

PERSHING COUNTY PERSONNEL POLICIES



(Rev. October 2018)

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*These are the updated policies for **Pershing County**, identified as ***employer*** from this point forward throughout each document.*

1. GENERAL PROVISIONS

1.1. Purpose

These policies are established to carry out Pershing County's personnel resolution, personnel ordinance, or intent of the governing board to adopt uniform personnel policies that will enable each employee to make his/her fullest contribution to the programs and services of the County. Each employee is responsible for reviewing and complying with the County's personnel policies.

The County retains the sole right to manage its affairs and direct its workforce within the existing framework of law (federal, state, and local), but not limited to the right to plan, direct, and control its operations: to determine the location of its facilities; to determine working hours; to decide the types of services to be provided and the manner of providing them; to decide the work to be performed; to decide the method and place of providing its services; to determine the schedules of work; to hire, layoff, assign, transfer, and promote employees; to determine the qualifications of employees; to determine and re-determine job content; to determine the starting and quitting times; to make such reasonable rules and regulations not in conflict with any collective bargaining agreement, as it may from time to time deem best for the purpose of maintaining order, safety, and/or effective operations of its facilities and to require compliance therewith by employees; to discipline and discharge employees for cause. The County requires all employees to cooperate and be candid and truthful in any internal investigation. These management rights are not subject to the dispute resolution/grievance procedure except as may be provided in a collective bargaining agreement.

1.2. Scope

In cases where the application of these policies would conflict with a collective bargaining agreement that is in effect between a recognized employee organization and the County, the provisions of the collective bargaining agreement shall govern. In all other cases, these policies shall govern. Nothing in these policies is intended to supersede applicable state or federal laws or administrative regulations/ordinances related to personnel matters.

1.3. Computing Time for Notices

Unless otherwise provided, the length of time for processing an action in these policies, days shall be counted beginning with the calendar day following mailing or delivery of notice and concluding at 5 p.m., on the last day to be counted. If the last day to be counted falls on a weekend or holiday, the period will end at 5 p.m., on the first business day following the last counted day.

1.4. Administration

The County reserves the right to change these personnel policies at any time. Nothing contained in these policies is intended to confer any property right in continued employment or imply a contract of employment.

The Board of Commissioners is responsible for implementing, administering, and ensuring compliance with the provisions of these policies.

All employees of the County are expected to read and familiarize themselves with the contents of these policies. After receiving and reviewing these policies, each employee is expected to sign an acknowledgement form. The employee should return the signed acknowledgement form to the Department Head/Supervisor for inclusion into his/her personnel file. Employees who fail to comply with these policies may be subject to disciplinary action, up to and including termination.

Sections designated as “Classified Service Only” shall not apply to those designated as “Unclassified.”

All changes, revisions, additions, and notices of deletions to these policies will be made available to all employees in the manner and form prescribed by the Board of Commissioners.

1.5. Administrative Directive

The HR Representative shall have the authority and the duty to develop and promulgate disseminate administrative directives, interpretive memoranda, and other administrative procedures to execute these policies, and to implement the **employer’s** personnel program on a consistent basis.

1.6. Change of Address

It is the responsibility of each employee to keep the County informed, in writing, of current address, telephone number, change of name, and any other information relating to employment status.

1.7. Failure to Receive Notices

Written communications to employees considered to be routine in nature shall be delivered by regular mail to the current address on record or via email. Written communications to employees identified as significant, important and/or time-sensitive shall be hand-delivered or sent by certified mail, return receipt requested, to the current address on record or via email utilizing the read receipt function. All written communications to applicants shall be hand-delivered or sent by U.S. mail to the address shown on the application for employment or sent via email as shown on the application. The County is not responsible in the event mail is not received. It is the employee’s responsibility to respond to all County communications, including those mailed and/or emailed to the address on record, and the responsibility of the applicant to comply with all phases of the selection process within the specified time. Failure to respond for any reason, including failure to receive written notice, may have an adverse effect on an individual’s employment status and/or result in disqualification from the selection and hiring process.

1.8. Personnel Files

1.8.1. Guidelines (Contents of Master Personnel File)

The contents of each employee’s master personnel file may include, at a minimum, the following:

- Job description
- Position’s exempt/non-exempt status
- Job application/résumé
- Job offer letter

- Employment contract/any agreement between the employee and the County
- Signed acknowledgments including receipt of County's policies and procedures, new employee orientation checklist, and related documents
- List of property issued (e.g., credit cards, keys, uniforms etc.)
- Emergency contact information
- Authorizations for release of information signed by employee
- Salary history record including rates of pay and other forms of compensation
- Driving records (if applicable)
- Vehicle registration/insurance (if applicable)
- Employment history of positions held including promotion(s), demotion(s), transfer(s), layoff(s), and termination(s)
- Training/education records including college transcripts
- Performance evaluations
- Performance improvement plan
- Documentation of verbal warning(s), written reprimand(s), and other disciplinary notice(s) and document(s)
- Letters of recognition(s), commendation(s), congratulation(s)
- Separation checklists
- Exit interview

The personnel file should NOT include any of the following:

- Grievances or the responses thereto
- I-9 immigration form and supporting documents
- General correspondence not acknowledged by the employee
- Any document which describes a physical or mental condition of the employee or any other individual. (Medical and related documents must be kept in a separate, locked file to which access is strictly limited to those in a business "need-to-know" position.)
- Child support documents
- Workers' compensation claims
- Investigation reports and supporting documents
- Employment examination results (written and/or oral testing)
- Employment interview questionnaires and supporting materials (including documentation of remarks by oral examiners)

1.8.2. *Maintenance of Master Personnel Files*

The County shall maintain a master personnel file for each employee. An employee's supervisor/manager may elect to maintain a duplicate copy of the documents; however, this does not supersede or eliminate the County's need to maintain the master personnel file for each employee. At the time of hire, each new employee will complete all government-required documentation, all County-required documentation, and when applicable, documentation pertaining to such matters as benefit plans enrollment and beneficiary designations. Where required, the employee is responsible for providing a copy of his/her driver's license or other required license or certificate.

1.8.3. *Employee Access*

An employee may view the contents of his/her master personnel file upon request as provided in *Section 1.9.2*. All inspections must be conducted in the presence of Department Head or HR Representative. An employee may request copies of any or all documents in his/her master personnel file but may not remove any documents from the file. The County will provide only one set of copies to the employee without charge per year. If the employee needs additional copies, s/he will be required to pay for them.

1.8.4. *Negative Information*

The County shall not put negative or derogatory material in an employee's master personnel file unless the employee has had a reasonable opportunity to review the material beforehand. The County will require the employee to sign such material to acknowledge they have reviewed and not necessarily agree. If the employee refuses to sign such material, the County may place it in the employee's master personnel file with a dated notation that the employee refused to sign such material after having been given an opportunity to do so. Whenever possible, another supervisor or manager should be used as a witness to the employee's refusal and should co-sign the entry along with the originating supervisor.

1.8.5. *Employee Information Submitted*

Statements by an employee submitted in rebuttal to adverse material placed in his/her master personnel file will be included in the employee's master personnel file. The County may place other information submitted by the employee in the master personnel file if the County finds that such information is relevant to the employee's work history with the County.

1.9. Confidential Information

1.9.1. *Identification of Confidential Information*

The following types of personnel information and employment records concerning current employees, former employees, and applicants for employment that the County maintains are confidential, as follows:

1. All information related to an employment application including, but not limited to, letters of reference, résumés, or his/her status as an applicant for employment.
2. All information that the County received or compiled concerning the qualifications of an applicant or an employee including, but not limited to, reports by employers, law enforcement officials, or other individuals concerning the hiring, promotion, performance, conduct, or background of applicants or employees.

3. Ratings, rankings, scoring sheets, or remarks by members of an evaluation board or individual interviewer, concerning an applicant or results from any testing or employment screening process.
4. Materials used in employment examinations including answers, rating guides, score sheets, etc., on any written exam or rating criteria for interviews.
5. Information in an employee's file or record of employment which relates to his/her:
 - a. Performance;
 - b. Conduct, including any proposed or imposed disciplinary action taken;
 - c. Race, color, religion, ethnic identity or affiliation, age, gender, marital status, pregnancy, number and names of dependents, military/veteran status, living arrangements, membership in any organization, sexual orientation, domestic partnership, national origin, ancestry, genetic information, disability, gender identity or expression, political affiliation, membership in the Nevada National Guard, any other class that becomes protected by federal and/or state law, date of birth, or social security number;
 - d. Past or present home address, telephone number, post office box, or relatives; and
 - e. All information concerning the voluntary or involuntary termination of an employee, other than the dates of actual employment.
6. The name of an employee's/former employee's designated beneficiary.
7. All medical information including, but not limited to:
 - a. Pre-employment and post-employment medical and psychological examinations;
 - b. Disability and documentation relating to reasonable accommodation requested or granted;
 - c. Drug and alcohol testing;
 - d. Genetic information;
 - e. Pregnancy, health care provider's certification and other communication;
 - f. Subsequent Injury Fund Questionnaire;
 - g. Any other medical information that an employee or applicant has voluntarily provided, or the County has requested.
8. The County shall keep all information and documents pertaining to an investigation separate from other personnel and employment records ensuring privacy of all employees, witnesses, and other individuals involved. Access is limited to only those individuals with a demonstrable business need-to-know.

9. Grievance files that include notices, notes, and decisions of appeal will be maintained in a separate file with limited access to only those individuals with a demonstrable business need-to-know.

1.9.2. Access to Confidential Information

Access to confidential records is restricted to the following unless specifically provided in a separate policy:

1. The names of members of an evaluation panel shall not be released, nor shall tests that are governed by confidentiality agreements be released. Access to the materials for an examination and information relating to an applicant that is relevant to a decision to hire that person (e.g., information described in Section 1.9.1, items 1-4) is limited to:
 - a. Employees with a business need-to-know in order to fulfill the responsibilities assigned by County
 - b. The County's manager/administrator, human resources director/manager, or his/her designee;
 - c. Persons authorized pursuant to any state or federal law or court order (i.e., governmental/legal/auditing/investigating agencies);
 - d. Counsel retained by or on behalf of the County; and
 - e. Any other parties with whom the employer has a contractual relationship in order to enable the employer to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the County.
2. Access to an employee's personnel-related confidential file containing those items listed above in Section 1.9.1., items 5 – 6 is limited to:
 - a. The employee;
 - b. The employee's representative when s/he presents a current signed authorization from the employee;
 - c. The employee's manager/supervisor, with a need-to-know, or as needed for a reasonable accommodation and human resources;
 - d. Persons authorized pursuant to any state or federal law or court order;
 - e. Counsel retained by or on behalf of the employer;
 - f. Employer's workers' compensation carrier in order to address a claim filed for workers' compensation; and
 - g. Any other parties with whom the employer has a contractual relationship in order to enable the County to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the County.

3. Access to an employee's confidential medical file containing those items listed above in Section 1.9.1., item 7 is limited to:
 - a. Supervisors and managers, regarding necessary restrictions and accommodations in the employee's duties;
 - b. First-aid and safety personnel;
 - c. Government officials investigating compliance with applicable laws, on request;
 - d. State workers' compensation office officials;
 - e. Insurance company employees when the company requires a medical examination to provide health or life insurance (29 C.F.R. §1630.14(c)(1)); and
 - f. The County's workers' compensation carrier in order to address a claim filed for workers' compensation.

The results of a physical examination administered pursuant to NRS 617 may only be provided to:

- i. The examining physician;
 - ii. The employee;
 - iii. The County's officer who is responsible for risk management or human resources or his/her designee; and the insurer if an employee has filed a claim pursuant NRS 617.
4. Access to an employee's personnel-related confidential file containing those items listed above in Section 1.9.1., items 8 and 9 is limited to:
 - a. The employee's manager/administrator, human resources director/manager, or his/her designee;
 - b. Persons authorized pursuant to any state or federal law or court order;
 - c. Counsel retained by or on behalf of the County; and
 - d. Any other parties with whom the County has a contractual relationship in order to enable the County to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the County.

1.9.3. *Disposal of Personal Records*

1. NRS 239B.030 states that government agencies shall ensure that personal information, defined as social security numbers, driver's license numbers, or bank account numbers, required to be maintained by state or federal statute and received after January 1, 2007, be maintained in a confidential manner.
2. If the agency has records containing personal information which is not required by specific state or federal statute and the information was received prior to January 1, 2007, the

information may be obliterated or removed from documents and computer systems.

3. In compliance with the Fair and Accurate Credit Transactions (FACT) Act Disposal Rule, the County shall dispose of sensitive information derived from consumer reports to ensure there will be no unauthorized access to – or use of – any confidential information. “Consumer Reports” are defined as reports which contain information from a consumer reporting company, such as reports obtained from third party agencies who conduct employment background checks on behalf of the County.
4. Sensitive information includes any and all documents containing employee information, which can include:
 - a. Employee name
 - b. Social security number
 - c. Driver’s license number
 - d. Phone number
 - e. Physical address
 - f. Email address
 - g. Any other personal identifiers

In addition, any identifying personal information, such as that described above and listed under item 3, which is stored on electronic files, shall be destroyed or erased so that the information cannot be read or reconstructed.

5. Method of disposal. The County shall dispose of sensitive information by shredding or burning any and all documents which contain personal information. Although the law specifically applies to consumer reports and the information derived from consumer reports, the County shall, in accordance with good personnel practices, properly dispose of any records containing employee personal or financial information. An electronic record must be destroyed in accordance with the applicable schedule in a manner that ensures the information cannot be retrieved or reconstructed, including, without limitation, overwriting, degaussing and the physical destruction of the storage media.

1.10. Related Forms

- Employer Personnel Policies – Acknowledgment and Receipt

2. EMPLOYEE RELATIONS

2.1. Fair Employment Practices

2.1.1. Policy

Pershing County recognizes the fundamental rights of applicants and employees to be assessed on the basis of merit. Recognition of seniority and current employment with the County may also be considered. Therefore, it is the policy of the County to provide equal employment opportunity for all applicants and employees. The County does not sanction or tolerate discrimination in any form on the basis of race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law.

The County will:

1. Recruit, hire, train, and promote for all job classifications without regard to race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law, as well as to ensure that all compensation, benefits, transfers, layoffs, return from layoffs, County-sponsored training, social, and recreation programs will be administered in conformance with the County's policy. In addition, the employer will not discharge, discipline, or discriminate against an individual because of: domestic violence as provided for in NRS 613, discussing compensation as provided for in NRS 613, or using leave as a National Guard member as provided for in NRS 412.
2. Comply with all applicable laws prohibiting discrimination in employment including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Employment Opportunity Act of 1972, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act, as amended, the Genetic Information Nondiscrimination Act of 2008, the applicable Nevada Revised Statutes on Equal Employment Opportunity (NRS 613), Nevada Revised Statutes regarding National Guard service (NRS 412.139/.1395), and any other applicable federal, state, and local statutory provisions.
3. Provide reasonable accommodation wherever the need for such is known by the County, and/or the applicant or employee indicates a need for such reasonable accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's

performance of the assigned job duties does not pose a threat to the safety of him/herself or others.

4. Hold all managers and supervisors responsible for ensuring that personnel policies, guidelines, practices, procedures, and activities are in compliance with federal and state fair employment practices, statutes, rules, and regulations.

2.1.2. *Scope*

This policy applies to all persons involved in the operation of the County and prohibits harassment, discrimination, and retaliation by any employee, including supervisors and coworkers, volunteers, customers or clients of the County, and any vendor or other service provider with whom the County has a business relationship. The County will not tolerate instances of harassment, discrimination, or retaliation, whether or not such behavior meets the threshold of unlawful conduct. While single incidents of alleged harassment, discrimination, or retaliation may not be sufficiently severe or pervasive to rise to the level of being a violation of the law, the **employer** nevertheless prohibits such conduct and may impose appropriate disciplinary action against any employee engaging in such.

2.1.3. *Equal Employment Opportunity Officer Designated*

The primary responsibilities for ensuring fair employment practices for the County are promoted and adhered to are assigned to the County's designated Equal Employment Opportunity (EEO) Officer. The County's designated EEO Officer will also serve as the Americans with Disabilities (ADA) Coordinator, unless otherwise noted, and as such, also has responsibility for coordinating the County's compliance with federal and state disability laws. The designated EEO Officer for the County is the HR Representative. The name and work telephone number of the designated individual will be posted on bulletin boards at **employer** work sites. In the event the designated EEO Officer is unavailable, the District Attorney is designated as the alternative EEO Officer.

2.2. *Anti-Harassment*

2.2.1. *Policy*

Pershing County promotes a productive work environment and does not tolerate verbal, physical, written, or graphical conduct/behavior(s) that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment based on that person's race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law.

2.2.2. *Prohibited Conduct/Behavior(s)*

The County will not tolerate any form of harassment, including any conduct/behavior(s) on the part of employees, volunteers, clients,

customers, vendors, contractors, etc., that impairs an employee's ability to perform his/her duties. Examples of prohibited conduct/behavior(s) include, but are not limited to:

1. Offensive verbal communication including slurs, jokes, epithets, derogatory comments, degrading or suggestive words or comments, unwanted sexual advances, invitations, or sexually degrading or suggestive words or comments.
2. Offensive written communication including notes, letters, notices, emails, texts, or any other offensive message sent by electronic means.
3. Offensive gestures, expressions and graphics including leering, obscene hand, finger, or body gestures, sexually explicit drawings, derogatory posters, photographs, cartoons, drawings, or displaying sexually suggestive objects or pictures.
4. Physical contact when the action is unwelcomed by recipient including brushing up against someone in an offensive manner, unwanted touching, impeding or blocking normal movement, or interfering with work or movement.
5. Expectations, requests, demands, or pressure for sexual favors.

2.3. Dealing w/Allegations of Discrimination and/or Prohibited Conduct/Behavior(s)

2.3.1. *Process*

Employees or applicants who believe they are being subjected to any form of prohibited conduct/behavior(s) as described in this policy by another (e.g. employee, client, customer, vendor, volunteer, contractor, etc.) based on their race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law, as well as those who believe they have witnessed another employee, client or member of the public being subjected to prohibited conduct/behavior(s), have an affirmative duty to bring the situation to the attention of the County. Employees covered by a collective bargaining agreement may opt to use the process described in this policy or in an applicable grievance procedure delineated by their collective bargaining agreement but may not use both.

2.3.2. *Employee Responsibilities*

Employees who believe they personally are being or have been subjected to prohibited conduct/behavior(s) and/or are the target of any form of prohibited conduct/behavior(s), or have witnessed any other employee being subjected to these behaviors, should immediately:

1. Identify the offensive conduct/behavior(s) to the alleged harasser and request that the behavior cease.

Note: An employee is **NOT** required to talk directly to the alleged harasser or to the employee's supervisor. It is **critical**, however, that the employee contact one of the individuals listed in sections 2 or 3 below if s/he believes s/he is being targeted or has witnessed what the employee believes to be prohibited conduct/behaviors(s) directed to or committed by another employee(s), client(s), customer(s), vendor(s), volunteer(s), contractor(s), etc.

2. If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the prohibited conduct/behavior(s) to cease, but the request did not produce the results desired, the employee should report the conduct/behavior(s) as soon as possible to any supervisor/manager, the County's designated EEO Officer, or the HR Representative.
3. Employees who believe the EEO Officer has engaged in prohibited conduct/behavior(s) should bring such concerns to the attention of the alternate EEO Officer or to the Board of Commissioners. The Board of Commissioners will designate an objective person to conduct an investigation of such allegations. Employees may also report the conduct/behavior(s) to the Department Head or the County's attorney.
4. An employee who witnesses or obtains information regarding prohibited conduct/behavior(s) by his/her immediate supervisor is required to report the incident to the EEO Officer or HR Representative.
5. Applicants who have concern regarding violations of this policy are encouraged to contact the designated EEO Officer or the alternate.

2.3.3. Supervisor/Manager Responsibilities

Regardless of whether the employee involved is in the supervisor's or manager's department and regardless of how s/he became aware of the alleged prohibited conduct/behavior(s), all supervisors and managers must immediately report all allegations or complaints or observations of such conduct/behavior(s) to the EEO Officer, HR Representative, Department Head, or Commission. The information reported must include:

1. The persons(s) involved, including all witnesses;
2. A written record of specific conversations held with the accused and any witnesses; and
3. All pertinent facts, including date(s), time(s), and locations(s).

A supervisor's/manager's failure to immediately report such activities, complaints, or allegations will result in discipline, up to and including termination.

2.3.4. *Investigation*

Upon being made aware of allegations or complaints of prohibited conduct/behavior(s), the County will ensure that such allegations or complaints are investigated promptly. The County treats all allegations or complaints seriously and requires all employees to be candid and truthful during the investigation process.

The County will make efforts to ensure that all investigations are kept as confidential as reasonably possible. Employees will be requested to refrain from discussing the subject content with others, particularly while the investigation is in progress. Employees shall be required, upon request, to provide information to regulatory agencies. The County will release information obtained only to those individuals involved in the investigation and the administration of the complaint with a business need-to-know, or as required by law.

The County will communicate to the individual who made the initial complaint, as well as the individual against whom the complaint was made, will be made aware that the investigation is completed and appropriate action, if any, has been taken.

If evidence arises that a participant in the investigation made intentionally false statements, that employee will be disciplined, up to and including termination.

If it is determined that a violation of this policy has occurred, the County will take corrective action against the violator commensurate with the severity of the offense. Such corrective action may include, but is not limited to, counseling, verbal warning, written reprimand, pay reduction, transfer, demotion, suspension without pay, or termination. The County will also initiate action to deter any future prohibited conduct/behavior(s) from occurring.

