel committee is authorized to adopt rules and regulations governing the appeal procedures.

Proposed on the 17th day of August, 1993.

Proposed by Commissioners Cornwall.

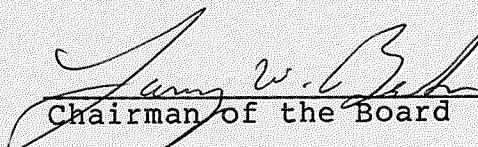
Passed on the 14th day of September, 1993.

Vote:

Ayes: Commissioners: Larry Beck, Steve Bradhurst, Gene McDowell, Jim Shaw.

Nays: Commissioners: None.

Absent: Commissioners: Dianne Cornwall.


Chairman of the Board

ATTEST:


JUDI BAILEY, CLERK
CHIEF DEPUTY
County Clerk

This ordinance shall be in force and effect from and after the 1st day of October, 1993.