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PROOF OF PUBLICATION

STATE OF NEVADA
COUNTY OF WASHOE

ss Tana Ciccotti

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:

Ordinance 1143

has published in each regular and entire
issue of said newspaper on the following
dates to wit:

Dec. 14, 21, 2001

Signed

Tana Ciccotti

Subscribed and sworn to before me this

DEC 31 2001

Susan V. Dummer

Notary Public

NOTICE OF ADOPTION
WASHOE COUNTY
ORDINANCE NO. 1143

NOTICE IS HEREBY GIVEN
THAT: Bill No. 1319, Ordinance No. 1143 entitled:

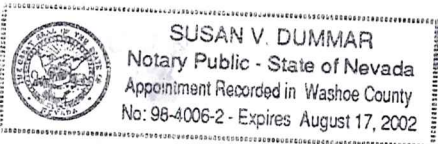
"An Ordinance amending Chapter 5 of the Washoe County Code by adding a provision relating to parking allowance, updating various provisions relating to legal professional employees, overtime, career incentive, promotional examinations, probationary periods, holidays, annual leave, sick leave, and personal leave, removing reference to the Assistant County Manager for Personnel, and providing other matters properly relating thereto,"

was adopted on December 11, 2001 by Commissioners Shaw, Bond, Galloway, Short, and Sferazza. This ordinance shall be in full force and effect from and after December 21, 2001.

Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street, Reno, Nevada.

AMY HARVEY,
Washoe County Clerk

No.4255 Dec.14,21, 2001



SUMMARY: An ordinance amending Washoe County Code by updating provisions of chapter 5 relating to the merit personnel ordinance.

BILL NO. 1319

ORDINANCE NO. 1143

AN ORDINANCE AMENDING CHAPTER 5 OF THE WASHOE COUNTY CODE BY ADDING A PROVISION RELATING TO PARKING ALLOWANCE, UPDATING VARIOUS PROVISIONS RELATING TO LEGAL PROFESSIONAL EMPLOYEES, OVERTIME, CAREER INCENTIVE, PROMOTIONAL EXAMINATIONS, PROBATIONARY PERIODS, HOLIDAYS, ANNUAL LEAVE, SICK LEAVE, AND PERSONAL LEAVE, REMOVING REFERENCE TO THE ASSISTANT COUNTY MANAGER FOR PERSONNEL, 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 a new section which shall read as follows:

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

SECTION 2. Section 5.025 of the Washoe County Code is hereby amended to read as follows:

5.025 Definitions. As used in the Merit Personnel Ordinance, the words and terms defined in sections 5.027 to 5.066, inclusive, have the meanings respectively ascribed to them in such sections.

SECTION 3. Section 5.048 of the Washoe County Code is hereby amended to read as follows:

5.048 "Legal professional employee" defined.

"Legal professional employee" means a person who is licensed by the supreme court of the State of Nevada to practice law in Nevada and who is employed full time, or part-time, as an attorney in the office of the district attorney, the office of

the public defender or by the director of the senior citizens' center.

SECTION 4. Section 5.083 of the Washoe County Code is hereby amended to read as follows:

5.083 Powers and duties of personnel committee. In addition to the powers and duties set forth elsewhere in the Merit Personnel Ordinance, the personnel committee shall have the following powers and duties:

1. To report to the board of county commissioners on all matters which the committee may deem pertinent to the department of human resources and concerning any specific matters previously requested by the board of county commissioners.

2. To advise and make recommendations to the board of county commissioners relative to the personnel policy of the county and required legislation.

3. To advise the assistant county manager and the director of human resources with respect to the preparation and amendment of rules and regulations to give effect to the provisions of the Merit Personnel Ordinance.

4. 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.

5. To exercise any other advisory powers necessary or reasonably implied within the provisions and purposes of the Merit Personnel Ordinance.

SECTION 5. Section 5.094 of the Washoe County Code is hereby amended to read as follows:

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

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

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

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

4. In the event that the legal professional employees form a bargaining unit to bargain over benefits applicable to them in

accordance with this provision, those legal professional employees not covered by the unit as confidential employees are entitled to the same benefits as those set forth in the collective bargaining agreement.

SECTION 6. Section 5.126 of the Washoe County Code is hereby amended to read as follows:

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

SECTION 7. Section 5.135 of the Washoe County Code is hereby amended to read as follows:

5.135 Compensation for overtime; limit on overtime accrual. Except as provided in subsection 4, an employee shall be compensated for overtime work at the applicable rates provided for in section 5.127 in the following manner:

1. Either cash payment or compensatory time off, which election must be made at the time earned.
2. Except for those employees described in subsection 3, an employee shall not accumulate more than 240 hours of compensatory time; any overtime in excess of 240 hours shall be provided in cash.
3. A public safety employee as defined under the Fair Labor Standards Act shall not accumulate more than 480 hours of compensatory time; any overtime in excess of 480 hours shall be provided in cash.
4. All employees on the unclassified management salary schedule and division directors at salary grade T and above on the confidential salary schedule are only eligible for compensatory time. For these employees, any overtime worked beyond 240 hours shall not be accumulated or recorded.