With regard to disability-related complaints, the EEO Officer (when appropriate, working with the Department Head and/or the complainant) shall propose a resolution to the complaint based upon the findings of such investigation. Such resolution will include reasonable accommodation when the County determines that such a reasonable accommodation can be provided by the County.

2.3.5. *Training*

The County will provide training every two (2) years to all employees on the prevention of discrimination and prohibited conduct/behavior(s) in the workplace. All new employees will be provided a copy of this policy upon hire and the contents will be discussed during the new hire orientation process. New employees will participate in training on the prevention of discrimination and prohibited conduct/behavior(s) within six (6) months of hire. A copy of this policy will be made available to applicants upon request.

2.3.6. *Prohibition against Retaliation*

Retaliation is adverse treatment which occurs because of opposition to prohibited conduct/behavior(s) in the workplace. The County will not

tolerate any retaliation by management or by any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been harassed, retaliated, or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process should immediately notify the EEO Officer or alternative EEO Officer. The County will promptly investigate and deal appropriately with any allegation of retaliation.

2.4. Genetic Information Nondiscrimination Act (GINA)

2.4.1. Policy

Employers with 15 or more employees must comply with the federal regulations associated with the Genetic Information Nondiscrimination Act (GINA), NRS 613.345, NRS 281.370, and NRS 233.010. When requiring employees or applicants to see a health care provider for work-related medical exams, pre-employment physicals, ADA accommodations, fitness-for-duty exams, or similar work-related medical exams, the County must state to the applicant, employee, AND the health care provider that no genetic information is sought by or to be relayed to the employer under Title II provisions of GINA.

2.5. Employee Dating

2.5.1. Policy

The County recognizes that an environment where employees maintain clear boundaries between personal and workplace interactions is most effective for conducting business. This policy does not prevent the development of friendships or romantic relationships between employees. However, employees in supervisory/managerial positions are precluded from having a romantic relationship with any subordinate employee.

2.5.2. Employee Responsibilities

1. Employees are prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on County property, in a County vehicle, or on County business whether or not such physical contact occurs during work hours.
2. Violation of this policy could result in disciplinary action up to and including termination.

2.5.3. Supervisor/Manager Responsibilities

1. Employees employed in supervisory/managerial positions are prohibited from engaging in a romantic relationship with a subordinate employee. Employees employed in supervisory/managerial positions need to be cognizant of their status as role models, their access to sensitive information, and their ability to influence others.

2. Violation of this policy could result in disciplinary action up to and including termination.

2.6. Employee Bullying

2.6.1. Definition

The County defines bullying as repeated mistreatment of one or more persons by one or more perpetrators that takes one of the following forms:

- a. Verbal abuse;
- b. Offensive conduct/behaviors (including nonverbal, physical, and cyber-bullying) which are threatening, humiliating, or intimidating, or
- c. Work interferences, such as sabotage, which prevents work from getting done.

2.6.2. Purpose

The purpose of this policy is to communicate to all employees, including supervisors and managers, that the County will not tolerate bullying behavior. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination.

2.6.3. Prohibited Conduct

The County considers the following types of behavior examples of bullying (this list is not all-inclusive):

- a. *Verbal Bullying*: Slandering, ridiculing or maligning an employee or his/her family; persistent name calling which is hurtful, insulting, or humiliating; yelling, screaming, and cursing; chronic teasing; belittling opinions or constant criticism.
- b. *Physical Bullying*: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to an employee's work area or property.
- c. *Nonverbal Bullying*: Nonverbal threatening gestures or glances which convey threatening messages; threatening actions; socially or physically excluding or disregarding a person in a work-related activity.
- d. *Cyber-bullying*: Repeatedly tormenting, threatening, harassing, humiliating, embarrassing, or otherwise targeting an employee using email, instant messaging, text messaging, social media, or any other type of digital technology.
- e. *Workplace Interference*: Sabotaging which prevents work from getting done; deliberately tampering with a person's work area or property; unreasonably assigning menial tasks outside of a person's normal job duties.

2.6.4. *Dealing with Allegations of Bullying*

1. Process

Employees or applicants who believe they are being bullied by another (e.g. employee, volunteer, customer, vendor, contractor, etc.), as well as those who believe they have witnessed another employee, volunteer, customer, or member of the public being subjected to bullying behavior, have an affirmative duty to bring the situation to the attention of the County.

2. Supervisor/Manager Responsibilities

A supervisor/manager is required to report this information to his/her EEO Officer, Department Head, or HR Representative immediately.

3. Investigation

Upon being made aware of allegations or complaints of bullying, the County will ensure that such allegations or complaints are investigated where deemed necessary.

The County will make efforts to ensure that all investigations are kept as confidential as reasonably possible. The County will release information obtained only to those individuals with business need-to-know or involved in the investigation and the administration of the complaint, or as required by law.

The individual who made the initial complaint, as well as the individual against whom the complaint was made, will be made aware that the investigation is completed and appropriate action, if any, has been taken.

If it is determined that bullying has occurred, the County will take appropriate action. The County will also initiate action to deter any future prohibited conduct/behavior(s) from occurring.

2.6.5. *Prohibition against Retaliation*

The County will not tolerate any retaliation by management or by any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been retaliated or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process should immediately notify the EEO Officer or the alternate. The County will promptly investigate and deal appropriately with any allegation of retaliation.

2.7. Employment Disabilities

2.7.1. *Purpose of Policy*

The County recognizes that the preceding sections of its personnel policy relating to fair employment practices encompass its commitment to fair and equitable treatment of all employees and applicants, including those with disabilities. The County also recognizes that there are specific issues relating to individuals with disabilities that must be individually addressed. The County acknowledges its responsibility to ensure that individuals in the workplace can efficiently and safely perform the

essential functions of their jobs without posing a direct threat to themselves and others.

2.7.2. Policy

It is the County's policy to comply proactively with the applicable employment provisions of disability laws, including the Americans with Disabilities Act (ADA), as amended and Nevada Law (NRS 613.310, NRS 281.370, and NRS 233.010). The County does not tolerate discrimination against any qualified individual with a disability in regard to any terms, conditions, or privileges of employment and prohibits any type of harassment or discrimination based on the physical or mental disability, history of disability, or perceived disability of an individual holding or seeking employment with the County.

The County is committed to provide *reasonable* accommodation wherever the need for such is known to the County or whenever the employee or applicant indicates a need for *reasonable* accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose an obvious threat to the safety of him/herself or others.

2.7.3. Determination of Disability

In determining whether an employee or an applicant has a disability under the law, the employee/applicant must have a physical or mental impairment that substantially limits one or more life activities, have a record of such an impairment, or being regarded as having an impairment. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, concentrating, thinking, communicating, reading, sitting, reaching, interacting with others, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, genitourinary, cardiovascular, hemic, lymphatic, musculoskeletal, respiratory, circulatory, endocrine, and reproductive functions.

2.7.4. Disability-Related Inquiries

The County shall adhere to the provisions of applicable laws regarding a County's limitations on making disability-related inquiries or requiring medical examinations.

The County's restrictions regarding disability-related inquiries and medical examinations apply to **all** employees/applicants, whether or not they have disabilities. A disability-related question to an applicant may be a violation of law, even though the applicant may not have a disability.

The County may require the employee to provide a fitness-for-duty certification from an appropriate health care provider whenever the

County has reason to believe the employee may be unable to perform the essential functions of his/her job, pose a direct threat to him/herself or to others, and consistent with the business necessity of the County.

2.7.5. *Accommodation*

1. Accommodation for Applicants

Whenever an applicant requests accommodation in applying for, testing, or interviewing for a position with the County, the County's ADA Coordinator shall determine whether the request for accommodation for a covered disability is reasonable or if another type of accommodation can be provided. In making the determination of reasonableness, the ADA Coordinator may consider whether granting such requests might impose an undue hardship on the County.

2. Accommodation for Employees

When the County has some objective reason to believe an employee may need some type of accommodation to perform his/her essential job functions, the County must initiate an interactive process with the employee to find out what accommodation the employee might need. Also, whenever an employee approaches his/her supervisor, the County's ADA Coordinator, or any other manager within the County requesting some type of accommodation, the County will initiate the interactive process. Whenever a manager or supervisor becomes aware that an employee has requested or may require some type of accommodation, the manager/supervisor should promptly notify the ADA Coordinator. Upon learning of the employee's request for accommodation, the ADA Coordinator shall arrange to meet with the supervisor and the employee to discuss his/her accommodation request, the need for any reasonable documentation of the disability, the associated functional limitations, and the impact of the proposed accommodation on the County. Review of an employee's particular situation by a health care provider may assist the organization in determining appropriate accommodation.

2.7.6. *Requirements of Other Laws*

The County may make disability-related inquiries and require medical exams that are required or necessitated by applicable laws or regulations; e.g., federal safety regulations, OSHA requirements, etc.

2.8. *Pregnancy, Childbirth, and Related Medical Conditions (15 or more employees)*

2.8.1. *Purpose of Policy*

The County recognizes that the preceding sections of its personnel policy relating to fair employment practices encompass its commitment to fair and equitable treatment of all employees and applicants, including sex discrimination on the basis of pregnancy. The County also recognizes that there are specific issues relating to pregnancy, childbirth, and related

medical conditions that must be individually addressed. The County acknowledges its responsibility to ensure that individuals in the workplace can efficiently and safely perform the essential functions of their jobs without posing a direct threat to themselves and others.

2.8.2. Policy

It is the County's policy to comply proactively with the applicable employment provisions of discrimination laws, including the Federal Pregnancy Discrimination Act (PDA) and Nevada Pregnant Workers' Fairness Act under NRS 613.

The County is committed to provide reasonable accommodation whenever a female employee/applicant requests an accommodation for a condition of the employee relating to pregnancy, childbirth, or a related medical condition, provided that the individual is otherwise qualified to perform the essential functions of the assigned job, absent undue hardship. Related medical conditions include, without limitation, a physical or mental condition intrinsic to pregnancy or childbirth, including mastitis or other lactation-related medical condition, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, loss or end of pregnancy, and recovery from loss or end of pregnancy.

2.8.3. Accommodation

If a female employee/applicant requests an accommodation for a condition of the employee/applicant relating to pregnancy, childbirth or a related medical condition, the ADA Coordinator and employee/applicant shall engage in a timely, good faith and interactive process to determine an effective, reasonable accommodation.

Whenever a manager or supervisor becomes aware that a female employee has requested an accommodation, the manager/supervisor should promptly notify the ADA Coordinator.

Upon learning of the employee's request for accommodation, the ADA Coordinator shall arrange to meet with the supervisor and the employee to discuss her accommodation request, the need for an explanatory statement from the employee's physician concerning the specific accommodation recommended by the physician for the employee, and the impact of the proposed accommodation on the County.

1. Accommodation for Employees

Reasonable accommodations may include a change in the work environment or in the way things are customarily carried out that allows the employee to have equal employment opportunities, including the ability to perform the essential functions of the position and to have benefits and privileges of employment; such as:

- a. Modifying equipment or providing different seating;
- b. Revising break schedules, including the frequency and duration;
- c. Providing space, other than a bathroom, for expressing milk (see Leave for Nursing Mothers, policy 6.13);

- d. Providing assistance with manual labor if the manual labor is incidental to the primary work duties of the employee;
- e. Authorizing light duty;
- f. Temporarily transferring employee to less strenuous/hazardous position;
- g. Restructuring position or providing modified work schedule; or
- h. Leave, with or without pay, if no other reasonable accommodation which would allow the employee to continue to work is available.

2. Accommodation for Applicants

Reasonable accommodations may include a modification to the application process for an applicant or the manner in which things are customarily carried out that allows the applicant to be considered for employment or hired for a position.

2.8.4. *Prohibitions*

The County will not:

- 1. Refuse to provide a reasonable accommodation unless the accommodation would impose an undue hardship.
- 2. Take adverse employment action against an employee because the employee requests or uses a reasonable accommodation.
- 3. Deny an employment opportunity to an otherwise qualified applicant because they have requested a reasonable accommodation.
- 4. Require an employee or applicant to accept an accommodation she did not request or chooses not to accept.
- 5. Require an employee to take leave if a reasonable accommodation is available that would allow the employee to continue working.

2.8.5. *Requirements of Other Laws*

The County may make pregnancy-related inquiries and require medical exams that are required or necessitated by applicable laws or regulations; e.g., federal safety regulations, OSHA requirements, etc.

2.8.6. *Notice Requirements*

The County will provide a written or electronic notice to all new employees upon commencement of employment that they have the right to be free from discriminatory or unlawful employment practices pursuant to this Act. The notice includes a statement that a female employee has the right to a reasonable accommodation for a condition of the employee relating to pregnancy, childbirth, or related medical condition. This notice will be provided within ten days after an employee notifies her immediate supervisor that she is pregnant. This notice will also be posted at conspicuous locations that are accessible to employees.

2.9. Reasonable Accommodation for Victims of Domestic Violence

2.9.1. Policy

It is the County policy to comply proactively with the applicable employment provisions of discrimination laws, including NRS 613, which set forth requirements for employers, absent creating an undue hardship, to provide reasonable accommodation to employees who are victims of domestic violence or whose family or household members are victims of domestic violence. For the purpose of this policy, “family or household members” include the employee’s spouse, domestic partner, minor child, or parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence.

2.9.2. Accommodation

1. Whenever a manager or supervisor becomes aware that an employee has a need for an accommodation due to domestic violence, the manager/supervisor should promptly notify the EEO Officer.
2. Upon learning of the employee’s need for accommodation due to domestic violence, the EEO Officer shall arrange to meet with the supervisor and the employee to discuss his/her accommodation request, the need for documentation that confirms or supports the reason the employee requires the reasonable accommodations, and the impact of the proposed accommodation on the County.
3. Reasonable accommodations may include:
 - a. Transfer or reassignment;
 - b. A modified schedule;
 - c. A new telephone number for work; or
 - d. Any other reasonable accommodations which will not create an undue hardship deemed necessary to ensure the safety of the employee, the workplace, the County or other employees.

2.9.3. Prohibitions

The County will not discharge, discipline, discriminate against, in any manner, or deny employment or promotion to, or threaten to take any such action against an employee because:

1. The employee requested to use hours of leave pursuant to this policy;
2. The employee participated as a witness or interested party in court proceedings related to a domestic violence act;
3. The employee requested accommodation pursuant to this policy; or
4. An act of domestic violence was committed against the employee at the workplace.

2.10. Drug- and Alcohol-Free Workplace

2.10.1. Policy

The County recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. This drug- and alcohol-free workplace policy applies to volunteers as well as employees.

1. The County is committed to:
 - a. Maintaining a safe and healthy workplace for all employees and volunteers;
 - b. Assisting employees or volunteers who recognize they have a problem with drugs, prohibited substances, or alcohol in receiving appropriate treatment;
 - c. Periodically providing employees and volunteers with information about the dangers of workplace drug abuse; and
 - d. When appropriate, taking disciplinary action for failure to comply with this policy.
2. The County strictly prohibits the following behavior:
 - a. The use, sale, attempted sale, manufacture, attempted manufacture, purchase, possession or cultivation, distribution and/or dispensing of illegal drugs or prohibited substances by an employee at any time and in any amount. For the purpose of this policy, illegal drugs include those classified as such under local, state, or federal laws. Prohibited substances include medical and recreational marijuana, the use or possession of prescription medicines for which the individual does not have a valid prescription, and the inappropriate use of prescribed medicines for which the employee has a valid prescription. The prohibition also includes using over-the-counter medications contrary to manufacturer instructions, or consumer products not meant for human consumption. In addition, the County prohibits employees from possessing open containers of alcoholic beverages while on the County's premises and/or while on duty and from working with a blood-alcohol level of .02 or more at any time.
 - b. Bringing alcohol, illegal drugs, and other prohibited substances which may impair the safety or welfare of employees or the public onto the premises controlled by the County or placing in vehicles or equipment operated on behalf of the County.
 - c. Driving an organizational vehicle while on or off duty with a blood alcohol level of .02 or more or under the

influence of an illegal drug or prohibited substance, regardless of the amount.

- d. Law enforcement personnel performing job-related functions which require possession and/or transportation of such substances are exempt from this section.

3. Reporting Requirements

- a. A supervisor who receives information or is a witness to any use of illegal drugs, prohibited substances, or alcohol by an employee which violates County's policies or the law, is required to report this information to his/her Department Head or the District Attorney immediately. The information reported must include:
 - i. The persons(s) involved, including all witnesses;
 - ii. Any information gathered, such as actual observation of drug /alcohol use, the presence of paraphernalia, observation of any unusual physical signs or behaviors;
 - iii. A written record of specific conversations held with the accused and any witnesses;
 - iv. All pertinent facts, including date(s), time(s), and locations(s).
 - b. Employees who witnesses or obtains information regarding illegal drug/prohibited substance/alcohol use by his/her immediate supervisor is required to report the incident to that supervisor's supervisor.
- 4. Specimen collection, drug testing procedures, sample collection, and alcohol testing procedures will comply with all applicable provisions of federal and state law.
 - 5. A positive test result for illegal drugs/prohibited substances/alcohol will be grounds for disciplinary action, up to and including termination.
 - 6. Employees in safety-sensitive positions as defined in 49 CFR Part 382, et seq., are subject to the Federal Department of Transportation (DOT) (49 CFR Part 40) and the Federal Motor Carrier Safety Regulations (FMCSR), as prescribed by the Federal Motor Carrier Safety Administration (FMCSA) (49 CFR Parts 382, 383, 387, 390-397, and 399), as well as the County's Drug- and Alcohol-Free Workplace Policy.
 - 7. The County receives funding through federal grants and is therefore subject to the Drug-Free Workplace Act of 1988. Marijuana (including medical and recreational marijuana), cocaine, opioids, amphetamines (including methamphetamines), phencyclidine (PCP), and methylenedioxy-methamphetamine (MDMA) are considered illegal Schedule I or II drugs through the federal government. All employees must comply with the Drug-Free Workplace Act

of 1988 and may not have any detectable level of Schedule I or II drugs in their system while at work. Failure to comply will be grounds for disciplinary action, up to and including termination.

8. As provided in NRS 453A, the County is not required to provide reasonable accommodation for the medical use of marijuana for:
 - a. Attorneys, investigators, special investigators or other employees acting in his/her professional or occupational capacity within the District Attorney's Office, and
 - b. Peace Officers or other employees acting in his/her professional or occupational capacity in a law enforcement agency.

2.10.2. *Employee Responsibilities*

1. Each employee is responsible for meeting standards for work performance and safe on-the-job conduct.
2. Employees shall not report to work under the influence of alcohol, illegal drugs, prohibited substances, or misused prescription or over-the-counter drugs, regardless of the amount.
3. Employees who suspect they may have a substance abuse problem are encouraged to seek counseling and rehabilitation from the County's Employee Assistance Program (EAP) provider, substance abuse professional, or other treatment provider. The County's medical insurance policy may provide for payment of some or all of the treatment costs.
4. It is the responsibility and obligation of employees in safety-sensitive positions to determine, by consulting a health care provider if necessary, whether or not a legal drug s/he is taking may/or will affect his/her ability to safely perform his/her job duties. An employee in a safety-sensitive position whose medication may affect their ability to safely perform their job must contact the human resources director or department director who will attempt to find an appropriate alternative assignment. If none is available, the employee and the County will take steps consistent with the advice of a health care provider which could include the use of sick leave or a leave of absence. If an employee reports to work under the influence of prescription medication and, as a result, endangers him/herself or others, the employee will be subject to discipline, up to and including termination.
5. Each employee must report the facts and circumstances of any drug or alcohol conviction resulting from an incident that occurred while the employee was on duty or which may impact the employee's ability to perform the duties of his/her job. If

duties involve driving a vehicle, the employee must report to his/her supervisor a conviction for driving under the influence (DUI), and/or revocation or suspension of the driver's license pending adjudication. Notification to County must occur before resuming work duties or immediately after the conviction or revocation/suspension. Failure to notify the County will be grounds for disciplinary action, up to and including termination.

6. Employees in safety-sensitive positions identified by the County are subject to random drug and/or alcohol testing as provided in this policy.
7. Employees must act as responsible representatives of the County and as law-abiding citizens. It is every employee's responsibility to report violations of this policy to his/her immediate supervisor or to HR Representative. Such reporting is critical in preventing serious injuries or damage to the County's property.
8. Employees who are required to submit to a drug/alcohol test must complete and sign a consent form. Employees acknowledge that by consenting to drug testing, they are waiving any expectation of privacy.

Note: Law enforcement employees and applicants for law enforcement positions are also subject to the law enforcement department's drug testing policy.

2.10.3. *Department Head Responsibilities*

The department head or his/her designee is responsible for:

1. Authorizing the testing of employees.
2. Coordinating drug and/or alcohol testing.
3. Completion of a required consent form.
4. Notifying employees of positive test results and their right to a retest of the same sample.
5. Implementing disciplinary action against employees who fail to comply with provisions outlined in this policy.
6. Notifying the County's attorney of an employee's conviction of a federal or state drug and/or alcohol violation.
7. Ensuring that the drug and/or alcohol test forms and results are kept confidential and only provided to employees with a business need for the information.
8. Identifying safety-sensitive positions.
9. Notifying employees in department safety-sensitive positions that they are subject to random drug and/or alcohol testing.

2.10.4. *Supervisor Responsibilities*

Supervisors are responsible for:

1. Determining if reasonable suspicion exists to warrant drug and/or alcohol testing and detailing, in writing, the specific facts, symptoms, or observations that are the basis for the reasonable suspicion.
2. Submitting the documentation to the Department Head or designee.
3. Complying with the appropriate provisions outlined in this policy that apply to supervisory personnel.

2.10.5. *Employer Responsibilities*

Employers are responsible for:

1. Providing communication and training on this policy to include a training program to assist supervisors to recognize the conduct and behavior that gives rise to a reasonable suspicion of drug and/or alcohol use by employees and how to take appropriate corrective action.
2. Receiving and maintaining employee drug and alcohol testing records and files from all sources and assuring that they are kept confidential.
3. Making drug and/or alcohol testing and notice forms available.
4. Notifying appropriate department heads of positive results of drug and alcohol tests.
5. Administering the contract with a third party to provide drug and alcohol testing services.
6. Overseeing the administration of the County's Drug- and Alcohol-Free Workplace Policy.
7. Designating safety-sensitive positions.
8. Notifying department heads of their employees randomly selected for drug and/or alcohol testing.
9. Ensuring the administration of all pre-employment drug testing.

2.10.6. *Employee Education*

The County maintains information relating to the hazards of and treatment for drug- and alcohol-related problems. Proactive training and information shall be sponsored by the County [every two (2) years. Any employee may voluntarily seek advice, information, and assistance. Medical confidentiality will be maintained consistent with this policy.

2.10.7. *Employee Assistance and Voluntary Referral*

1. The County strongly encourages employees who suspect they have substance abuse problems to voluntarily refer themselves to a treatment program. A voluntary referral is defined as being one that occurs prior to any positive test for illegal drugs, prohibited substances, or alcohol under this policy and prior to any other violation of this policy, including a conviction of that individual for a drug or alcohol related offense. A decision to participate in the employee assistance or other treatment program will not be a protection or defense from discipline.

2. Any employee who voluntarily requests assistance in dealing with a personal drug and/or alcohol problem may do so through a private treatment program for drug and alcohol problems. An employee who is being treated for substance abuse in a recognized rehabilitation program may, if the Americans with Disabilities Act applies, be entitled to reasonable accommodation so long as the employee is conforming to the requirements of the program and is abstaining from the use of controlled substances and/or alcohol. These situations will be addressed on a case-by-case basis.
3. The cost of the drug or alcohol rehabilitation or treatment program shall be borne by the employee and, if applicable, the employee's insurance provider. All information regarding an employee's participation in treatment will be held in strict confidence. Only information that is necessary for the performance of business will be shared by the **employer's** management.

2.10.8. Reasonable Suspicion Testing

1. When any supervisor has reasonable suspicion that an employee may be under the influence of alcohol, drugs, or prohibited substances, the employee in question will be directed by the department head or designee or the County's HR Representative to submit to drug and/or alcohol testing. This test may include a breath or blood test or urinalysis.
2. The supervisor shall be responsible to determine if reasonable suspicion exists to warrant drug and/or alcohol testing and shall be required to document, in writing, the specific facts, symptoms, or observations which form the basis for such reasonable suspicion. When possible, the documentation will be forwarded to the department head or designee to authorize the drug and/or alcohol test of an employee.
3. The department head or designee or the County's HR Representative shall direct an employee to undergo drug and/or alcohol testing if there is reasonable suspicion that the employee is in violation of this policy. The employee will be placed on administrative leave with pay pending results of the test.

An employee who is required to submit to reasonable suspicion testing:

- a. Must sign a consent form. By consenting to testing, the employee acknowledges that s/he is waiving any expectation of privacy.
- b. Will be immediately provided transportation by the County to the location of the test.
- c. Will be advised to refrain from eating or drinking before being tested.

- d. Will be provided transportation by the County or transportation arrangements will be made available by the County after the employee submits to the test or refuses to be tested.
4. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
- a. Information provided either by reliable and credible sources or independently corroborated.
 - b. The first line supervisor or another supervisor/manager receives information from a reliable and credible source as determined by the department head that an employee is violating the County's policy.
 - c. Direct observation of drug, prohibited substance, or alcohol use while on duty.
 - d. The first line supervisor or another supervisor/manager directly observes an employee using drugs, prohibited substances, or alcohol while an employee is on duty.
 - e. Employee admits using drugs, prohibited substances, or alcohol prior to reporting to work or while at work.
 - f. Drug, prohibited substance, or alcohol paraphernalia possibly used in connection with illicit drugs, prohibited substances, or alcohol found on the employee's person or at or near the employee's work area.
 - g. Evidence that the employee has tampered with a previous test for drugs, prohibited substances, or alcohol.
5. The following behaviors will also contribute toward reasonable suspicion and, collectively or independently, on a case-by-case basis may provide a sufficient reason for requesting a test for drugs, prohibited substances, or alcohol:
- a. A pattern of abnormal or erratic behavior.

This includes, but is not limited to a single, unexplainable incident of serious abnormal behavior or a pattern of behavior which is radically different from what is normally displayed by the employee or grossly differing from acceptable behavior in the workplace.

- b. Presence of physical symptoms of drug and/or alcohol use.

The supervisor observes physical symptoms that could include, but are not limited to, glassy or bloodshot eyes, slurred speech, poor motor coordination, or slow or poor reflex responses different from what is usually displayed by the employee or generally associated with common ailments such as colds, sinus problems, hay fever, and diabetes.

- c. Violent or threatening behavior.

First Incident: If an employee engages in unprovoked, unexplained, aggressive, violent, and/or threatening behavior

against any person, the department head may request that the employee submit to drug and/or alcohol testing.

Second Incident: Whether or not an employee has previously received formal counseling or disciplinary action for unprovoked, unexplained, aggressive, violent, or threatening behavior, upon a second or subsequent episode of similar behavior/conduct, the department head will request that the employee undergo drug and/or alcohol testing.

- d. Absenteeism and/or tardiness.

If an employee has previously received disciplinary action for absenteeism and/or tardiness, a continued poor record that warrants a second or subsequent disciplinary action may, in combination with other relevant behaviors, result in drug and/or alcohol testing.

2.10.9. *Post-Accident Testing*

1. Each employee involved in an accident will be tested for illegal drugs, prohibited substances, and alcohol as soon as possible after the accident, but after any necessary emergency medical attention has been provided. Accidents that trigger testing are those that result in:
 - a. Death;
 - b. Medical treatment of employee or another individual, other than first-aid;
 - c. Loss of consciousness; or
 - d. Property damage estimated to be valued at or in excess of five hundred dollars (\$500.00).
2. An employee who is subject to a post-accident test must sign a consent form and remain readily available for testing. An employee who leaves the scene before the test is administered or who does not make him/herself readily available may be deemed to have refused to be tested, and such refusal shall be treated as a positive test. The employee will be advised to refrain from eating or drinking before being tested. Further, the employee, subject to a post-accident test, must refrain from consuming alcohol for eight hours following the accident or until the employee submits to an alcohol test, whichever comes first.

An employee who is required to submit to post-accident testing will be immediately provided transportation by the County to the location of the test.

Upon completion of the test:

- a. If the employee caused or contributed to the accident, or the County determines there is a risk to return him/her to work, the employee will be provided transportation to his/her home or the County will make transportation arrangements, and the employee will be placed on

administrative leave with pay pending the results of this test.

- b. If the County determines the employee did not cause or contribute to the accident, the employee will be transported back to the work site (if medically able) and will resume work.

If the test comes back positive and the County needs to conduct further investigation, the employee will be placed on administrative leave with or without pay.

Note: NRS 616C states a positive test for illegal drugs, prohibited substances (including marijuana), or alcohol per limits set forth in NRS 484C can cause the denial of workers' compensation claims. By consenting to post-accident testing, the employee waives any expectation of privacy.

3. In the event an employee is so seriously injured that s/he cannot provide a blood, breath, or urine specimen at the time of the accident, the employee must provide necessary authorization, as soon as the employee's physical condition allows, to enable the County to obtain hospital records or other documents that indicate the presence of drugs, prohibited substances, or alcohol in the employee's system when the accident occurred.
4. In the event federal, state, or local officials conducted drug and/or alcohol testing following an accident, the employee will be required to sign a release allowing the County to obtain the test results from such officials.

2.10.10. *Safety-Sensitive Positions*

1. The County may conduct pre-employment testing and random testing for drugs, prohibited substances, and/or alcohol for positions identified as safety-sensitive by the County. Successfully passing these tests is a condition of future or continued employment.
2. Safety-sensitive positions mean positions which may, in the normal course of business:
 - a. Require the employee to operate the County's vehicles or heavy equipment or private vehicle on company business on a regular and recurring basis; and/or
 - b. Involve job duties which, if performed with inattentiveness, errors in judgment or diminished coordination, dexterity, or composure, may result in mistakes that could present a real and/or imminent threat to the personal health and safety of the employee, coworkers, and/or the public, including positions that require use of dangerous tools/equipment; performance of job duties at heights; use of dangerous chemicals; or carrying firearms in the performance of job duties.

3. The County shall maintain a list entitled “List of Positions Designated as Safety-Sensitive.” The list shall be a public record.

2.10.11. *Random Testing*

1. All employees in positions identified as safety-sensitive by the County shall be subject to random testing for drugs, prohibited substances, and alcohol.
2. Per DOT testing guidelines for CDL holders, the County will test for drugs/prohibited substances at a minimum, 25% of the average number of employee CDL positions each calendar year. The County will alcohol test, at a minimum, 10% of the average number of employee CDL positions each calendar year.
3. For all other safety-sensitive positions, the **employer** will test for drugs/prohibited substances, at a minimum, 25% of the average number of employee positions designated as safety-sensitive each calendar year. The County will alcohol test, at a minimum, 10% of the average number of employee positions designated as safety-sensitive each calendar year.
4. The selection of employees for random testing shall be on a non-discriminatory basis and made from a computer-based random number generator that is matched with the employee’s social security number. Random testing will be unannounced and the dates for administering the tests will be spread reasonably throughout the year. Random testing will be performed at any time while the employee is at work.
5. An employee selected for random testing shall proceed immediately to the test site and will be advised to refrain from eating or drinking prior to the test. An employee who engages in conduct which does not lead to testing as soon as possible after notification may be considered to have refused to be tested.
6. Employees selected for a random test but absent due to annual, sick leave, other leave, or on urgent employer business approved by their department head will not be notified to take the random test until the first day they return to work after random selection.
7. Random selection may result in some employees being tested more than once each year; some may not be tested at all.

2.10.12. *Return-to-Work Testing/Follow-Up Testing*

1. If the County agrees to continue employment, an employee who violates this policy and undergoes rehabilitation for drugs, prohibited substances, or alcohol will, as a condition of returning to work, be required to undergo follow-up testing as established by the County. The extent and duration of the follow-up testing will depend upon the safety and security

nature of the employee's position and the nature and extent of the employee's substance abuse problem. The County will review the conditions of continued employment with the employee prior to the employee's returning to work. Any such condition for continued employment shall be given to the employee in writing. The County may consider the employee's rehabilitation program in determining an appropriate follow-up testing program.

2. Any employee subject to return-to-work testing that has a confirmed positive drug or alcohol test will be in violation of this policy and subject to termination.

2.10.13. *Consequence of Refusal to Submit to Testing/Adulterated Specimen*

1. An employee who refuses to submit to testing for drugs, prohibited substances, and/or alcohol, or who consents to a test but fails to appear timely at the collection site, or who fails to give his/her sample after reasonable opportunity to do so, or engages in conduct which attempts to or does impact the validity of any such testing, will be treated as a refusal to submit to a test. Such refusal shall be treated as a positive test and may result in disciplinary action up to and including termination.
2. Submission of an invalid, substituted, or adulterated specimen will be considered a refusal to test and such refusal shall be treated as a positive test and may result in disciplinary action up to and including termination.
3. A diluted positive test result shall be treated as a positive test and may result in disciplinary action up to and including termination.

2.10.14. *Testing Guidelines*

1. The County may test for alcohol and illegal/prohibited substances including but not limited to:
 - a. Marijuana (THC)*
 - b. Cocaine, including crack
 - c. Opioids, including heroin, codeine, morphine, hydrocodone, hydromorphone, oxymorphone, and oxycodone
 - d. Amphetamines, including methamphetamines
 - e. Phencyclidine (PCP)

*Tests for marijuana for workers' compensation purposes must be a blood test per requirements set forth in NRS 616C.230.
2. In addition to testing for the above substances, CDL holders are subject to testing for the following substances:
 - a. 6-Acetylmorphine
 - b. MDMA (Ecstasy)
3. Where applicable, the County will follow federal testing procedures for drugs and alcohol set forth by the Federal

Department of Transportation (DOT) 49 CFR Part 40 and the Federal Motor Carrier Safety Regulations (FMCSR). These regulations may be amended from time to time.

2.10.15. *Option for Drug/Prohibited Substance Retest*

1. No later than 72 hours after receipt of a positive test, an employee who tests positive may request a confirmatory retest of the same sample at his/her expense at a certified laboratory of his/her choice.
2. Upon request, the medical review officer will authorize the laboratory holding the employee's sample to release to a second laboratory, approved by the U.S. Department of Health and Human Services, a sufficient quantity of the sample to conduct a second testing analysis.
3. The employee will be required to authorize the laboratory to provide the County with a copy of its test results. The accuracy of the test results will be verified by the laboratory conducting the analysis. The result of the confirmatory test is final.

2.10.16. *Requirement for Drug Retest*

An employee who tests negative dilute will be required to immediately retest. The employee will:

1. Be given the minimum possible advance notice of retest,
2. Will be accompanied by a supervisor to the collection site, and
3. Will not be allowed to eat or drink between the period of being noticed of the retest and the actual test.

The retest will not be under direct observation unless directed so by the Medical Review Officer. If the retest is also negative dilute, the test will be considered negative and the County will not conduct a third test unless directed to do so by the Medical Review Officer.

2.10.17. *Searches*

1. If the County suspects that an employee is in possession of illegal drugs, prohibited substances, alcohol, or contraband in violation of this policy, the County may search County vehicles, lockers, desks, and work areas. By entering into or being present at a job site while on County time or representing the County in any way, an individual is deemed to have consented to such searches. If an individual is asked to submit to a search and refuses, that individual will be considered insubordinate and will be escorted off the job site and disciplined, as appropriate. The County may take whatever legal means are necessary, consistent with this policy, to determine whether alcohol, prohibited substances, or illegal drugs are located or being used on County property. The County may call upon law enforcement authorities to conduct an investigation if deemed necessary.

2. Searches will be conducted by management personnel or law enforcement authorities and may or may not be conducted in the presence of the person whose work area is searched. Any suspected contraband will be confiscated and may be turned over to law enforcement as appropriate. Any person whose property is confiscated will be given a receipt for that property by the County's representative conducting the search.

2.10.18. Discipline Related to Abuse

1. Employees in violation of the provisions of this policy will be subject to disciplinary action, up to and including termination.
2. An employee may be found to have violated this policy on the basis of any appropriate evidence including, but not limited to:
 - a. Direct observation of illegal use of drugs or use of prohibited substances, prohibited use of alcohol, or possession of illegal drugs, prohibited substances, alcohol, or related contraband;
 - b. Evidence obtained from an uncontested motor vehicle citation, or a conviction for use or possession of illegal drugs or prohibited substances, or for the use or being under the influence, of alcohol on the job;
 - c. A verified positive test result; or
 - d. An employee's voluntary admission.
3. Prior to determining its course of action, the County may direct an employee who has tested positive to submit to an evaluation by a substance abuse professional. The evaluation will attempt to determine the extent of the employee's use of or dependence on the abused substance(s) and, if necessary, recommend an appropriate program of treatment.
4. If an evaluation is conducted which results in a recommendation for treatment, continued employment may, but is not required, to be allowed if the recommended treatment is immediately begun and successfully completed. The treatment program may include, but is not limited to, rehabilitation, counseling, and after-care to prevent future substance use/abuse problems. The treatment program will **not** be at the County's expense; however, employees may use benefits provided by applicable insurance coverage. Failure by the employee to enroll within the required timeframe in the recommended treatment program, to consistently comply with the program's requirements, to complete it successfully, and/or to complete any continuing care program shall be grounds for immediate termination from employment.
5. When an employee undergoes treatment under this policy, the employee may be required to comply with the following as a condition of continued employment:
 - a. Monitoring of the treatment program and the employee's participation by the County;

- b. Submission to return-to-work testing as required under this policy and continuing follow-up testing as provided in the *Return-to-Work Testing/Follow-Up Testing, section 2.10.12.*; and
- c. Any other reasonable condition that the **employer** deems necessary to maintain a safe and healthy workplace for all employees.

Failure by the employee to enroll in a required treatment program, to consistently comply with the program requirements, to successfully complete the program, and/or to complete any continuing care program will be grounds for immediate termination of employment.

- 6. Appropriate disciplinary action will also be taken for any job performance or behavior that would otherwise be cause for disciplinary action.

2.10.19. Confidentiality

Positive test results may only be disclosed to the employee; the appropriate medical and substance abuse treatment providers; the County's attorney; a County representative necessary to respond to an alleged violation of this policy; individuals within the County who have a need-to-know of drug and/or alcohol testing results; and a court of law or administrative tribunal, as required.

2.11. Prohibition of Workplace Violence

2.11.1. Policy

The County is committed to providing for the safety and security of all employees, customers, visitors, and property.

2.11.2. Scope

This policy applies to all employees, including full-time, part-time, casual/temporary/seasonal, and elected officials, as well as volunteers and contract employees and anyone else on the County's property.

2.11.3. Implementation of Policy

- 1. The County will not tolerate any form of workplace violence including acts or threats of physical violence, intimidation, harassment, and/or coercion, which involve or affect the County or which occur on property owned or controlled by the County or during the course of the County's business. Examples of workplace violence include, but are not limited to, the following:
 - a. All threats (including direct, conditional, or veiled) or acts of violence occurring on premises owned or controlled by the County, regardless of the relationship between the County and the parties involved in the incident.

- b. All threats of any type or acts of violence occurring off the County's premises involving someone who is acting in the capacity of a representative of the County.
 - c. All threats of any type or acts of violence occurring off the County's premises involving an employee of the County, if the threats or acts affect the legitimate interests of the County.
 - d. Any acts or threats resulting in a criminal conviction of an employee or agent of the County or an individual performing service for the County on a contract or temporary basis which adversely affect the legitimate interests and goals of the County.
2. Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:
- a. Hitting, shoving, or otherwise assaulting an individual;
 - b. Direct, conditional, or veiled threats of harm directed to an individual or his/her family, friends, associates, or property;
 - c. The intentional or malicious destruction or threat of destruction of the County's property, or property of another employee;
 - d. Harassing or threatening phone calls, text messages, notes, letters, computer messages, or other forms of communication;
 - e. Harassing surveillance or stalking;
 - f. Unauthorized possession or inappropriate use of firearms, weapons, hazardous biological or chemical substances, or explosives while on County business;
 - g. Displaying overt signs of extreme stress, resentment, hostility, or anger;
 - h. Making intimidating, abusive, or threatening remarks;
 - i. Displaying irrational or inappropriate behavior.

The County desires to detect and deter real, potential, or threatened violence. Every employee is required to report immediately any acts of violence or any threat of violence against any coworker, supervisor, manager, elected official, visitor, volunteer, other individual, or property. Supervisory and managerial personnel who witness or become aware of any acts or threats of violence must notify their superior immediately. Every other person on County property is encouraged to report incidents of threats or acts of violence of which s/he is aware.

3. Reports of violence or threatening behavior should be made to the Human Resources Department, an employee's immediate supervisor or manager, or any other supervisory or management employee. The County is committed to ensuring that employees reporting real or perceived threats in good faith will not be subject to harassment or retaliation. Nothing in this

policy alters any other reporting obligation established in the County's policies or in state, federal, or other applicable law.

2.11.4. *Violations*

1. Violations of this policy by any employee will lead to disciplinary action, up to and including termination and/or appropriate legal action. The County may also take appropriate disciplinary action against any employee who intentionally makes a false or malicious statement about coworkers or others.
2. Actions of law enforcement personnel which are necessary in the performance of their duties and are consistent with policies or sound law enforcement procedures shall not be considered to violate this policy. In addition, actions necessary for bona fide self-defense or protection of employees of the County or of County property shall not be considered to violate this policy.

2.11.5. *Temporary Restraining Orders*

1. The County may apply for an order for protection against harassment in the workplace under the terms of NRS 33.200 – 33.360 when it has reason to believe that:
 - a. A person knowingly threatens to cause or commits an act that causes:
 - Bodily injury to him/herself or to another person;
 - Damage to the property of another person; or
 - Substantial harm to the physical or mental health or safety of a person.
 - b. The threat is made or an act committed against the County, any employee of the County while performing employment duties, or against a person present at the County's workplace; and
 - c. The threat would cause a reasonable person to fear that the threat will be carried out, or the act would cause a reasonable person to feel terrorized, frightened, intimidated, or harassed.
2. Such order of protection against harassment in the workplace may:
 - a. Enjoin the alleged harasser from contacting the County, an employee of the County while performing his/her duties, and any person while the person is present at the County's workplace;
 - b. Order the alleged harasser to stay away from the workplace; and
 - c. Order such other relief as the court deems necessary to protect the County, the workplace of the County, the County's employees while performing their employment duties, and any other persons who are present at the workplace.

2.12. Employment of Relatives

Pursuant to the provisions of NRS 281.210, no elected County official, County Commissioner, or Department Head may employ in any capacity on behalf of the County any relative of such person who is within the third degree of consanguinity or affinity. Existing employees may continue in their current position following the election or appointment of their relative to an appointing authority position.

In addition, no person shall be employed in a position if such employment would require supervision by a relative who is within the third degree of consanguinity or affinity unless approved by the County Commission. For purposes of this paragraph, supervision includes second or higher levels of supervision.

Special concurrence of the Board of Commissioners must be obtained before any relative of a department supervisor or other County official is hired. Such concurrence will not be granted unless the Department Head has shown that sufficient opportunity was provided for other interested persons to apply and that the person desired to be hired is the best qualified among the applicants for the position.