SECTION 8. Section 5.139 of the Washoe County Code is hereby amended to read as follows:

5.139 Payment of accrued overtime on transfer, termination; exception. Except as provided in subsection 3, an employee shall be paid for accrued overtime upon transfer or termination as follows:

1. If an employee who has accumulated overtime credit transfers from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority before the accumulated time has been taken or compensated for, all accumulated overtime shall be compensated for by the department or office 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.

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

4. Division directors at salary grade T and above on the confidential salary schedule shall not receive a cash payment for any accumulated compensatory time in any circumstance. Provided however, that confidential division directors so employed as of December 31, 2001 shall be eligible to receive a cash payment for accumulated compensatory time upon termination or retirement, up to the amount accumulated as of December 31, 2001.

SECTION 9. Section 5.146 of the Washoe County Code is hereby amended to read as follows:

5.146 Career incentive plan for justices of the peace.

1. A justice of the peace who has served in his office for more than 4 years is entitled to an additional salary of 2 percent of his base salary for each full calendar year he has served in his office. The additional salary provided in this section must not exceed 20 percent of the base salary of the justice of the peace.

2. Payment for longevity under the provisions of this section must be computed on the basis of full calendar years of service and only at the beginning of a term.

SECTION 10. 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 sections 5.105, 5.160, and 5.202. Promotional examinations may be restricted to qualified employees in one department if it is determined by the director of human resources that there is a sufficient number of qualified employees in a single department and all relevant county policies are complied with, or, a promotional examination may apply to all departments. 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 11. Section 5.215 of the Washoe County Code is hereby amended to read as follows:

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

SECTION 12. Section 5.217 of the Washoe County Code is hereby amended to read as follows:

5.217 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 department of human resources, be extended until he has worked the required months.

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

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

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

SECTION 13. Section 5.221 of the Washoe County Code is hereby amended to read as follows:

5.221 Rejection of probationary employees.

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

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

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

4. Any promotional appointee who fails to attain permanent status in the position to which he 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. For purposes of this section, a promotional appointee is any person who was hired from a promotional list.

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

SECTION 14. Section 5.231 of the Washoe County Code is hereby amended to read as follows:

5.231 Holidays.

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

2. If January 1, July 4, 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 are entitled to the fractional equivalent time off; that is, an employee who regularly works 4 hours per day will be given 2 hours off for a 4-hour holiday. Temporary and temporary part-time employees are not eligible for holiday pay for time not worked.

SECTION 15. Section 5.233 of the Washoe County Code is hereby amended to read as follows:

5.233 Compensation for holidays worked; limit on accrual.

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

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

3. The equivalent holiday or cash payment shall be allowed within a reasonable time after the officially designated holiday. Employees must be either in a paid leave status or work the entire working day before and the entire working day after a holiday in order to receive payment for that holiday.

SECTION 16. 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 leave shall be charged on an hour for hour basis or major fraction thereof, if an employee has worked less than 40 hours in a work week. Vacation credit may be accumulated from year to year, but may not exceed 240 hours. Amounts in excess of 240 hours as of the end of the biweekly pay period encompassing December 31st,

must be forfeited as of that pay period. An employee who, on or before October 15, requests permission to take annual leave and the request is denied for any reason, is entitled to payment for any annual leave in excess of 240 hours which the employee requested to take and which the employee would otherwise forfeit as the result of the denial of the employee's request. The payment for the employee's unused annual leave pursuant to this section must be made to the employee not later than January 31. 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 17. Section 5.245 of the Washoe County Code is hereby amended to read as follows:

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

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

2. Except as provided in section 5.243, 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 the Merit Personnel Ordinance, the heirs of such deceased officer or employee who are given priority to succeed to his assets under the laws of intestate succession of this state, or the executor or administrator of his estate, upon submitting satisfactory proof to the board of county commissioners of their entitlement, shall be paid an amount of money equal to the number of days earned or accrued annual leave multiplied by the daily salary or wages of such deceased officer or employee.

SECTION 18. 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.

(g) Employees shall be allowed to voluntarily transfer up to a maximum of eighty (80) hours of their accumulated vacation leave during any calendar year to another employee who has no accumulated sick leave hours, but who is otherwise eligible to take paid sick leave in accordance with the provisions of this section. Donated vacation must be converted into money at the hourly rate of salary of the donor and the money must be converted into sick leave at the hourly rate of salary of the recipient. Such time shall be transferred to the recipient employee in blocks of eighty (80) hours to cover a biweekly pay period in the order in which the donated time is received. In the event that the recipient employee no longer requires the use of any donated vacation leave, the vacation leave that has not been transferred to the recipient employee shall be returned to the donor employee. The maximum number of hours that may be transferred to a recipient employee is 480 hours in any calendar year.

SECTION 19. Section 5.268 of the Washoe County Code is hereby amended to read:

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 24 hours of personal leave in the first full pay period in January of the following year. A

full-time employee who uses more than 32 hours but no more than 40 hours of sick leave in that period shall be credited with 8 hours of personal leave in the first full pay period in January of the following year.

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

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

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

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

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

Proposed on the 27th day of November, 2001.

Proposed by Commissioner Sferrazza.

Passed on the 11th day of December, 2001.

Vote:

Ayes: **Commissioners Shaw, Short, Galloway, Bond and Sferrazza**

Nays:

Absent:

James M. Shaw
Chairman
Washoe County Commission

ATTEST:
Amy Harvey
County Clerk

This ordinance shall be in force and effect from and after the 21st day of December, 2001.