(Example: An employee reports to an immediate supervisor, who reports to a division manager, who reports to a department head. The employee may not be related within the third degree of consanguinity or affinity to the division manager or department head.)

2.13. Code of Ethical Standards

The elected and appointed officers and employees of the County recognize that holding public office and/or employment is a public trust. To preserve that trust, the County demands the highest code of conduct and ethical standards. The purpose of this policy is to define and establish the standards of ethical conduct that are required of public officials and employees so as to ensure their professional integrity in the performance of their duties.

The officers, employees, and volunteers of the County shall comply with the following provisions. This list is not all-inclusive, but simply provides the basic level of conduct expected.

- All elected and appointed officials and employees will conduct themselves with honesty and integrity in the course of performing their duties and responsibilities.
- They will act with care and diligence in the course of their employment.
- They will treat everyone, including coworkers, subordinates, supervisors, customers and the public, with the utmost professionalism and courtesy.
- They will comply with all applicable federal, state, and local laws.
- They will comply with any lawful and reasonable direction given by someone in the employee's agency who has authority to give the direction.
- They will maintain appropriate confidentiality.
- They will disclose, and take reasonable steps to avoid, any actual or potential conflict of interest in connection with their employment.
- They will use County resources in a proper manner.
- They will not provide false or misleading information in response to a request for information that is made for official purposes in connection with their employment.

- They will, at all times, act in a way that upholds the values and the integrity and good reputation of the County.
- They will comply with any other conduct requirement that is prescribed by the County.

In addition, consistent with the provisions of NRS 281A.400 and NRS 281.230, the County's officials and employees are required to comply with the following:

- No official or employee shall seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, which would tend improperly to influence a reasonable person in his/her position to depart from the faithful and impartial discharge of his/her public duties.
- No official or employee shall use his/her position with the County to secure or grant unwarranted privileges, preferences, exemptions, or advantages for him/herself, any business entity in which s/he has a significant pecuniary interest, or any other person whom s/he has a commitment in a private capacity.
- No official or employee shall participate as an agent of government in the negotiation or execution of a contract between the government and the public officer or employee, any business entity in which s/he has a significant pecuniary interest, or any person to whom the public officer or employee has a commitment in a private capacity.
- No official or employee shall accept any salary, retainer, augmentation, expense allowance, or other compensation from any private source for him/herself or any person to whom the public officer or employee has a commitment in a private capacity, for the performance of his/her duties as an official or employee.
- If an official or employee acquires, through his/her public duties or relationships, any information which by law or practice is not at the time available to people generally, s/he shall not use such information to further his/her own significant pecuniary interests or the pecuniary interests of any other person or business entity.
- No official or employee shall suppress any governmental report or other official document because it might tend to affect unfavorably his/her own significant pecuniary interest or any other person to whom s/he has a commitment in a private capacity.
- No official or employee shall use governmental time, property, equipment, or other facility to benefit his/her significant personal or pecuniary interest or any person to whom s/he has a commitment in a private capacity.
- No official or employee shall attempt to benefit a significant personal or pecuniary interest(s) for him/herself or any person to whom the public officer or employee has a commitment in a private capacity through influence of a subordinate.
- No official or employee shall seek other employment or contracts for him/herself or any person to whom the public officer or employee has a commitment in a private capacity through the use of his/her official position.
- An official or employee shall not, in any manner, directly or indirectly, receive any commission, personal profit, or compensation of any kind resulting from any contract or other transaction in which the County is in any way interested or affected except:

- a. A member of any board, commission, or similar body who is engaged in the profession, occupation, or business regulated by the board, commission, or body may, in the ordinary course of his/her business, bid on or enter into a contract with any governmental agency, except the board, commission, or body of which s/he is a member, if s/he has not taken part in developing the contract plans or specifications and s/he will not be personally involved in opening, considering, or accepting offers.
- b. A public officer or employee, other than an officer or employee described in a. above, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, s/he has not taken part in developing the contract plans or specifications, and s/he will not be personally involved in opening, considering, or accepting offers.

Violations of any of the above provisions may result in disciplinary action, up to and including termination.

2.14. Political Activity

2.14.1. Policy

Employees shall not engage in political activity of any kind during working hours. This includes, but is not limited to: soliciting money, influence, service, or any other valuable thing to aid, promote, or defeat any political committee or the nomination or election of any person to public office. Wearing or displaying of apparel, buttons, insignia, or other items which advocate for or against a political candidate or a political cause is also an example of prohibited political activity during work hours. Furthermore, no person shall attempt to coerce, command, or require a person holding or applying for any position, office, or employment, including a citizen requesting service supplied by County, to influence or to give money, service, or other valuable thing to aid, promote, or defeat any political committee, or to aid, promote, or defeat the nomination or election of any person to public office.

Employees may not participate in any of the above-mentioned activities off duty while wearing a uniform, name tag, or any other item identifying them as a representative of the County.

Employees are expressly forbidden to use any County resources, including but not limited to: interoffice mail, email, telephone, fax machines, the Internet, or copy machines to engage in any political activity outside the approved scope of the employees' official duties.

2.14.2. Running for or Holding Political Office

While employees are encouraged to participate in the political process, they must understand the County also has an obligation to provide service to the public.

Employees who are seeking, or who have been elected or appointed to public office, shall not conduct any campaign-related business while on duty.

If there is a conflict with, or the activities hinder the performance of the duties with the County, the employee will comply with one of the following (final approval is at the County's sole discretion):

- The employee will be expected to resign their position;
- The employee may apply and seek approval for use of accrued leave time; or
- The employee may request unpaid leave per **employer's** Leave of Absence Without Pay policy.

The maximum duration of unpaid leave time approved will be ten (10) days or eighty (80) hours. The County's leave policies addressing continuation of health insurance, retirement benefits, accrual of additional leave time, and job and seniority status will be applied in this situation.

2.14.3. *Election-Related Communications*

Pursuant to NRS 294A, any election-related communications published in support of or opposition to a candidate which contain official contact information of the County must state that the communication is not endorsed by, and is not an official publication, of the County.

2.15. Solicitation Prohibited

2.15.1. *Employee Activities*

Distribution of literature by employees in work areas or solicitation by employees during work time on behalf of any club, society, labor union, religious organization, political party, philanthropic or similar organization, or for any purpose whatsoever is strictly prohibited. Distribution of information and correspondence related to the administration of a collective bargaining agreement by officers, consultants, and business representatives of a recognized employee organization may be allowed pursuant to the terms of a collective bargaining agreement.

2.15.2. *Non-Employee Activities*

Non-employees will not be allowed on the premises for the purpose of distribution of literature to employees or solicitation of employees at any time whatsoever, except as specifically provided below.

1. Consultants and business representatives of recognized employee organizations are allowed access to employees as allowed by the specific terms of a current collective bargaining agreement.
2. Representatives of employee benefit programs (e.g., supplemental insurance or deferred compensation) specifically approved by the County for payment through payroll deduction may meet with employees during designated work time at designated places or on County property as may be approved by the appropriate County representative.

2.16. Work Stoppage Prohibited

No employee will instigate, promote, encourage, sponsor, or engage in any strike, picketing, slowdown, concerted work stoppage, sick out, or any other intentional interruption of work. Any employee who violates the provisions of this section will be subject to disciplinary action, up to and including termination.

2.17. Use of Employer Property and Premises

Employees will use the County's property and equipment including, but not limited to, monies and funds, communication equipment, vehicles, tools, equipment, and facilities only for work-related purposes as directed or approved by management. When using County property and equipment, employees are expected to exercise care, perform required maintenance, and follow all operating instructions as well as comply with safety standards and guidelines. Employees will not misuse, destroy, or otherwise use in an improper or unsafe manner any property of the County. Employees are prohibited from making unauthorized copies, any other unauthorized use of, or allowing or facilitating the unauthorized possession by others of County keys or other access devices. Employees are prohibited from transporting non-employees in the County's vehicles unless specifically authorized to do so by their supervisor.

The County may authorize the examination of lockers, desks, vehicles, and all other property and spaces owned or controlled by the County to check for the presence of any unauthorized material, weapons of any type, or controlled substances including, but not limited to, alcohol, illegal drugs, and prohibited substances. Prior notice to employees that County-owned property or space is to be searched is not required; entrance onto or use of County property is deemed consent. A search may be conducted either in or outside the employee's presence.

2.18. Phone Policy

The County's policy covers phone usage while at work, including the use of cell phones while operating motor vehicles.

2.18.1. *Personal Calls & Texts*

1. Personal phone calls, messages & texting, audio/video recording, and other features of employee's private cell phone or the County's equipment, are restricted to authorized break periods, except under obvious emergency situations. Excessive personal communication can result in lost productivity and distract coworkers. County-issued cell phones are to be used only for official business reasons.
2. If an emergency situation arises and the County-issued cell phone must be used for a personal call or text and the employee is not able to obtain prior authorization from a supervisor, the employee is required to notify the supervisor as soon as is practicable. The employee is required to furnish the reason for the call/text and, if requested, the number called. Violation of this policy may result in the employee being responsible for reimbursing any costs incurred.

3. Employees are expected to protect the County-issued mobile equipment from loss, damage, or theft.

2.18.2. *Cell Phone Use in Vehicles*

1. All employees are expected to follow applicable state and federal laws regarding the use of cell phones, or other hand-held devices at all times. Employees on duty and/or conducting official business at any time while operating motor vehicles are prohibited from using cell phones while the vehicle is in motion unless using a hands-free device. This includes dialing, answering, texting, and checking messages. Employees are neither required nor expected to use a cell phone while the vehicle is in motion. Safety must come before all other concerns.
2. Employees shall pull off the road and safely stop before placing or accepting calls, texting, checking and responding to messages, unless they are using hands-free operations/devices.
3. This provision does not include passenger use of cell phones.
4. This prohibition is in effect regardless if the cell phone is issued by the County or is privately owned by the employee.
5. An exception to this rule is the legitimate use of cell phones by specific departments and for specific reasons as established by each department and under NRS 484B.165(2). For example, the police, fire, ambulance, and EMT departments may operate vehicles while using cell phones only in direct response to emergency calls, but must always keep safety a paramount concern.

2.18.3. *Phone Use in Business Meetings*

Phone use during meetings, to include texting, unless specifically required and authorized by management, is forbidden. Cell phones must be turned off or left in silent mode.

2.19. Information Technology

2.19.1. *Policy*

The County requires employees to use information technology (computer systems, telecommunication and other devices, and electronic information/communication) responsibly and in a manner not detrimental to the mission and purpose of County. To maintain a level of professionalism, any publication through any means (electronic or otherwise) which is potentially adverse to the operation, morale, public perception, or efficiency of the County will be deemed a violation of this policy.

Employees are prohibited from engaging in any conduct which would violate County policy or procedure. Use of personal or County cell phones or other electronic devices to engage in such conduct can create liability for the County, and as such, obligates the County to undertake reasonable procedures to investigate such allegations, including but not

limited to inspection of such equipment. In the event an employee becomes the subject of such an investigation and the allegations include potential violations of County policies, whether on work or personal time, and whether using County or personal devices, the County will undertake such an investigation and inquiry by all means allowable under state and federal law.

2.19.2. *Privacy*

Employees should not expect privacy with respect to any of their activities when using the County's computer and/or electronic and telecommunication property, systems, or services even when accessing from a personal device. Use of passwords or account numbers by employees does not create a reasonable expectation of privacy and confidentiality of information being maintained or transmitted. The County reserves the right to review, retrieve, read, and disclose any files, messages, or communications that are created, sent, received, or stored in the County's network, or on the County's computer systems, and/or equipment. The County's right to review, also called monitoring, is for the purpose of ensuring the security and protection of business records, preventing unlawful and/or inappropriate conduct, and creating and maintaining a productive work environment.

In accordance with provisions of NRS 613.135, the County will not request user names and passwords for personal social media accounts and will not take any type of employment action against an employee who refuses to provide the user name and password for their personal social media account. This provision does not prevent an employer from requiring an employee to disclose the user name and password for access to the County's computer or information system.

2.19.3. *Use*

1. The computers, electronic equipment, associated hardware and software, including, but not limited to electronic mail (email or instant messaging "IM") and access to on-line services, as well as voice mail, pagers, smart phones (e.g., BlackBerry, iPhones) and faxes, even when accessed from a personal device, belong to the County and, as such, are provided for business use. Very limited or incidental use of County-owned equipment by employees for personal, non-business purposes is acceptable as long as it is:
 - a. Conducted on personal time (i.e., during designated breaks or meal periods);
 - b. Does not consume system resources or storage capacity;
 - c. Does not involve any prohibited uses; or
 - d. Does not reference the County or themselves as an employee without prior approval. This includes, but is not limited to:
 - i. Text which identifies the County.
 - ii. Photos which display County logos, patches, badges, or other identifying symbols of the County.

- iii. Information of events which occurs involving the County without prior approval.
 - iv. Any other material, text, audio, video, photograph, or image which would identify the County.
2. Employees loading, importing, or downloading files from sources outside the County's system, including files from the Internet, social media sites, and any computer disk/drive, must ensure the files and disks/drives are scanned with the County's current virus detection software before installation and execution. Compliance to copyright or trademark laws prior to downloading files or software must be adhered to explicitly.
 3. Employees may use information technology, including the Internet, World Wide Web, and social media sites during work hours on job-related matters to gather and disseminate information, maintain their currency in a field of knowledge, participate in professional associations, and communicate with colleagues in other organizations regarding business issues.
 4. An employee's use of the County's computer systems, telecommunication equipment and systems, and other devices or the employee's use of personally-owned electronic devices to gain access to County's files or other work-related materials maintained by the County constitutes the employee's acceptance of this policy and its requirements.

2.19.4. *Prohibited Use*

Prohibited use includes, but is not limited to, the following:

1. Sending, receiving, or storing messages or images that a "reasonable person" would consider to be offensive, disruptive, harassing, threatening, derogatory, defamatory, pornographic, indicative of illegal or prohibited activity, or any that contain belittling comments, slurs, or images based on race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law.
2. Subscriptions to newsletters, advertising, "clubs," or other periodic email which is not necessary for the performance of the employee's assigned duties.
3. Engaging in political activities including, but not limited to, solicitation or fund raising.
4. Engaging in religious activities including, but not limited to, proselytizing or soliciting contributions.
5. Conducting outside employment in any manner.
6. Engaging in illegal, fraudulent, defamatory, or malicious conduct.

7. Writing or participating in blogs that injure, disparage, and/or defame the County, members of the public, and/or its employees' reputations by name or implication.
8. Downloading, uploading, or otherwise transmitting without authorization:
 - a. Confidential or proprietary information or material
 - b. Copyrighted material
 - c. Illegal information or material
 - d. Sexually explicit material
9. Obtaining unauthorized access to other systems.
10. Using another person's password or account number without explicit authorization by the County.
11. Improperly accessing, reading, copying, misappropriating, altering, misusing, or intentionally destroying the information/files of the County and other users.
12. Loading unauthorized software or software not purchased or licensed by the County.
13. Breaching or attempting to breach any security systems or otherwise maliciously tampering with any of the County's electronic systems including, but not limited to, introducing viruses.
14. Using the County's information technology for personal, non-business purposes in other than a limited or incidental way.
15. Opening, clicking-on, or downloading any suspicious or unusual electronic mail, attachment, or hyperlink.
16. Inserting a flash drive from an unknown source into the County's computer/network.

2.20. Social Networking (Social Media) Policy

2.20.1. Policy

The County takes no position on an employee's decision to start or maintain a blog or participate in other social networking activities. However, employees' use of social media can pose risks to County confidential and proprietary information and reputation, can expose the County to discrimination and harassment claims, and can jeopardize the County's compliance with business rules and laws. To minimize these business and legal risks, to avoid loss of productivity and distraction from employees' job performance, and to ensure that the County's IT resources and communications systems are used appropriately as explained below, the County expects its employees to adhere to the following guidelines and rules regarding social media use. The County's social networking policy includes rules, guidelines, and best practices for County-authorized social networking and personal social networking.

2.20.2. *General Provisions*

Social media includes all means of communicating or posting information or content of any sort on the Internet, including but not limited to, employee's own or the County's video or wiki posting, social networking sites such as Facebook, LinkedIn, and Twitter, personal blogs, personal websites, or other similar forms of online communication journals, diaries, or personal newsletters not affiliated with the County.

Unless specifically instructed, employees are not authorized and, therefore, restricted to speak on behalf of the County. Employees are expected to protect the privacy and well-being of the County and its employees. Employees are prohibited from disclosing confidential employee and non-employee information as outlined in Confidential Information policy and any other non-public information to which employees have access to the extent such discussion or disclosures are not protected under state or federal law.

All County policies apply in all social media forums. Policies include, but are not limited to, code of ethical standards, equal employment opportunity, anti-harassment, bullying, and workplace violence.

2.20.3. *Employer Monitoring*

Employees are cautioned there is no expectation of privacy while using County's Internet, equipment, or facilities for any purpose, including authorized posting or editing to social networking sites. Employee's posting can be viewed by anyone, including the County. The County reserves the right to monitor its Internet, equipment, and facilities that are used to post comments or discussions about the County or its employees on social networking sites. The County may use search tools and software to monitor use of its Internet, equipment, and facilities for posting to social networking sites.

The County reserves the right to use content management tools to monitor, review, or block content on the County's social networking sites that violate this policy. Employees consent to such monitoring by acknowledgment of this policy and use of the County's IT resources and systems.

2.20.4. *Reporting Violations*

The County requests and strongly urges employees to report any actual or perceived violations of this policy to his/her immediate supervisor, manager, human resources, or the District Attorney.

2.20.5. *Discipline for Violations*

The County will investigate promptly and respond to all reports of violations of the social networking policy and other-related policies. Violation of the County's social networking policy may result in disciplinary action, up to and including termination. The County reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

2.20.6. *Authorized Employer Social Networking*

The goal of authorized social networking is to become a part of the community conversation and promote web-based sharing and exchange of County information and feedback from members of the public. Authorized social networking is used to convey information about County operations and services; promote and raise awareness of the organizational culture; search for potential new equipment and training tools; communicate with other employees, members of the public, and interested parties; issue or respond to breaking news or other matters of public interest; and discuss organization-specific activities and events.

When social networking, the County must ensure that use of these communication paths maintain honesty, integrity, courteousness, and reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

2.20.7. *Rules and Guidelines*

The following rules and guidelines apply to entries made on all County-related social networking sites.

Only authorized employees can prepare and modify content for the County's social networking sites. If an employee is required to use social media as part of his/her job duties, for County's marketing, public relations, recruitment, communications, or other business purposes, the content must be relevant, add value, and be approved by the County in advance of posting. If uncertain about any information, material, or conversation, employee will contact his/her supervisor or manager, human resources, or the District Attorney to discuss the content.

Note that the County owns all social media accounts used on behalf of the County or otherwise for business purposes, including any and all log-in information, passwords, and content. The County owns all such information and content regardless of the employee that opens the account or uses it and will retain all such information and content regardless of separation of any employee from employment with the County. If an employee's job duties require him/her to speak on behalf of the County in a social media environment, the employee must still seek approval for such communication from his/her Department Head who may require the employee to receive training before posting and may impose certain requirements and restrictions regarding the employee's social media activities.

All employees must identify themselves as employees of the County when posting comments or responses on the County's social networking sites. If an employee is contacted to comment about the County for publication, including any social media outlet, the request should be directed to the District Attorney who will then determine the response to be provided on behalf of the County.

Any copyrighted information where written reprint information has not been obtained in advance cannot be posted.

All employees of the County are responsible for ensuring all social networking information complies with the County's written policies.

Management is authorized to remove any content posted on the County social media site that does not meet the rules and guidelines of this policy, any other County policy, or that may be illegal, prohibited, or offensive. Removal of such content will be done at the discretion of the County without permission or advance warning.

The County expects all County-authorized guests to social networking sites to abide by all rules and guidelines of this policy. The County reserves the right to remove, without advance notice or permission, all guest content considered malicious, defaming, obscene, threatening, or intimidating. The County also reserves the right to take legal action against guests who engage in prohibited or unlawful conduct.

Employees must not expose themselves or the County to legal risk by using a social media site in violation of its terms of use. Review the terms of use of all social media sites visited to ensure compliance with those terms of service.

2.20.8. *Personal Social Networking*

The County respects the right of employees to use social networking sites and does not want to discourage employees from self-publishing and self-expression. However, employees are expected to follow the rules and guidelines as set forth in this policy to provide a clear line between the employee as the individual and/or as an employee of the County. In accordance with provision of NRS 613.135, the County will not request usernames and passwords for personal social media accounts. This policy applies to all board members, management, employees, and volunteers.

The County does not discriminate against employees who use these sites for personal interests and affiliations or other lawful purposes.

Commenters are personally responsible for his/her commentary on social networking sites and can be held personally liable for commentary that is considered malicious, defamatory, obscene, threatening, intimidating, or libelous by any offended party, not just the County. Remember that what is published might be available to be read by the masses (including the County, future employers, and social acquaintances) for a long time. Employees should keep this in mind before posting content.

Employees are prohibited from using County equipment, including computers, licensed software or other electronic equipment, or facilities on work time to conduct personal social networking activities.

Employees are prohibited from using his/her work email address to register on social networking sites utilized for his/her personal use.

Employees shall not use social networking sites to harass, threaten, discriminate, or disparage against employees or anyone associated with or doing business with the County. Social media should never be used in a way that violates any other County policies or employee obligations. If an employee's social media activity would violate any of the County's policies in another forum, it will also violate them in an online forum.

If employee chooses to identify him/herself as an employee of the County, note that some readers may view him/her as a spokesperson for

the County. Because of this possibility, employee is required to state his/her views expressed on the social networking site belongs to the employee alone and is not reflective of the County or of any person or organization affiliated or doing business with the County.

Employees should use good judgment about what is posted on social media and remember that anything posted can reflect on the County, even if a disclaimer is used. Employees should always strive to be accurate in their communications about the County and remember that posted statements and materials have the potential to result in liability for the employee and the County. The County encourages professionalism and honesty in social media and other communications.

Employees cannot post the name, trademark, or logo of the County or any business with a connection to the County. Employees cannot post County-privileged information, including copyrighted information or County-issued documents.

Authorized employees posting to County-owned social media accounts may not post photographs of other employees, volunteers, members of the public, vendors, and suppliers on the County premises, nor can employees post photographs of persons engaged in County business without prior authorization by immediate supervisor, manager, human resources, or the District Attorney

Employees cannot post any advertisements or photographs of the County products and services, nor use the County in advertisements without disclosing the employee's connection to the County.

Employees cannot link from a personal social networking site to the County's internal or external websites.

This policy is not intended to restrict communications or actions protected or required by federal or state law.

2.20.9. *Media Contacts*

If contacted by the media, press, or any other public news source about employees' post that relates to the County business, employees are required to obtain written approval from the immediate supervisor, manager, human resources, or the District Attorney prior to responding on behalf of the **employer**.

2.20.10. *Prohibition against Retaliation*

The County will not tolerate any retaliation by management or by any other employee against an employee who reported a violation of this policy or cooperating with an investigation. Any employee who believes s/he has been retaliated against in any manner whatsoever should immediately notify the EEO Officer or alternative EEO Officer. The County will promptly investigate and deal appropriately with any allegation of retaliation.

2.21. Use of Tobacco

Pershing County is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. As required in accordance

NRS 202.2483 (Nevada Clean Indoor Air Act), the use of tobacco products, including electronic cigarettes and similar products, is prohibited within any building owned, leased, contracted for, and utilized by the County. This prohibition extends to areas that are routinely or regularly used by employees, including but not limited to: work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies, reception areas, and vehicles the County owns or uses. The County may designate an outdoor smoking area for its employees. The County shall not allow the use of tobacco products during staff and training meetings.

2.22. Outside Employment

2.22.1. Policy

In order to maintain a work force that is fit and available to provide proper services and carry out functions of the County, employees are prohibited from engaging in outside employment which presents real or potential conflict with or negatively impacts their employment with the County.

2.22.2. Conflicting Employment

Outside employment may be classified as in conflict with the County's interests if it:

1. Interferes with or negatively impacts the employee's ability to perform his/her assigned job.
2. Prevents the employee's availability for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job.
3. Is conducted during the employee's work hours.
4. Requires the services of other employees during their normally scheduled work hours.
5. Makes use of the County's telephones, computers, supplies, or any other resources, facilities, or equipment.
6. Is represented as an activity of the County or an activity endorsed, sanctioned, or recommended by the County.
7. Takes advantage of the employee's employment with the County, except to the extent that the work with the County may demonstrate expertise or qualification to perform the outside work.
8. Requires the employee to schedule time off at specific times that could disrupt the operation of the County.
9. Involves employment with a firm that has contracts or does business with the County. Exceptions to this policy have been identified in Section 2.11, Code of Ethical Standards.
10. Negatively impacts the public's perception of the integrity or credibility of the County.

2.22.3. Procedure

1. Employee will devote his/her full time, attention, and effort during official duty hours and not to contractual obligations.
2. An employee must request written approval from his/her supervisor or manager for outside employment, including self-employment. The proposed outside employment may not be construed as an extension of his/her duties or responsibilities with the County.
3. In order to determine if there is a conflict with the employee's duties, the supervisor or manager may request information, such as:
 - a. The outside employer's name;
 - b. Nature of the work performed by the outside employer;
 - c. Does the activity of the outside employment require employee to disclose information obtained with the County and/or impair employee's independence or ethics;
 - d. Proposed work schedule;
 - e. Job location; and
 - f. Duties to be performed.
4. No Outside employment may be accepted by any employee until approved by the Department Head and the Board of County Commissioners.
5. Employees who engage in outside employment which is prohibited by this policy are subject to discipline, up to and including termination.
6. Provisions of policies and procedures of the Police/Sheriff's Department may provide additional restrictions or conditions for approval of outside employment and will remain in effect as they are currently written or as they may be modified.

2.23. Personal Appearance

2.23.1. Policy

1. Each employee is expected to dress and groom appropriately for the job, presenting a clean, safe, and neat appearance. An employee unsure about whether attire or grooming is appropriate should consult with his/her supervisor or manager.
2. Employees working in office areas should dress professionally. Appropriate attire includes, but is not limited to, slacks, khakis, capris or crop pants (if they portray a business appearance), knit blouses or tops, dress shirts, polo and cotton shirts, skirts and dresses, turtlenecks, sweaters, loafers, and sandals. Blue jeans, T-shirts, sweat suits, and leggings are not appropriate office dress.

3. For those employees who do not have direct contact with the public, dress should still be neat and clean and pose no safety hazard to themselves or others.
4. On approved casual days, employees may dress in casual clothing, including jeans and T-shirts, although dress standards still require a neat, clean appearance.
5. Field employees are required to wear the assigned work uniform provided by the County. If a work uniform has not been assigned, employees may wear jeans and T-shirts as well as shorts that are no more than 3 inches above the knee. Any employee who performs any work assignments in the field must wear closed-toe shoes. Long hair must be tied back to ensure the employee's personal safety. Loose clothing or dangling jewelry that poses a safety hazard to employees also is prohibited.
6. Under no circumstances may employees wear halter tops, strapless tops, spaghetti straps, tank tops, cropped tops, clothing with offensive wording (sexually-related references or inappropriate language) or that promotes the use of illegal drugs, prohibited substances, or alcohol, clothing that shows undergarments (sheer), torn clothing, clothing with holes in it, or tight-fitting, revealing, or oversized clothing. All clothing must be clean, neat, and fit properly. Safe, neat, and clean shoes should be worn at all times.
7. For all employees, professional appearance means that the County expects employees to maintain good hygiene and grooming while working. Facial hair is permitted as long as it is neat and well-trimmed. Earrings in the earlobe are acceptable; however, gauges, extenders, and/or O-rings must be removed while working. Rings/studs through the nose, eyebrow, tongue, or body parts other than the ear lobe that are visible to the public may not be worn while working. All tattoos must be small in size or covered at all times and may not be offensive in nature (sexually-related references, inappropriate wording, and the promotion of illegal drugs or prohibited substances is prohibited). Employees are expected to be conservative in the wearing of makeup, scented products, and hairstyles.
8. If an employee requires a reasonable accommodation regarding his/her dress for bona fide legal reasons, s/he should contact his/her supervisor or manager to discuss an exception to the personal appearance guidelines. Unless it would constitute an undue hardship or safety hazard, the County will accommodate such requests.

2.23.2. *Enforcement*

1. All employees should practice common sense rules of neatness, good taste, and comfort. Provocative clothing is prohibited.

The County reserves the right to determine appropriate dress at all times and in all circumstances.

2. When the County believes an employee's dress or grooming does not comply with the personal appearance guidelines, the immediate supervisor will discuss the issue with the employee. If counseling fails to result in the desired response, the supervisor may initiate disciplinary action.
3. The County may send employees home to change clothes should it be determined that dress is not appropriate.
4. If an employee feels aggrieved by the personal appearance guidelines, s/he may use the dispute resolution process provided in the County's personnel policies.

2.24. Children, Animals, and Visitors in the Workplace

To avoid disruptions to the employee and coworkers, potential distractions in serving members of the community and to reduce personal and property liability, employees shall not bring children and animals to the workplace and are limited in having family and friends visit.

This policy is intended to address the presence of children and animals while the employee is on duty and does not include official functions or activities promoted by the County which may allow children and/or animals.

Supervisors may grant a temporary exception to the rule prohibiting children in the workplace, not to exceed one work day, to accommodate the employee. If an exception is granted, it is the responsibility of the employee to supervise and control the movements of the child. It is not acceptable to request an accommodation to bring sick children into the workplace.

This policy does not apply to employees whose service animal has been approved by the County as a reasonable accommodation under the Americans with Disabilities Act.

The County understands that an occasion may arise when an employee receives a visit from a family member or friend during working hours and allows such visits providing they are short in duration and not disruptive to other employees or the public.

2.25. Reporting Convictions, Investigations, and Change of License

2.25.1. Reporting Convictions

All employees and volunteers are required to immediately report convictions, guilty or nolo contendere pleas, or deferred adjudications for felony, misdemeanor (excluding juvenile adjudication), or any lesser crime other than minor traffic infractions to their supervisor or manager. Convictions shall not automatically impact the employees' employment or the volunteer's assignment. The County will make an assessment of the effect of the conviction to the essential duties of the position the employee holds or the duties the volunteer performs.

2.25.2. *Reporting Investigations*

All employees and volunteers are required to immediately report to their supervisor or manager if they are under investigation by a licensing board or other regulatory entity for actions related to their employment or volunteer assignment.

2.25.3. *Reporting Change of License*

An employee or volunteer must immediately notify his/her supervisor or manager of any suspension, restriction, or revocation of his/her driver's license, permit, or other license or certification required for the performance of his/her assigned job.

2.26. Whistleblower Protection (Required for County and Incorporated City Employees per NRS 281.611)

2.26.1. *Purpose*

The purpose of this policy is to establish "whistleblower protection" for employees of the County who report improper governmental action, per NRS 281.611-.671.

2.26.2. *Definitions*

"Improper governmental action" is defined as action taken by an officer or employee in the performance of official duties which is:

- In violation of state law or regulation;
- In violation of county code, ordinance, or regulation adopted by the County;
- An abuse of authority;
- Of substantial and specific danger to the public health or safety; or
- A gross waste of public money.

2.26.3. *Filing an Appeal (Required to be adopted by Ordinance per NRS 281.645)*

An officer or employee who claims that a reprisal or retaliatory action was taken against the officer or employee for disclosing information concerning improper governmental action as defined above may file a written appeal.

"Reprisal or retaliatory action" includes:

- The denial of adequate personnel to perform duties;
- Frequent replacement of members of the staff;
- Frequent and undesirable changes in the office location;
- Refusal to assign meaningful work;
- Issuance of letters of reprimand or evaluations of poor performance;
- Demotion;
- Reduction in pay;
- Denial of a promotion;
- Suspension;
- Dismissal;
- Transfer;

- Frequent changes in working hours or workdays; or
- If the employee is licensed or certified by an occupational licensing board, the filing with that board, by or on behalf of the County, of a complaint concerning the employee, if such action is taken in whole or in part, because the officer or employee disclosed information concerning improper governmental action.

A written appeal must be filed by the officer or employee within 60 days after the date the alleged reprisal or retaliatory action took place. The reprisal or retaliatory action must have occurred within two years after the date the officer or employee disclosed information concerning improper governmental action.

The appeal must be filed with the human resources manager or appropriate authority on a form provided by the County. The appeal must contain a statement that sets forth with particularity:

- The facts and circumstances under which the disclosure of improper governmental action was made; and
- The reprisal or retaliatory action that is alleged to have been taken against the officer or employee.

2.26.4. *Appointment of Hearing Officers*

As set forth by ordinance, hearing officers shall be appointed by the County's governing board upon the recommendation of the appropriate authority. The qualifications of the hearing officers require a combination of education and experience in resolving disputes, adjudicating issues through the interpretation of statutes, rules or regulations, or serving as a hearing officer with the state.

2.26.5. *Appeal Hearings*

A hearing officer may reject an appeal form that is incomplete or otherwise insufficient to commence an appeal.

When an officer or employee alleging reprisal or retaliatory action requests an appeal hearing, s/he may represent themselves at the hearing or be represented by an attorney or other person of the employee's or officer's choosing. All testimony given at the hearing is under oath. The officer or employee alleging reprisal or retaliatory action presents his/her case first and must establish:

- That the officer or employee was an officer or employee on the date of the alleged reprisal or retaliatory action;
- That the officer or employee disclosed information concerning improper governmental action; and
- The alleged reprisal or retaliatory action was taken against him/her within two years after the date s/he disclosed the information concerning improper governmental action.

The County then presents its case and must show that the County did not engage in the alleged reprisal or retaliatory action, or that the action was taken for legitimate business purposes and was not the result of the disclosure of information regarding improper governmental action by the officer or employee. The employee or officer making the allegation must

then show that the stated business purpose for the action was a pretext for the reprisal or retaliatory action.

If the hearing officer finds that the action taken was a reprisal or retaliatory action, the hearing officer may issue an order directing the person to desist and refrain from engaging in such action.

2.26.6. *Prohibition of Threats or Coercion*

An officer or employee shall not directly or indirectly use or attempt to use the officer's or employee's official authority or influence to intimidate, threaten, coerce, command, influence, or attempt to intimidate, threaten, coerce, command, or influence another officer or employee in an effort to interfere with or prevent the disclosure of information concerning improper governmental action. The provisions of this policy shall not be used to harass another officer or employee.

2.26.7. *Disclosure of Untruthful Information*

This policy does not preclude the County from initiating proper disciplinary action against an individual who discloses untruthful information concerning improper governmental action.

2.26.8. *Annual Summary*

As required by NRS 281.661, a summary of this policy will be provided to employees on an annual basis.

2.27. *Telecommuting*

2.27.1. *Purpose*

The purpose of this policy is to define the telecommuting program of the County and the guidelines under which it will operate.

Telecommuting is defined as working at an alternate worksite that is away from the main or primary worksite typically used by the County. Telecommuting is a mutually agreed upon alternative work location between the telecommuting employee and County.

Telecommunicating is not an employee benefit, but rather a work alternative or possible accommodation based upon the job content, satisfactory work performance, and work requirements of the department and County.

2.27.2. *Scope*

The policy applies to all employees, supervisors, and managers who are approved to telecommute as a work alternative.

2.27.3. *Requesting Permission to Telecommute*

An employee who wishes to request a telecommuting arrangement shall submit a written request for approval to his/her supervisor. The request shall be approved by the Board of County Commissioners based upon a recommendation by the Department Head before employee may telecommute.

Note: Employees requesting telecommuting as an ADA accommodation shall make such requests to their supervisor and the ADA coordinator.

2.27.4. *Employee Rights and Responsibilities*

Except as specified in this policy or agreed to in the individual telecommuting agreement signed by the employee and his/her supervisor, employee rights and responsibilities are not affected by participating in telecommuting. An employee's compensation, benefits, and expected total number of hours worked will not change regardless of work location.

No benefits provided by the County are enhanced or abridged by the implementation of a telecommuting agreement. All forms of telecommuting imply an employee-County relationship. The employee is expected to adhere to all of the same policies, regulations, and performance expectations established for all employees of the County.

Telecommuting employees must keep their supervisor informed of progress on assignments worked on at the alternative worksite, including any problems they may experience while telecommuting. The employee must generate a synopsis of activities and accomplishments for the workday in a prescribed format. Methods of planning and monitoring the work shall be at the discretion of the supervisor, department head, and/or County.

Office needs will take precedence over telecommute days. An employee must forgo telecommuting if needed in the office on the regularly scheduled telecommute day.

The employee is responsible for providing an appropriate workspace, including all necessary equipment to perform their normal job functions unless otherwise stated in the written agreement. Equipment supplied by County is to be used for business purposes only. Any additional financial burden resulting from the telecommuting arrangement is solely the responsibility of the employee unless the arrangement is identified as an ADA reasonable accommodation in which case, the situation will be addressed individually.

Employee must notify his/her supervisor of any changes to his/her standard workweek (i.e. sickness, health care provider visits, or annual leave).

Telecommuting is not intended to serve as a substitute for child or adult care. If children or adults, in need of primary care, are in the alternate work location during employees' work hours, some other individual must be present to provide care.

2.27.5. *Employer Rights and Responsibilities*

Participation in a telecommuting agreement is at the sole discretion of the County, unless identified as a reasonable accommodation under the ADA. Except as specified in this policy or agreed to in the individual telecommuting agreement, County rights are not affected by an employee's participation in telecommuting.

The County will determine the methods of planning, monitoring, receiving, and reporting the employee's activity and accomplishment. The County must manage the work of employees in their area of

responsibility and assure that employees receive the assistance they need to accomplish their responsibilities.

The employees will be given as much advance notice as possible if they will be needed in the office on the regularly scheduled telecommute day.

Each telecommuting agreement will be discussed and renewed at least annually, or whenever there is a major job change. Because telecommuting is selected as a feasible work option based on a combination of job characteristics, employee performance, and County needs, a change in any one of these elements may require a review of the telecommuting agreement.

The County may, upon notice, inspect the employee's alternate workspace for safety and workers' compensation concerns.

2.27.6. *Termination of Telecommuting Agreement*

The County and/or employee may terminate the telecommuting agreement for any reason, at any time. Whenever feasible, written notice will be provided, but this is not a requirement.

The opportunity to participate in a telecommuting agreement is offered only with the understanding that it is the responsibility of the employee to ensure a proper work environment is maintained, dependent care arrangements must not interfere with work, and personal disruptions such as non-business telephone calls and visitors must be kept to a minimum. Failure to maintain a proper work environment, as determined by the County, provides cause for discipline and the termination of the employee's telecommuting agreement.

Approval for any telecommuting request is based upon County and department requirements as determined by the County. Employees previously participating in a telecommuting agreement are not assured a telecommuting agreement in the future.

Note: If telecommuting is considered as a reasonable accommodation, the County and employee will follow the County's ADA policy and process, to include proper use of appropriate forms and procedures.

2.28. Workplace Safety

Employees have a duty to comply with all safety rules and are expected to take an active part in maintaining a hazard-free environment. Nevada OSHA requires that each new employee reads, understands, and signs the Nevada Workplace Safety Employee Rights and Responsibilities form. Employees are to direct questions to their supervisor.

Employees are expected to observe all posted safety rules, adhere to all safety instructions, and properly use all equipment. Employees are required to report any accidents or injuries, and any breaches of safety to his/her supervisor as soon as possible.

Employees with ideas, concerns, or suggestions for improved safety within the workplace are encouraged to raise them with their supervisor or with another member of management. Reports and concerns about workplace safety issues may

be made anonymously if the employee wishes. All reports made in good faith may be made without fear of discrimination or retaliation.

2.29. Related Forms

- ADA Reasonable Accommodation Checklist
- ADA Employee Request for Accommodation
- ADA Accommodation Request--Employee Release
- ADA Accommodation Request--Health Care Provider Information
- ADA Accommodation Approval Letter
- ADA Accommodation Denial Letter
- Alcohol Test Informed Consent: Applicants
- Documentation for Reasonable Suspicion Drug/Alcohol Testing
- Drug/Alcohol Test Informed Consent: Current Employees
- Drug Test Informed Consent: Applicants
- Investigation Checklist
- Investigation Report Template
- Last Chance Agreement – Drug and Alcohol
- Nevada Consanguinity/Affinity Chart
- Nevada Workplace Safety Employee Rights and Responsibilities
- Notice – Designation of Equal Employment Opportunity Officer
- Outside Employment Disclosure Form
- Request for Hearing Under the provisions of NRS 281-645 (“Whistleblower Law”)
- Subsequent Injury Fund Questionnaire
- Suggested Steps for Reasonable Suspicion Drug-Alcohol Testing
- Telecommuting Request Form

3. EMPLOYMENT

THIS SECTION COVERS HIRING FOR REGULAR FULL- AND PART-TIME POSITIONS, AND FOR CASUAL/TEMPORARY/SEASONAL POSITIONS.

3.1. Scope

It is recognized that the role of the department is critical in the hiring process and that utilizing the subject matter expertise of those in the hiring department will help ensure the selection of the most appropriately qualified candidate for each position. Therefore, the County will involve department management in the recruitment, examination, and selection process.

3.2. Source of Applicant

Regular positions may be filled by applicants selected from existing eligible lists. If no eligible list exists, the County may initiate a recruitment (open or promotional) to create an eligible list. Applications from present employees may be considered for open positions before non-employee applicants are considered. For open recruitments, the position vacancy announcement will be posted internally and externally.

County-wide/promotional recruitments are limited to regular or probationary employees of the County with at least six (6) months of service.

When deciding what type of recruitment to initiate, the County will consider such factors as the impact of the decision on the County's efforts to have a workforce which is representative of:

1. The local population;
2. The qualifications and level of responsibility required by the position;
3. The extent to which the knowledge and skills required for the position can readily be acquired on the job;
4. The qualifications of employees potentially available for placement on a promotional list;
5. The effects on retention of present employees; and
6. The likelihood of attracting well-qualified outside applicants.

After the County has determined how they will announce the vacancy, they will develop a recruitment plan by determining the applicant pool they wish to target and in what geographic region they will advertise; determining what types of media (e.g., internet, newspapers, trade journals) will be used to advertise and ensuring outreach efforts reach diverse applicant groups.

3.3. Job Announcements

Prior to initiating recruitment, the County should verify the essential job functions; identify knowledge, skills, and abilities needed, and determine what education, experience, and credentials will provide the desired knowledge, skills, and abilities.

It is recognized that The County requires flexibility in hiring and promoting employees for those class series consisting of two or more levels. The distinction between levels is based upon the degree of responsibility and proficiency that an employee is actually expected to demonstrate rather than the types of duties

assigned. Positions may be filled at Level I when they become vacant or by a candidate immediately able to assume the responsibilities of Level II or higher is based upon certification from the Department Head that the employee is qualified to perform at that level. The determination that a position is at Level II or higher is vested with the Department Head and is not automatic. Even though an employee may be qualified to assume duties of a higher level class, the Department may not have positions budgeted at the higher class or the County may not have enough higher-level work to take advantage of the employee's qualifications.

3.3.1. *Open Recruitments*

The County will announce all vacancies for regular positions. An announcement may be for the purpose of filling a single vacancy or to establish an eligible list for one or more vacancies in the same job class. Position vacancies will be publicized to allow potentially qualified and interested individuals to learn of employment opportunities and to encourage qualified applicants from diverse backgrounds to apply. Recruitment announcements will always be posted at the website and bulletin boards of the County and in such other places as the County feels appropriate. The announcement will normally include:

1. Title and pay range of the class of the vacancy;
2. Nature of the work to be performed, including the essential job functions;
3. Minimum as well as any preferred qualifications, including education and/or experience, knowledge, skills, and abilities, or other special criteria associated with the position;
4. License or certifications required;
5. Manner of applying (where, how and deadlines); and
6. A declaration that the County is an Equal Employment Opportunity (EEO) employer, and Americans with Disabilities (ADA) accommodations are available.

Regular employees will be released from work, on paid status, to take an examination and participate in an interview held during their scheduled work time. Casual (intermittent) workers will not be paid for time taken to participate in an examination or interview.

3.3.2. *Promotional Recruitments*

Notice of promotional recruitments will be posted in the County's work locations as appropriate. When an eligible list is to be established as a result of a promotional recruitment and used to fill more than the current vacancy, the announcement will state the time period during which the list will be used and state that only the most appropriately qualified applicants will be placed on the list. The announcement will include the criteria outlined above in sub-section 3.3.1, items 1-6.

Regular employees will be released from work, on paid status, to take a promotional examination and participate in an interview held during their scheduled work time. Casual/temporary/seasonal workers will not be

paid for time taken to participate in a promotional examination or interview.

3.4. General Requirements for Filing of Applications

3.4.1. *Application Forms*

Applications for employment must be made in writing on prescribed forms which will include a statement that a record of conviction will not necessarily bar the applicant from employment and certain factors will be considered, such as:

1. Whether any criminal offense charged against an applicant or committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;
2. The nature and severity of each criminal offense charged against the applicant or committed by the applicant;
3. The age of the applicant at the time of the commission of each criminal offense;
4. The period between the commission of each criminal offense and the date of the application for employment; and
5. Any information or documentation demonstrating the applicant's rehabilitation.

Applicants must complete a separate application form for each vacancy unless the job announcement indicates otherwise. The County may also require résumés, completed supplemental questionnaires, and other evidence of education, training, experience, or other lawful requirements, including licenses and certifications. Applications submitted become the property of the County.

This provision does not apply to an applicant for a position that is a peace officer, firefighter, or has physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information System.

3.4.2. *Signatures*

Applications must be signed by the applicant. An electronic signature is acceptable.

3.5. Application Filing Periods

Recruitment announcements will specify the application filing period. Applications must be received by the date specified. The filing period may end on a specific date and/or may allow acceptance of applications until a sufficient number of appropriately qualified applicants have applied. The County, consulting with department management, will determine when sufficient applications have been received.

Application periods will end at the close of the business day or at the specific time stated on the recruitment announcement. A job announcement may be cancelled at any time and for any reason as determined by the County.

3.6. Eligibility of Applicants

An applicant may be disqualified from further participation in the recruitment process and/or from placement on an eligible list by the County for material reasons, including, but not limited to, those listed below:

1. The application does not indicate the applicant possesses the qualifications required for the position.
2. The application is not fully and/or truthfully completed.
3. The applicant has prior convictions that relate to the position for which s/he is being considered as a peace officer, firefighter, or a position which entails physical access to computer and/or equipment used to access the Nevada Criminal Justice Information System or the National Crime Information Center, as provided for in NRS 245, NRS 268, or NRS 269 as applicable.
4. The applicant has been discharged from or resigned in lieu of dismissal from any prior employment for any cause which would constitute a reason for dismissal from employment with the County.
5. The applicant does not appear at the time and place designated for an examination or interview.
6. The applicant is a former employee of the County who, absent a compelling reason, quit without notice.
7. Applicant's failure to possess a valid license, certificate, permit, etc. If a prospective applicant for a position cannot obtain the required license, certificate, permit, or occupational certification required for the job, s/he will not be given any further employment consideration. Any job offer, offer of promotion, or offer of transfer previously made will be withdrawn.
8. The applicant is a former employee whose performance evaluations indicated below acceptable performance and/or behavioral problems, such as insubordination, leave abuse, or excessive tardiness.

3.7. Limitation of Applicant Pool to Most Qualified

The County may determine at any point in the recruitment process that only those applicants who are deemed most qualified for the vacancy being filled will continue to be considered.

3.8. Examination Process

3.8.1. Administration of Examinations

All examinations for employment, whether formal or informal, are conducted under the direction of the County. Examinations shall be conducted when there is a need to establish an eligible list or in any circumstances the County deems appropriate.

3.8.2. Factors Evaluated

Examinations will be used to evaluate applicants' qualifications and suitability for the position. Factors evaluated through the examination process may include, but are not limited to, the knowledge, ability, skill,

achievement, physical and mental fitness, and job-related competencies such as customer service skills.

3.8.3. *Types of Examinations*

The techniques used in the examination process shall be consistent, impartial, and practical, and shall relate to the qualifications and suitability of applicants to perform the job duties and responsibilities of the position. Examinations may include any or a combination of the following selection techniques:

1. Evaluation of employment applications;
2. Assessment of experience, training, and/or education;
3. Written tests;
4. Personal and group interviews;
5. Performance tests;
6. Physical ability tests;
7. Evaluation of work performance and work samples;
8. Other assessment methods as deemed appropriate for the class/position.

3.8.4. *Minimum Standards*

In any examination, the County may include qualifying and/or competitive components and may establish minimum standards or scores for each component and/or the examination as a whole.

3.9. *Eligible Lists*

The County may maintain eligible lists consisting of the names of applicants eligible for hire based on the recruitment process. While generally used to fill a single position, eligible lists may be used to fill additional positions which occur within six (6) months of the establishment of the list or until a published expiration date, whichever occurs first.

An applicant will be removed from an eligible list if the applicant submits a written request to be removed, or if the applicant fails to respond within an allotted time period to instructions regarding participation in an examination or selection interview mailed to the eligible applicant. An eligible applicant who refuses an offer of employment will be removed from an eligible list unless the specific circumstances of the refusal warrant otherwise as determined by the County.

3.10. *Referral of Applicants for Hire*

Any person on an appropriate reinstatement list shall be considered for appointment in accordance with the County's established layoff policy. If the County decides to fill a vacancy by hiring from a promotional eligible list, such a list will be created with eligible applicants from the promotional list being referred to the hiring department for consideration. Eligible applicants will be referred for consideration on the basis of the results of competitive examination scores or, in the case of reinstatement lists, according to the County's layoff policy.

When an eligible list (except a reinstatement list) contains fewer than three eligible applicants willing to accept appointment, the County may make an appointment from among such eligible applicants.

3.11. Interviewing Applicants

Selecting the most appropriately qualified applicant for the position will reduce turnover, reduce the costs associated with training, and improve the effectiveness of the organization.

Once applications have been evaluated and a determination has been made regarding which applicants are selected for an interview versus those who will not be interviewed based on applicants' education, experience, and other job-related qualifications, all applicants should be notified as to their status. The interviewing portion of the selection process is critical for determining which applicants are best qualified to do the job.

Prior to conducting an employment interview, managers should:

1. Review the job descriptions.
2. Create job-related questions to ask each applicant to help ensure consistency. Questions should be open-ended and job-related about past work experiences to identify skills and strengths.
3. Prepare an Applicant Interview Evaluation Form to measure strengths and weaknesses.
4. Convene an interview team of approximately three members who are representative of both genders and ethnically diverse.

Each applicant applying for the same position should be asked the same, job-related questions on the question guide and rated using the same evaluation form. The evaluation form will help the evaluator measure the extent to which each applicant possesses the necessary knowledge, skills, and abilities required for the position. Whenever necessary, follow-up questions should be asked to clarify the response of the applicant. Questions which are unlawful or on inappropriate subjects should be avoided. All interviewers should review, "Prohibited Topics: Questions Which Cannot Be Asked" and the "Potential Rating Errors and Problems" prior to the actual interview.

3.12. Selection

Employment decisions must be based solely on merit. Consistent with applicable federal, state, and local laws and regulations employment decisions may not be influenced by race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law. The County will not request user names and passwords for personal social media accounts. The hiring manager has ultimate responsibility for selection of the applicant for hire; however, s/he should take into consideration the input of the other members of the interview team. The hiring manager is responsible for ensuring the selected applicant meets the required level of education, experience, certification, license, etc. The hiring manager will document the basis of his/her decision to select a particular applicant; e.g., why s/he is the most qualified and the best fit for the position. The hiring manager should also document why other

applicants were not selected; the *Applicant Interview Evaluation Form* is a good tool for this. The Department Head will submit the documentation regarding the reasons the selected applicant was chosen and notify HR Representative of the selection.

In compliance with NRS 281.060(2), if all other qualifications of applicants are considered equal, the employer will give preference first, to honorably discharged military personnel who are citizens of the State of Nevada, and second to citizens of the State of Nevada.

3.13. Correction of Administrative Errors

If the County should discover any administrative error regarding the process of filling a vacancy, the County will correct the error at any time during the duration of the eligible list. No such correction shall affect an appointment.

3.14. Reference Checks

Acquiring and providing accurate employment references is an important component of acquiring, retaining, and providing relevant information concerning employees. Therefore, the County is committed to adhering to the following procedure whenever conducting a reference check for an applicant for employment or when responding to inquiries from others for information regarding a current or former employee.

3.14.1. Acquiring References

Reference checks are conducted to assist the County in assessing an applicant's fitness for employment with the County. Only those employees designated by the Department Head may acquire employment references. Any authorized employee of the County who attempts to acquire reference information on an applicant must comply with the following:

1. Obtain a County employment application that is signed and dated by the applicant. The applicant must have completed all relevant sections of the application.
2. Obtain authorization from the applicant by means of his/her signature directly on the application and/or separate release form for the release of information from former employers, military, educational institutions, other institutions, personal references, and other individuals listed on the application. Authorization for release of such information by the applicant shall include a release from liability of any company, institution, or individual providing such information. If an applicant refuses to sign such a release, s/he will be eliminated from further consideration for employment with the County.
3. Inform the applicant that the County will conduct a reference check and that evaluating the applicant's suitability for employment includes contacting employment and other references, educational institutions, and personal and professional associates to verify information provided.

4. Develop questions that are related to the essential functions of the position and are non-discriminatory. Questions related to an applicant's training, knowledge, skills, production, timeliness, quality of work, and ability to work with others are examples of appropriate inquiries. Discriminatory or non-work-related questions such as family or marital status, disabilities, age, and related areas are not appropriate.
5. Identify the appropriate individual(s) to question regarding the applicant's work performance, knowledge, skills, and abilities related to the essential functions of the position.
6. Adequately document the conversation and record refusals to provide information.
7. Maintain strict confidentiality of all reference information. Only employees, supervisors, or management officials of the County who have a demonstrable work-related need-to-know should be accorded access to such information.

Note: For safety-sensitive positions as defined by 49 CFR Part 382 and U.S. Department of Transportation regulations, the County shall obtain, pursuant to an applicant's written consent, information on his/her alcohol tests and/or verified positive controlled substance test results, and refusals to be tested within the preceding two years from date of application which are maintained by the previous employers.

3.14.2. *Providing References*

All requests for employment information shall be referred to the Payroll Clerk. Only those personnel designated by the County are authorized to release employment information to third parties.

The County has a neutral reference policy as well as a confidential information policy. Only the following personnel information and employment records that the County maintains concerning current and former employees shall be provided upon request:

1. Name
2. Class/Job Title
3. Dates of Employment
4. Salary
5. Information regarding an employee terminated for violent actions in the workplace or who may have demonstrated dangerous behavior in the workplace will be provided only after consultation with County's legal counsel.
6. Employment information and documented incidents regarding the character, honesty, and potential for violence of the County's employees may be provided to governmental employers, including, but not limited to, any federal, state, county, municipality or city employers, or any other private (non-governmental) employer where the employee's character, honesty, sexual misconduct, and potential for violence are

relevant issues. Examples include, but are not limited to, jobs which involve public safety, entrustment for the care or safety of children, the elderly or health care patients, or positions having access to money and/or valuables. Information in this section may be provided after consultation with the County's legal counsel.

In addition, employers will:

7. Provide information requested by public safety agencies in accordance with NRS 239B.
8. Provide information requested by public schools, private schools, charter schools, university schools for profoundly gifted pupils, and/or contractors or agents who work at schools in this state in accordance with Nevada law.
9. Make available to subsequent employers upon receipt of written request from the employee or former employee, records which are required for employees in safety-sensitive positions, as defined in 49 CFR Part 382 and U.S. Department of Transportation regulations.

In accordance with NRS 239.012, a public officer or employees who act in good faith in disclosing or refusing to disclose information, and his/her employer are immune from liability for damages, either to the requester or to the person whom the information concerns.

3.15. Background Checks

The County desires to maintain a productive, efficient, effective, healthy, and safe work environment and, as a result, will conduct pre-employment background checks of applicants, and current employees as necessary. If these background checks are conducted by external third parties (also called "consumer reporting agencies"), they will be governed by relevant provisions of the Fair Credit Reporting Act (FCRA) and the Fair and Accurate Credit Transactions Act (FACT). FCRA and FACT cover background checks and other investigations for prospective employees, and current employees in certain situations, such as a promotion to positions requiring additional information. FCRA and FACT specifically exclude misconduct investigations, such as unlawful harassment charges. Nevada law (NRS 613.580) restricts the use of consumer credit information to limited positions.

Unless, pursuant to a specific provision of state or federal law, the criminal history of an applicant for employment may be considered only after the earlier of:

1. The final interview conducted in person; or
2. A conditional offer of employment has been made.

This provision does not apply to an applicant for a position that is a peace officer, firefighter, or has physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information System.

3.15.1. *Consumer Reporting Agencies Reports*

The types of reports that may be requested from consumer reporting agencies under this policy include, but are not limited to: credit reports, criminal records checks, court records checks, driving records, and/or summaries of educational and employment records and histories. These reports or checks are also called “consumer reports.” The information contained in these reports may be obtained by a consumer reporting agency from public record sources or through personal interviews with the applicant’s or employee’s coworkers, neighbors, friends, associates, current or former employers, or other personal acquaintances. These are sometimes referred to as “investigative consumer reports.” Any information contained in such reports may be taken into consideration in evaluating an applicant’s or employee’s suitability for employment, promotion, reassignment, or retention.

3.15.2. *Consumer Reporting Agencies Requirements*

In order to meet the requirements of the FCRA, effective the date of this policy:

1. New applicants for employment will be required to complete a notice and authorization form concerning consumer and investigative consumer reports; existing employees will be required to complete a notice and authorization form concerning consumer and investigative consumer reports, provided the employee has not previously completed such form.
2. The County will certify to the consumer reporting agency that:
 - a. The notice and authorization requirement has been met;
 - b. The information received is only used for employment purposes;
 - c. The information will not be used to violate any Equal Employment Opportunity (EEO) legislation;
 - d. Pre-adverse action requirements will be followed; and
 - e. Any additional investigative consumer report disclosures, if applicable, have been, or will be, issued within three days.

Upon request from the applicant or employee, the County will comply with applicable additional disclosure requests including, but not limited to, information as to the nature and scope of an investigative consumer report.

3. The County will provide a copy of the consumer report and a summary of the individual’s rights under the FCRA to the applicant or employee prior to making a final adverse or negative employment decision that, in whole or in part, is influenced by a consumer report or an investigative consumer report.
4. After the County has complied with item 3 above and waited a reasonable period of time, the County may take the adverse or

negative action. After taking such action, the **employer** must provide to the applicant or employee a notice of adverse action which also contains the following:

- a. The name, address, and telephone number of the consumer reporting agency;
- b. A statement that the consumer reporting agency did not make the adverse action decisions and will be unable to inform the applicant or employee of the specific reason(s) for the adverse action;
- c. A statement that the applicant or employee is entitled to obtain an additional free copy of the consumer report; and
- d. A statement that the applicant or employee has a right to dispute the accuracy or completeness of any information in the report.

3.16. Offers of Employment

3.16.1. Policy

The provisions of policy 3.19.1 and 3.19.2 do not apply to an applicant for a position that is a peace officer, firefighter, or has physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information System. The provisions outlined in 3.19.3 and 3.19.4 are applicable.

1. Unless, pursuant to a specific provision of state or federal law, the criminal history of an applicant for employment may be considered only after the earlier of:
 - a. The final interview conducted in person; or
 - b. A conditional offer of employment has been made.
2. The County may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.
3. The County may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has criminal charges pending against him/her that were filed within the previous six months or has been convicted of a criminal offense only after considering:
 - a. Whether any criminal offense committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;
 - b. The nature and severity of each criminal offense committed by the applicant;
 - c. The age of the applicant at the time of the commission of each criminal offense;

- d. The period between the commission of each criminal offense and the date of the application for employment; and
 - e. Any information or documentation demonstrating the applicant's rehabilitation.
4. The County shall not consider any of the following criminal records in connection with an application for employment:
 - a. An arrest of the applicant which did not result in a conviction;
 - b. A record of conviction which was dismissed, expunged or sealed; or
 - c. An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.
 5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must:
 - a. Be made in writing;
 - b. Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and
 - c. Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the **director of human resources or a person designated by the director.**

3.16.2. Job Offer Letters

1. After an applicant has been selected for employment or promotion, the Department Head will extend (when applicable), the following:
 - a. A "conditional offer of employment pending background check" if criminal background checks are required.
 - b. A "bona-fide conditional offer letter" (if medical exam is required); this letter will condition the offer on passing medical examinations.
 - c. A "formal job offer letter" once all applicable criminal and medical checks and exams have been passed; this letter will include the terms and conditions of employment.
2. Prior to selecting the applicant as a finalist or extending letters, the Department Head may:
 - a. Contact the applicant by telephone to determine whether there is continued interest in employment and to indicate that a request to hire has been made but must state that only a notification in writing can be considered an official job offer.

- b. Notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

Note: All non-medical background checks must be completed before applicant is subject to medical exams.

3.16.3. *Pre-Employment Drug Screening for CDL Positions*

1. The County may require successful applicants for CDL positions to consent to a pre-employment screen test for drugs/prohibited substances. The County will advise the applicant that the presence of one or more drug metabolites may be cause for rejection from further consideration for employment, and that offers of employment are contingent upon a negative test result. The applicant may be asked to authorize the County, as a condition of employment, to conduct through the County's designated laboratory testing facility, a screen test for drugs/prohibited substances. Refusal to authorize and participate in a screen test shall eliminate the applicant from further consideration for the position.
2. The County may direct applicants to an appropriate collection facility. The screen test must be undertaken as soon after notification as possible, and in no circumstances later than 48 hours after notice to the applicant.
3. The County will advise applicants of the opportunity to submit medical documentation to support a legitimate use for a specific drug. Such information will be reviewed only by medical consultants determining whether the applicant is lawfully using an otherwise illegal drug or prohibited substances.
4. The County will not extend a formal job offer letter to any applicant with a verified positive test result, and such applicant will not be considered for any vacancy of the County for a period of twelve (12) months. The County shall disqualify the applicant on the basis of failure to pass the applicable test(s).

3.16.4. *Other Conditions*

1. All offers of initial employment are conditioned upon the applicant furnishing satisfactory evidence of identity and legal authority to work in the United States. Each applicant must attest to his/her identity and legal authority to work in the United States in accordance with the applicable federal statute by completing and signing INS Form I-9 (Employment Eligibility Verification).
2. The hiring supervisor or manager will notify all unsuccessful applicants that they have not been selected, either verbally or in writing. The hiring supervisor will document any verbal notification.
3. Employees required to report the abuse or neglect of a child must be provided notice, in writing or electronically, of their

duty as a mandatory reporter. The employee must sign acknowledgement of this notice which is to be filed in employee's personnel file (This requirement is not necessary if the employee is licensed, certified, or endorsed by a board in the state).

4. All persons who are selected for regular employment by the County must be at least eighteen (18) years of age. All persons who are selected for temporary and/or seasonal employment by the County must be at sixteen (16) years of age. Applicants may be asked to provide proof of age at any time. Persons employed under the age of sixteen (16) must provide a valid minor work permit and may not be assigned to "hazardous" duties.

3.17. Orientation

The County recognizes that an appropriate and timely orientation program can aid the assimilation of new staff members. The hiring supervisor or manager will be responsible for the orientation of each new employee. Orientation may include, but is not limited to, a review of the organization and services of the County, work rules, standards of performance, and personnel policies and procedures including the policies relating to fair employment practices, prohibited conduct/behavior, workplace violence, alcohol and drug abuse, and workplace safety. Additionally, the supervisor or manager will ensure that the new employee:

1. Has completed all new hire paperwork including payroll and benefit forms;
2. Will receive or be provided access to the County's personnel policies;
3. Has been introduced to other employees; and
4. Has had the opportunity to have questions addressed.

3.18. Probationary Period (Classified Service Only)

All new and rehired employees, except elected officials, casual, temporary, or seasonal employees, and those identified as "at-will," will serve an introductory period of 26 biweekly pay periods, or other period provided by collective bargaining agreement, beginning with the day the employee initially reports for work. Current employees who are promoted or transferred will also be required to serve a probationary period of 26 biweekly pay periods. During this probationary period, the employee and the County have the opportunity to evaluate one another and determine whether the employment relationship should be continued. At its sole discretion, the County may extend this probationary period up to six (6) months when the County has had insufficient opportunity to assess the employee's ability to perform the job functions or such extension is determined appropriate. During the probationary period, the employment relationship is at-will and can be terminated by the employee or by the County at any time during the introductory period or during the extension of the introductory period, with or without cause or advance notice.

For law enforcement personnel, the probationary period is established as one year, with the extension period also established as one year. This probationary period may be prorated for employees working less than full-time.

The supervisor will conduct performance evaluations as outlined in Section 10 of this policy manual, to ascertain the advisability of continued employment.

3.19. Failure to Appear for Work

If a selected applicant fails to report for work within the time period prescribed by the County, that applicant may be deemed to have declined the position and be removed from the eligible list.

3.20. Transfers

A transfer is a lateral move to a job in the same pay range as the employee's present position for which the employee meets the minimum education and/or experience requirement.

3.20.1. *Employee-Requested Transfer*

If the transfer is to another department, the employee may make his/her interest known by submitting a transfer form or contacting the Department Head, who will consider the transfer request by conducting discussions with the employee and appropriate supervisors or managers with knowledge of the employee's job performance. The Department Head will also consider the employee's past performance, qualifications, abilities, and job experience as key factors in evaluating transfer requests. Approval of the transfer is at the sole discretion of the Board of County Commissioners based upon recommendation of the Department Head..

3.20.2. *Agency-Directed Transfer*

A Department Head or County Commission may, after giving 10 working days' notice, transfer an employee to another position in the same class or a comparable class for the purpose of providing continued services to the citizens of the County or other appropriate cause. A transfer pursuant to this section must not be made to harass or discipline an employee.

If within six (6) months of the effective date of an agency-directed transfer, the employee is found not suitable in the new position or that position is eliminated and the employee's performance in the original position had been satisfactory, the employee may be transferred back to the original position or another comparable vacant position. An employee who is unable to be placed in his/her original or comparable position or who is required to transfer to a geographical location of more than 30 miles from their current work location, and who declines the transfer, has layoff rights as provided in policy 9.2. Layoffs.

3.21. Promotions

The County encourages employees to apply for promotional opportunities for which they are qualified. Promotions will be based on the ability, qualifications, and potential of all applicants for the positions. Employees interested in announced positions must follow the application instructions outlined in the job announcement.

3.22. Rehire

An applicant who was previously employed by Pershing County and has made application for re-employment in the same or different classification shall be required to participate in the full selection process. At the discretion of the Department Head with approval by the Board of Commissioners, an applicant re-employed within twelve (12) months of his/her separation may be hired at his/her former salary range and step. Such employees shall also return to annual leave bracket as achieved when the separation occurred. No credit for time not served shall accrue, nor shall leave balances be reinstated. An employee whose date of separation exceeds twelve (12) months shall be treated as a new employee

The decision to rehire shall be at the complete discretion of the County and no former employee shall have any right to or expectation of such rehire.

Upon rehire, the employee shall be required to successfully complete an introductory period. No credit for former employment shall be granted in determining eligibility for leave or other benefits.

Note: Limitations exist for rehiring retired public employees (NRS 286.523).

3.23. Casual/Temporary/Seasonal Employment

3.23.1. Purpose

Because some of the County's work is indefinite and/or irregular with regard to schedule and duration, the County may need to employ casual/temporary/seasonal workers at all levels of responsibility from time to time on an as-needed basis or to work for limited periods of time at the discretion of the County.

3.23.2. Authorization to Hire Casual/Temporary/Seasonal Workers

In general, a casual/temporary/seasonal worker may be hired for work which will require fewer than 20 hours per week or fewer than 120 consecutive working days to complete, if the County has appropriated sufficient funds in the budget to pay the worker. Work requiring more hours to complete will usually require the establishment of a regular position. The County will not hire casual/temporary/seasonal workers to avoid establishing a regular position when the work to be performed is ongoing. However, the County may, from time to time, find that its best interests are served by assigning work to a casual/temporary/seasonal worker for longer than 120 days or more than 20 hours per week.

3.23.3. Duration of Casual/Temporary/Seasonal Employment

A casual/temporary/seasonal worker has no right to or expectation of continued employment or any property right regarding employment. A casual/temporary/seasonal worker may be terminated at any time, with or without cause, with or without notice, and shall have no right to appeal.

3.23.4. Employment in a Regular Position

The County may hire a casual/temporary/seasonal worker into a regular position only after the applicant has been found to be qualified as a result of completing an authorized recruitment and selection process for that position. The employee's service date will be determined according to

the date of hire in the regular position with no credit given toward completion of an introductory period or the accrual of benefits for the time an employee was hired for casual/temporary/seasonal work.

3.24. License/Occupational Certification

3.24.1. Purpose

The County mandates that, if required by the current job, all employees obtain and maintain a valid license, certificate, permit, or other occupational certification issued by the state, county, city, or other applicable authority.

3.24.2. Employee Responsibilities

1. All employees who must possess a valid license, including a driver's license, certificate, permit, or other occupational certification as required by their position, must adhere to the provisions of NRS 425 including those provisions relating to paternity determination and child support.
2. In the event the employee receives notice of revocation or non-renewal of a license, certificate, permit, or occupational certification as a result of a violation of NRS 425, s/he shall immediately notify his/her supervisor. The employee shall not perform any task for which the license, certificate, permit, or other occupational certification is required after the license, certificate, permit, or occupational certification has been non-renewed or revoked. By statute, the employee has 30 days to satisfy one of the items listed below:
 - a. Comply with the court order, subpoena, or warrant;
 - b. Satisfy any arrears payments due; or
 - c. Submit to the District Attorney or other public agency a written request for a hearing.

Failure to satisfy one of the above items will result in the license, certificate, permit, or occupational certification being revoked or suspended by the issuing agency.

If the employee has been notified and does not satisfy any noted deficiency within 30 days from receipt of notice, his/her renewal license, certificate, permit, or occupational certification, by statute, will not be approved and will be revoked or suspended by the issuing agency. This action will remain in effect until s/he satisfies the deficiency. If the District Attorney schedules a hearing to review the case, the employee's license, certificate, permit, or other occupational certification will remain valid pending the results of the hearing.

3. In the event the employee does not have a valid license, certificate, permit, or occupational certification, s/he does not meet the job requirements. Failure to meet the job requirements will result in termination.

3.24.3. *Applicant's Failure to Possess a Valid License, Certificate, Permit, etc.*

If a prospective applicant for a position cannot obtain the required license, certificate, permit, or occupational certification required for the job, s/he will not be given any further employment consideration. Any job offer, offer of promotion, or offer of transfer previously made will be withdrawn.

3.24.4. *Driving Records*

The County may conduct a review of driver's license records annually for those employees required to drive as a part of their duties.

3.25. Volunteer Program

3.25.1. *Purpose*

The County recognizes that there are benefits to members of the community to become involved in the delivery of the County's programs and services on a volunteer basis. Individuals have an interest in assisting public agencies by applying their knowledge, skills, and experience to a worthwhile endeavor. Also, the community and the County receive enhanced services because of the individual's specialized skills and commitment. Using volunteers is a true win-win situation for those willing to volunteer for the County and for the community.

3.25.2. *Scope*

This policy covers the essential elements of an effective volunteer program which is compliant with applicable state and federal regulations pertaining to the County's volunteers. As this policy is broad in scope, individual departments should establish additional specific requirements consistent with this policy to guide the use of volunteers within the specific program areas.

3.25.3. *Planning*

Prior to implementing a volunteer program, a department will develop a plan for utilizing volunteers.

1. The plan **may** include:
 - a. Job assignment descriptions for each volunteer.
 - b. A statement describing how and by whom volunteers are overseen.
2. The plan **must** include:
 - a. A needs assessment and a statement outlining how volunteers will be used to meet these needs;
 - b. A budget for any personnel costs, operating costs, and direct and indirect costs
 - c. A program to recognize and reward volunteer services.

3.25.4. *Recruiting, Screening, Interviewing, and Selecting Volunteers*

As with employees, the County's ability to meet its goals and objectives is directly related to the skill and ability of volunteers selected. Criteria

for selecting volunteers will be developed in the same manner as used for selecting new employees.

The County prohibits discrimination, harassment, or retaliation directed at volunteers on the basis of their race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law.

The recruitment, screening, and interviewing process should be planned and sufficiently thorough to result in selecting the best volunteer possible for departmental needs.

Volunteer applicants engaged in activities for the County shall complete the County's volunteer application, including an acknowledgment that the function to be performed is not a paid position and the person is truly volunteering his/her services.

The County will promptly address problems associated with the volunteer's performance or behavior. However, if problems cannot be corrected, the services of the volunteer may be discontinued.

Specific requirements that apply to employees in certain occupations such as fingerprinting, detailed background checks, and screening for drug use apply to volunteers performing similar occupations.

3.25.5. *Managing Volunteers*

Volunteers must be covered by the County's workers' compensation policy per NRS 616A.130. Volunteers shall receive appropriate oversight for the functions performed including an orientation to the County's policies and procedures, departmental operating procedures, safety practices, and other relevant information.

Day-to-day oversight of volunteers shall be conducted as with employees. Adequate equipment and supplies, as well as a safe working environment, will be provided for volunteers.

The County will maintain detailed and accurate records of volunteer activities including a roster of active volunteers. The date, time, and duration of each volunteer activity session must be recorded, along with the work performed. The County will remove volunteers from the roster whenever volunteers are inactive for more than one (1) year.

Volunteers may be reimbursed for expenses incurred. In addition, the County may provide limited and reasonable benefits and/or nominal remuneration to volunteers. The benefits provided cannot be in an amount or of a type that implies that the volunteer is being paid a wage or salary for time spent as a volunteer, or for the quantity or quality of the work performed. All such benefits must be approved, in advance, by the County's Volunteer Coordinator

Annual performance evaluations may also be completed on volunteers.

Volunteers serve at the pleasure of the County and are subject to dismissal at any time with or without cause.

3.26. Related Forms

- Adverse Action Notice
- Applicant Interview Evaluation Form
- Authorization to Conduct Employment Investigations
- Bona Fide Conditional Offer Letter
- Conditional Offer of Employment Pending Background Checks
- Disclosure to Employee or Applicant of Request for Third Party Investigative Report
- Employment Application
- Formal Job Offer Letter
- New Employee Orientation Checklist
- Notice and Authorization for Requesting Consumer and Investigative Consumer Reports
- Notification of Background Check
- Potential Rating Errors and Problems
- Prohibited Topics "Questions Which Cannot Be Asked"
- Pre-Adverse Action Notice
- Reference Check Data Collection Form
- Reference Check Data Collection Form For Public Safety Agencies
- Summary of Your Rights Under the Fair Credit Reporting Act
- Transfer/Reassignment Request Form

Volunteer-Related Forms

- Authorization to Conduct Volunteer Investigations
- Volunteer Application Form
- Volunteer Agreement, Consents and Releases, and Conditions

4. POSITION CLASSIFICATION PLAN

4.1. Policy

4.1.1. Purpose

The County will develop and maintain a classification plan for all positions. Classification plans categorize positions into similar duties, qualifications, and responsibilities called “classes.” Each class is defined in a class specification/job description form. The class specification/job description will include: title; definition and/or distinguishing characteristics; essential functions; qualifications for employment including knowledge, skills, ability, experience and/or training required to perform the job; physical and mental requirements and working conditions; and Fair Labor Standards Act (FLSA) status – exempt/non-exempt.

4.1.2. Classification

1. Each position shall be classified consistent with this policy and in accordance with the nature and relative complexity of the essential functions, responsibilities, and authority of the position. Classification of a position shall be effective when approved by Board of Commissioners.
2. Positions will be allocated to the same class when the following conditions exist:
 - a. The same descriptive title may be used to designate the positions;
 - b. Substantially the same level of education, experience, knowledge, skills, ability, and other qualifications are required to perform the duties/essential functions;
 - c. Similar tests may be used to select employees for the positions;
 - d. All applicants offered employment in the class are subject to the same type of medical exam(s), if any; and
 - e. The same level of compensation is appropriate for the positions.
3. Classes will be allocated to a pay grade based on comparison to other employer classes and salaries paid by comparable employers for comparable work.

4.1.3. Maintenance and Revision

The County will periodically review the classification plan and recommend to the Board of Commissioners any revision, addition, or abolishment of classes.

4.1.4. New Positions

When a new position is to be created, the Department Head will recommend to the Board of Commissioners an appropriate class for the new position. When preparing a request for a new position, the

requesting party shall consult the HR Representative to determine the appropriate classification for the duties to be assigned to the new position.

4.1.5. *Reclassification*

1. When a department manager believes the duties/essential functions of a position have changed to the extent they no longer fit within the current class, the duties/essential functions will be reviewed and, if appropriate, the position reclassified to the appropriate class. Reclassification will not be undertaken as a substitute for discipline or hiring practices, nor to effect a change in salary in the absence of a significant change in assigned duties/essential functions and responsibilities.
2. Reclassification must be confirmed by the Board of County Commissioners.
3. A change in a position's classification does not constitute the sole basis for determining whether the employee in a position will also be assigned to the new position.
 - a. The decision as to reclassification of a position shall be made by the Department Head with the concurrence of the Board of County Commissioners. The decision to place the current employee in the new class shall be based upon the qualifications and job performance of the employee. The employee will be assigned to the class whenever a position is reallocated to a higher-level class and the employee has satisfied the following requirements:
 - i. Completes the introductory period for the position as previously allocated;
 - ii. Demonstrates acceptable or better job performance; and
 - iii. Possesses the knowledge, skills, and ability required for the higher class.
 - b. Whenever a position is reclassified to a lower level class, the employee will be placed in the lower level class.

4.1.6. *Reallocation*

A class may be reallocated to a higher pay grade or to a lower pay grade based on a change in duties/essential functions and responsibilities for all positions in the class or based upon salaries paid by other comparable employers for comparable work.

4.2. *Procedure*

4.2.1. *Requests for Classification Review*

1. Submission Process
 - a. Requests for classification review are made by Department Head to the HR Representative. An

employee may request that the Department Head submit a request for classification review to the HR Representative. The HR Representative will review the request and, if appropriate, send it with a written memorandum explaining the reasons the request meets the criteria for a classification study to the Board of Commissioners. At a minimum, the request shall include the specific duty and responsibility changes, and a verification that the changes are to be permanent. The HR Representative will review the request and indicate if the request meets the required criteria and whether or not s/he will conduct a study.

- b. An employee may request the classification review be forwarded to the HR Representative even if the Department Head does not concur. The employee will notify the Department Head in writing s/he wants the HR Representative to review the denied request. The reasons for disagreeing with the employee's request shall accompany any request forwarded to the HR Representative.

2. Criteria for Determining the Need for Classification Review

- a. The Department Head may authorize a classification review when, in his/her judgment, permanent and substantial changes in the duties assigned to a position have occurred.
- b. The new duties must be clearly defined and assigned before a review is begun.
- c. The Department Head may include in any classification review any positions which are in the same work unit, have related duties, or are in the same class series as the position for which classification review is requested.

4.2.2. *Effective Date*

1. Reclassification/Reallocation

The effective date of a reclassification or a class reallocation shall be the first day of the pay period following the employer's approval of the action. If the position is reclassified or reallocated upward, the anniversary date for future step increases shall be established as the first day of the pay period following 12 months in the new classification and will not include the period for which retroactive pay is granted, if any. (See also Work Out-of-Class, Section 5.12.) If the position is reclassified/reallocated at the same level or at a lower level the anniversary date will remain unchanged.

2. Working Out of Class

At the discretion of the County, out-of-class pay may be paid back to the date on which a formal reclassification request was made if the reclassification is subsequently approved.

4.3. Related Forms: NONE

5. COMPENSATION PLAN

5.1. Pay Periods and Paydays

Employees are paid (bimonthly or biweekly) on Friday. If a payday falls on a Saturday or holiday, employees are paid on the preceding work day. If payday falls on a Sunday, employees are paid on the next work day.

5.2. Workweek Defined

The workweek begins at 12:01 a.m. on Monday and ends seven days (168 hours) later at midnight on the next Sunday. For law enforcement personnel, the work period is 80 hours within a 14-day period. The standard work period begins at 12:01 a.m. on Monday. For fire suppression personnel, the work period is 212 hours within a 28-day period.

5.3. Work Time

5.3.1. Attendance

Employees are expected to be available and ready for work at the beginning of their assigned shifts and at the end of their scheduled rest and meal periods. Employees will not be allowed unexcused absences or tardiness. Employees who become ill or injured while on duty shall report immediately to the Department Head. Employees shall not leave early and must be at the assigned work area at the start and end of shifts, breaks, and meal periods. Employee shall not leave the place of work without authorization (except for lunch periods) and shall not waste time or loiter. Employees shall work until the designated quitting time, shall not quit early, or leave before relief personnel have arrived, if providing a continuous service to the public. Required preparation for rest and meal periods, as well as the end of the work day, is considered work time. Rest and meal periods include the time spent going to and from the place where the break is taken.

5.3.2. Work Schedules

The supervisor or manager shall schedule work hours according to the needs of the County.

1. Employees working a five-day, 40-hour week (designated 5/40) shall work eight hours per day for five days in any workweek and shall receive two days off.
2. Employees working a four-day, 40-hour week (designated 4/40) shall work 10 hours per day for four days in any workweek and shall receive three days off.
3. Employees working a five-day, 35-hour workweek (designated 5/35) shall work seven hours per day for five days in any workweek and shall receive two days off.

5.3.3. Rest Periods

Employees will be granted one 15-minute break or rest period during each work period of four or more hours. Employees may not take rest

periods at the beginning or at the end of the work period. Rest periods may not be scheduled or taken consecutively or in conjunction with meal periods. (This policy does not apply to firefighters, public safety dispatchers, and law enforcement personnel. Refer to departmental policy or applicable collective bargaining agreement.)

5.3.4. Meal Periods

Employees who work six or more hours in a work day are allowed an uninterrupted, unpaid meal period of 30 minutes or longer at or about mid-point of their work day. Supervisors or managers will be responsible to ensure that wherever and whenever possible, employees will be permitted the meal period uninterrupted by work-related duties. If an employee's meal period is interrupted by a work-related matter, the employee will be paid for the meal period. (This policy does not apply to firefighters, public safety dispatchers, and law enforcement personnel. Refer to departmental policy or applicable bargaining agreement.)

5.3.5. Work Assignments

Work should be scheduled in a manner which allows employees rest periods and meal periods. Rest and meal periods shall be scheduled in a manner which allows maximum public access to the County's services. The County may adjust rest and meal periods from time to time to meet the needs of individual employees and/or to respond to changes in department workload. Nothing herein should be considered to limit or restrict the authority of the County to make temporary assignments to different or additional locations, shifts, hours of work, or duties as needed to meet the County's needs or to respond to unforeseen or emergency situations.

5.4. Time Reporting

5.4.1. Purpose of Time Reporting

Recording of hours worked and/or leave time taken by employees is necessary to provide an accurate basis for preparing paychecks, to assure compliance with federal and state laws, and to maintain an effective and efficient cost accounting system. (For payroll purposes, the Fair Labor Standards Act (FLSA) requires non-exempt employees report all time spent performing work.)

5.4.2. Hours Worked

Non-exempt employees will be paid for all hours worked. Hours worked include, but are not limited to:

1. Time worked before or after the normally assigned shift, or any other irregular hours, **even if the employee volunteers his/her time. GUIDELINE:** Periods of six minutes or less are not considered overtime unless they occur regularly. (This provision does not apply to employees who are performing volunteer work which is unrelated to their normal job functions.)
2. Rest periods of 20 minutes or less.

3. Travel time that occurs during an employee's normally scheduled work hours, including regular days off and holidays.
4. Except as provided below, hours spent at lectures, meetings, and training activities, unless attendance is completely voluntary, outside of normal work hours, not job-related, and no other work is performed.

Employees will not be compensated for the time spent under the following conditions:

- Voluntary attendance, outside of work hours, at an independent school, college, trade school, or similar training offered by the employer at the employee's own initiative even if the courses are related to the employee's current job or paid for by the employer.
 - Training outside of regular work hours required by law for certification for public-sector employees.
 - Off-duty time for police officers or employees in fire protection activities who are in attendance at a police or fire academy or other training facility, if they are free to use such time for personal pursuits.
5. Hours spent serving as volunteer ambulance, fire, or law enforcement personnel for an emergency response during normally scheduled work hours.

5.4.3. *Position Designations - Exempt or Non-Exempt*

All positions are designated as "exempt" or "non-exempt" according to federal and state laws and regulations. For cost accounting and billing purposes, the County requires exempt employees in certain positions, regardless of exempt or non-exempt status, to account for hours worked.

5.4.4. *Responsibility for Exempt or Non-Exempt Designation*

The County Commission will examine and evaluate position descriptions and duties performed for all positions to determine the designation of the position as exempt or non-exempt. Departments will notify the County Commission when the duties of a position have substantially changed in order to ensure an accurate designation.

5.4.5. *Responsibility for Time Reporting*

Employees are responsible for accurately completing their own timesheets. Supervisors shall **not** alter or adjust the hours that an employee reports on his/her timesheet. If the supervisor believes the employee has completed his/her timesheet in error, the supervisor shall discuss the issue with the employee.

All non-exempt employees will record **all hours worked** and **all leave time** taken, whether paid or unpaid, and the type of leave taken (e.g., sick leave, annual leave, compensatory time) on the timesheet.

All exempt employees in positions which require an accounting of hours worked will enter their hours worked for each project.

5.5. Overtime

5.5.1. *Non-Exempt Employees*

1. Except as provided below, employees in positions designated as “non-exempt” will be eligible for overtime compensation as follows:
 - a. Employees whose normal work schedule is eight hours a day will receive overtime compensation for hours worked in excess of eight hours in a day.
 - b. Employees whose normal work schedule is between eight and ten hours in a day will receive overtime compensation for hours worked in excess of their normal daily work schedule.
 - c. Employees who request and are approved for a variable workday as provided in NRS 281.100 (3)(b)(2) will receive overtime compensation for hours worked in excess of 40 hours in the workweek.
 - d. Employees whose hours are established by collective bargaining agreement will receive overtime accordingly.
2. Per NRS 281.100 and the Fair Labor Standards Act (FLSA), employees working as firefighters, police officers, jailers, sheriff’s deputies, or nurses in training or nurses working in a hospital, with a formalized policy or agreement with the County, may work longer workweeks or workdays.
 - a. Employers of police officers, jailers, or sheriff’s deputies may establish a work period of up to 171 hours within a 28-day period.
 - b. For police, jailers, sheriff’s deputies, and firefighters, these work periods must be established as regularly occurring and by an affirmative statement by the County that such a work period is being established.
 - c. If the work period for nurses is not agreed to, or if the work period for police, jailers, sheriff’s deputies, or firefighters is not established, these employees are then subject to overtime after 40 hours in a workweek per NRS 281.100 and the Fair Labor Standards Act (FLSA).
3. All overtime hours must be specifically authorized in advance by the employee’s supervisor/manager. Overtime will be compensated at time and one half the employee’s regular rate of pay. An employee’s regular rate includes all payments made by the County to the employee. Examples of payments to be included are on-call pay, shift differential, hazard duty pay, and longevity pay. Employees who earn overtime may, with the approval of the Department Head, elect to receive compensatory time off in lieu of overtime pay. Requests for compensatory time off in lieu of overtime must be made in writing and, once approved, will be placed in the employee’s

payroll file. Compensatory time will be earned at the rate of one and one-half hours off for each overtime hour worked. Employees who elect compensatory time off may accrue up to sixty (60) hours. When an employee has exceeded the maximum number of hours specified, the excess hours will be paid out as overtime. Compensatory time off is to be taken at the earliest time which is mutually agreeable to the employee and supervisor/manager. Paid overtime will be included in the same paycheck covering the pay period in which the overtime was earned. At any time, the County may pay an employee for compensatory time earned and not used at his/her regular rate of pay, or schedule use at its discretion.

4. Time paid but not worked, such as sick leave, holidays, and annual leave, does not count toward hours worked for the purpose of computing overtime hours.
5. Law enforcement personnel are governed by different overtime requirements. Refer to departmental policy, applicable collective bargaining agreement, and the Fair Labor Standards Act (FLSA).

CAUTION: Paramedics serving in the dual capacity of paramedic/firefighter must meet certain requirements to be covered by the Fair Labor Standards Act (FLSA) 207(k) overtime exemption. To qualify, the paramedic/firefighter must:

- Be employed by an organized fire department or fire protection district;
- Be trained in fire suppression and protection;
- Have the legal authority and responsibility to engage in fire suppression, to include the prevention, control and extinguishing of fires, and;
- Perform activities which are required for the prevention, control or extinguishment of fires.

Absent these requirements, a paramedic must be paid overtime subject to the rules for non-exempt employees as outlined above.

If a non-exempt employee feels s/he has been improperly paid for overtime under the FLSA or state law, it is the responsibility of the employee to seek correction by reporting any error to their supervisor and Payroll. An investigation will be conducted on a timely basis and the County will act to correct any errors as soon as practicable.

5.5.2. Exempt Employees

Generally, exempt employees are hired with the understanding that they are responsible for accomplishing the duties required for their assigned position. It is our policy to comply with all aspects of the FLSA including its salary-basis requirements. Therefore, making any deductions from the salaries of exempt employees which are not allowed by law is prohibited.

Consistent with the FLSA and NRS, employees in exempt positions are not required to be paid for overtime.

1. Exempt employees utilizing intermittent leave under the Family and Medical Leave Act (FMLA) may have their pay deducted, including from sick or annual leave balances, for partial day or hour-by-hour absences.
2. Employers that have a bona fide annual and sick leave policy may deduct a partial days' absence from an employee's accrued leave, but not from the employee's pay or salary. Accordingly, if the employee does not have accrued leave and still works part of a day, the employee must be paid their full salary. However, if an employee does not have accrued leave or does not qualify to use leave and is absent for a full day then the County can deduct from the employee's pay or salary for that full day.
3. Deductions will be made to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. The County will prorate an employee's salary based upon the days worked during the initial and terminal pay period of employment.
4. Exempt employees are generally expected to be available to perform their job duties during normal business hours (usually 8 a.m. to 5 p.m., Monday through Friday). It is expected that in order for exempt employees to complete their assigned work from time to time, it will be necessary that they work beyond the normal work days and business hours of the employer. If, however, an exempt employee is working well beyond a 40-hour workweek on a regular recurring basis, the County may examine staffing levels and the employee's work habits and procedures.

5.6. Safe Harbor

The County will classify employees as exempt or non-exempt, in accordance with the provisions of the Fair Labor Standards Act (FLSA) and applicable state law. If an employee feels s/he is improperly classified, s/he should request a review of the classification from the HR Representative. An investigation will be conducted on a timely basis and the County will act to correct any errors as soon as practicable. The County will not make improper deductions of pay from any employee, regardless of exempt or non-exempt status. Improper deductions should be reported to HR Payroll. The complaint will be investigated, and the County will act to reimburse the employee if an error is found. The County will continuously make a good faith commitment to comply with all provisions of FLSA and state laws and intends this policy of correction to satisfy the "safe harbor" provisions of the FLSA regulations, as amended effective August 23, 2004.

If a non-exempt employee feels s/he has been improperly paid for overtime under the FLSA or state law, it is the responsibility of the employee to seek correction by reporting any error to the HR Representative. An investigation will be conducted on a timely basis and the County will act to correct any errors as soon as practicable.

5.7. Rates of Pay

5.7.1. Compensation Plan

Each regular position will be assigned to a class and pay grade in the compensation plan. Assignment to a pay grade will be based on the relative level and complexity of the duties, responsibilities, and authority of the job. The County shall determine the salary ranges based on these considerations:

- a. Rates paid by the County for comparable work;
- b. Internal relationships of other job classes in the same or similar occupation;
- c. Rates paid by other employers for comparable work;
- d. Other financial commitments of the County; and
- e. Funds available to the County for salaries.

The County may adjust the minimum and maximum for each salary range periodically as changes in any of the factors listed above occur or to recruit and retain qualified employees for each job.

NRS 613.330 states it is unlawful to discriminate against an employee for inquiring about, discussing, or voluntarily disclosing information about wages. This does not apply to any employee who has access to or information about the wages of other employees as part of their essential job functions and discloses that information to a person who does not have access to that information unless the disclosure is ordered by the Labor Commissioner or court.

5.7.2. Hiring Rate of Pay

The normal hiring rate is the first step of the pay range for the position's classification. The County may authorize advanced step appointments.

5.7.3. Advanced Step Hire

Fairness and equity in the administration of the compensation plan will be maintained when making advanced step hires. The County Commission may authorize advanced step appointments when all of the following circumstances exist:

1. The applicant's qualifications indicate s/he will perform at a level commensurate with the requested step;
2. An advanced step hire is required for the applicant to accept the position;
3. Other applicants with similar qualifications not requiring an advanced level salary are unavailable;
4. Funds are available in the hiring department's budget to pay the higher rate; and
5. Advanced hire rate will not cause inequity with current employees.

5.7.4. *Salary on Promotion, Transfer, Demotion, Reclassification, and Reallocation*

1. Except as may otherwise be provided by a collective bargaining agreement, a regular employee who is promoted to a higher classification will move to that step in the range for the new class which provides at least an approximate 5 % pay increase, not to exceed the top step in the range for the new class. A promoted employee's salary shall not be less than the starting pay of the salary range for the new position. Reclassification to a class with a higher- grade level is treated as a promotion for salary purposes.
2. An employee who transfers to a position at the same grade level will retain their current grade and step.
3. The salary of an employee who is demoted to a position of a job classification with a lower salary range than the job classification from which the employee was demoted shall be reduced to the salary step in the range for the new classification as follows:
 - a. **Disciplinary Demotion.** An employee who is involuntarily demoted because of unsatisfactory performance shall have his/her salary reduced to a salary step in the range of the lower class that results in a reduction in compensation of not less than five percent (5%).
 - b. **Involuntary Demotion.** An employee who is involuntarily demoted for any reason other than unsatisfactory performance shall have his/her salary reduced to any salary step in the range of the lower class that does not constitute an increase in Salary. Determination of the appropriate salary step will be made by the Department Head, with approval of the Board of County Commissioners.
 - c. **Voluntary Demotion.**
4. Reallocation of an existing class:
 - a. To a higher-grade level is NOT a promotion. An employee in a class that is reallocated to a higher-grade level shall be placed in the higher grade at a step closest to his/her current salary that does not provide a decrease, or step 1 of the new grade if the current salary does not fall within the grade range.
 - b. To a lower grade level shall be placed at the step closest to the employee's current salary that does not provide a decrease. If the employee's salary exceeds the top salary of the lower pay range the employee will be Y-Rated (see 5.11.).
5. Reclassification
 - a. If a position is reclassified to a class with the same salary range as the previous class, the wage rate of the incumbent shall not change. This provision shall also

apply to a change of class title, provided there is not a change in the basic duties of the position.

- b. If a position is reclassified to a class with a higher salary range than the previous class, the incumbent shall be compensated at the same relative position in the new salary range as in the previous salary range.
- c. If apposition is reclassified to a class with a lower salary range than the previous class, the incumbent's salary rate shall not change. General adjustments and merit increases will not be paid until such time as the range of the position to which the employee was reclassified equals or exceeds the employee's current rate.

5.8. Step Increases

5.8.1. *Step Advancements Authorized*

1. An employee who is currently not paid at the top step of the salary range for his/her class is normally eligible for step advancement on his/her anniversary date. Raises in salary resulting from step advancements are based on longevity and satisfactory performance, and are not automatic. A step advancement may be granted only upon a finding by the County that the employee meets all of the performance requirements of the position and complies with all of the County's rules, regulations, and policies. An employee who is determined to be eligible for step advancement shall move to the next higher step within the range.
2. Regular part-time employees shall be eligible for step advancement after completing twelve (12) months of paid time since placement in his/her current step on the salary schedule. Temporary and seasonal employees shall not be eligible for step advancement within the salary range.
3. A Department Head may recommend a special step advancement for an employee in his/her department at any time for unusual or outstanding achievement or any other special circumstances. Recommendations shall be made to the Board of County Commissioners. Such steps increases will be effective upon the approval of the Board of County Commissioners.
4. Except when Y-rated, an employee will not be paid a regular rate of pay above the top step of the salary range for his/her classification.
5. Salary step advancements are administered by the Department Head, subject to the confirmation of the HR Representative that there is adequate documentation that all requirements have been met.

5.8.2. *Anniversary Date/Step Advancement*

1. The date on which an employee becomes eligible for consideration for step advancement is known as the anniversary date. When approved in writing, step advancements will become effective at the beginning of the pay period in which the employee's anniversary date occurs.
2. A promotion and reclassification to a class with a higher salary range shall establish a new anniversary date.
3. A demotion or reclassification to a class with a lower salary range shall not establish a new anniversary date.

5.9. Withholding of Step Advancements

5.9.1. *Job Performance*

When the County has determined that the job performance of an employee is less than satisfactory, the step advancement shall be withheld. The employee's performance shall be documented and a copy of the documentation provided to the employee.

5.9.2. *Unpaid Leaves of Absence*

An employee's eligibility for consideration for step advancement shall be delayed by temporary layoffs or unpaid leaves of absence in excess of 15 working days during the 12-month period following the employee's last step advancement. The employee's anniversary date shall be adjusted by the total number of days of unpaid leave.

5.9.3. *Granting of Withheld Advancements*

The County may approve step advancement at the beginning of any pay period upon finding that the employee now meets the qualifications for an advancement. The employee's anniversary date shall be adjusted to the date on which the step advancement is actually granted. If step advancement is not granted in the interim, the employee shall be considered for step advancement on the next anniversary date.

5.10. Flat Rate Salaries

Certain job classes may be assigned to flat rates of pay in the compensation plan. Employees in classes assigned to a flat rate of pay are not eligible for step increases.

5.11. Compensation for Casual/Temporary/Seasonal Workers

5.11.1. *Rates of Pay*

The County will pay casual/temporary/seasonal workers at the rate of pay established for the same work when performed by regular employees, or as appropriate for the type of work performed. Students receiving school credit for work may be paid at a rate established by the **employer** for student interns.

The County may adjust the rates of pay annually consistent with general salary increases granted regular employees.

5.12. Y-Rate

The County may pay an employee, who is reduced to a lower class as a result of reclassification or reorganization not associated with layoff or discipline and not the result of employee action or request, at his/her current rate of pay which is above the top step of the range or between steps of the range. Similarly, an employee in a class which has its salary adjusted to a lower rate may also be paid at a rate of pay above the top step of the range. This rate shall be known as a “Y-Rate.” At the discretion of the County, assignment to such a rate of pay is available to employees who are fully qualified to perform the work of the lower paid class.

An employee who is at a Y-rate above the top step of the range for the new (lower) class shall continue to receive the Y-rate while employed in the new class until a change in the rate of pay for the employee’s new class causes the top step of the new class to be equal to or greater than the employee’s Y-rate.

An employee who is at a Y-rate which is between the steps of the range for the new (lower) class shall continue to receive the Y-rate until a change in the rate of pay for the employee causes the rate for the step in the range to which the employee is entitled to exceed his/her current rate of pay.

5.13. Work Out-of-Class

5.13.1. Policy

Employees may occasionally be asked to perform duties beyond the scope of their normal position or asked to temporarily assume the duties of a higher-level budgeted position for a short period. In the event that such work extends beyond a short-term assignment, the County establishes criteria for paying employees for temporarily performing work beyond the assigned duties of their current job class, and for employees temporarily assigned the duties of a management or administrative position.

5.13.2. Assignments

1. Employees may be temporarily assigned the duties and responsibilities of a budgeted, higher-level position provided the position is currently vacant, or the employee normally filling the position is on authorized leave or has been temporarily relieved of all regular duties to complete a special project approved by the County, or because of temporarily increased workload requirements.
2. The same employee shall not be assigned to the higher-level duties for more than six (6) consecutive months unless specifically approved by the Board of Commissioners, who may extend the assignment for not more than an additional six (6) months.

5.13.3. *Employee Eligibility*

1. Employees must be formally assigned and actually performing the duties of the higher job class.
2. The salary range for the higher paid class must be at least 5 % above the range for the employee's current job class.
3. Beginning on the first consecutive work day of performing the duties of the higher-level position, employees will be paid at a rate 5 % above their current rate of pay, or at the entry rate of the higher job class, whichever is greater, but not to exceed the top step of the higher classification.
4. The provisions of this section shall not be used to authorize additional pay to reward employees for outstanding service, of any purpose other than those stated.

5.14. General Adjustments

Unless required to do otherwise by operation of NRS 288, et seq., the Board of County Commissioners shall, prior to July 1st of each year, determine if a general increase is appropriate and the percentage of such increase. If such an increase is determined to be appropriate, all employees covered by these policies shall receive equal general percentage increases on July 1st.

5.15. Related Forms

- Request for Variable Workday Schedule

6. LEAVE PLANS

6.1. Holidays

6.1.1. *Holidays Designated*

The following holidays are recognized by the County (NRS 236.015):

New Year's Day – January 1

Martin Luther King, Jr.'s Birthday – Third Monday in January

President's Day – Third Monday in February

Memorial Day – Last Monday in May

Independence Day – July 4

Labor Day – First Monday in September

Nevada Day – Last Friday in October

Veterans Day – November 11

Thanksgiving Day – Fourth Thursday in November

Family Day – Friday following the fourth Thursday in November

Christmas Day – December 25

Personal Leave. Regular full-time and part-time employees (20 hours/week or more) shall earn eight (8) hours of personal leave (prorated to four (4) hours for half-time and six (6) hours for three-quarter time employees) on personal holiday (prorated up to 8 hours) per year which may be used as a whole day or by the whole hour upon request to and with prior approval from their Department Head. Such requests shall not be unreasonably withheld. If not used during the calendar year, the Personal Leave shall not be carried forward to the succeeding calendar year nor shall any pay be made in lieu thereof.

Any day declared a legal holiday by the President of the United States will be observed in accordance with the presidential proclamation. The County will observe a holiday, which occurs on a Saturday or a Sunday, on the day before or after the holiday

6.1.2. *Holiday Pay*

1. Recognized holidays are typically non-work days. Each employee in a full-time, non-exempt position who is on paid status on his/her regularly scheduled work day before and after a holiday will be paid eight hours of pay at his/her rate of pay for each recognized holiday.
2. A regular part-time employee shall be compensated for the number of hours normally scheduled to work on the holiday at their regular hourly rate. A regular part-time employee who normally works less than eight hours per day shall be given a fractional equivalent time off at a ratio based on the hours regularly worked to a full eight-hour day. If the holiday falls on a regular part-time employee's scheduled

day off, no compensation will be made for the holiday. Temporary and temporary part-time employees are not eligible for holiday pay for time not worked.

3. Employees who work a 4/10 schedule, as stated in Section 5.3.2., may use annual leave time or compensatory time off in order to receive 10 total hours of holiday pay.

6.1.3. *Weekend Holidays*

For employees regularly assigned to work Mondays and/or Fridays, if a holiday falls on a Saturday, the Friday preceding will be observed as the holiday. If a holiday falls on a Sunday, the Monday following will be observed as the holiday. When a holiday falls on Saturday or Sunday for an employee regularly scheduled to work on the Saturday or Sunday, the employee will observe the holiday on the Saturday or Sunday, unless an alternative is authorized by the County. If the holiday falls on a regularly scheduled day off, the employee will observe the holiday on the next regularly scheduled work day, unless an alternative is authorized by the County.

6.1.4. *Work on Holidays*

Non-exempt employees who work on a designated holiday shall be paid for the holiday plus one and one-half times their regular rate of pay for any time worked on a holiday. Bargaining unit employees who work on a holiday shall receive holiday pay as provided in the collective bargaining agreement.

6.2. Annual Leave

6.2.1. *Annual Leave Accrual*

1. All full-time employees (Classified) will earn annual leave beginning from their initial date of hire as follows (Part-time employees who regularly work 20 hours or more per week will earn annual leave on a pro-rata basis):

| CONTINUOUS SERVICE | HOURS EARNED/ HOURS PAID | MAXIMUM HOURS PER YEAR |
|---|-------------------------------------|-----------------------------------|
| | | |
| 1 st – 5 th year | .0385 | 80 |
| 6 th – 10 th year | .0577 | 120 |
| 11 th year | .0615 | 128 |
| 12 th year | .0654 | 136 |
| 13 th year | .0692 | 144 |

| | | |
|----------------------------|-------|-----|
| 14 th year | .0731 | 152 |
| 15 th and after | .0769 | 160 |

2. Except as noted, all accrual rates are expressed in terms of fractions of an hour earned for each regularly scheduled hour worked or on paid leave. Annual leave is not accrued for any other hours.
3. Annual leave is earned and credited to the employee on a (biweekly, semimonthly, monthly) basis coinciding with pay periods. The amount of annual leave accrual is based upon years of service adjusted, as specified, for leaves of absence without pay.

6.2.2. *Eligibility Maximum Accrual*

Accrued annual leave may not exceed 240 hours unless it is determined that the employee requested and was denied leave because of the County's business requirements. When allowing accrual above the maximum, County will establish with the employee a specific schedule for use of the excess leave or may authorize payment for accrued annual leave, subject to funds being available in an approved budget.

6.2.3. *Use of Annual Leave*

1. During the first six (6) months of employment, an employee shall accrue, but may not use, annual leave.
2. Annual leave is provided to employees for the purpose of rest and relaxation from their duties and for attending to personal business. Employees may not use annual leave before it is accrued.

6.2.4. *Annual Leave Pay at Termination*

Upon termination, an employee with more than six (6) months of continuous employment will be paid for all accrued annual leave at the employee's last hourly rate of pay.

6.2.5. *Death of Employee*

If any officer or employee dies and was entitled to payment for accumulated annual leave under the provisions of these rules, the heirs of such deceased officer or employee who are given priority to succeed to that employee's assets under the laws of the intestate succession of this state, or the executor or administrator of that employee's estate, upon submission of satisfactory proof to the Board of County Commissioners of their entitlement, shall be paid such amount.

6.2.6. *Waiver of Annual Leave*

Annual leave is granted for the purpose of employee recreation and no employee shall be permitted to waive annual leave for the purpose of receiving double pay.

6.2.7. *Use of Annual Leave In Lieu of Sick Leave*

When an employee is not working because of illness or injury and has exhausted accumulated sick leave, he/she may, at the discretion of the Department Head, be permitted to draw annual leave in lieu of sick leave.

6.3. Sick Leave

6.3.1. *Policy*

1. Accrual

The County expects each employee to be available for work on a regular and reliable basis. The County will monitor attendance and leave use whether or not the employee has accumulated leave balances remaining in his/her sick leave account.

- a. Employees will accrue sick leave at the rate of one day for each full-time equivalency month of service. Sick leave is not accrued for any other hours.
- b. Sick leave hours are earned and credited to the employee on a (biweekly basis, coinciding with pay periods.
- c. Unused sick leave will be credited to the employee's sick leave balance to a maximum accrual of 1040 hours. Sick leave accrual will cease when the employee's total year-end balance reaches 1040 hours, until the balance falls below 1040 hours.

2. Use of Sick Leave

Sick leave is for use in situations in which the employee must be absent from work due to:

- a. His/her own physical illness or injury.
- b. His/her own exposure to contagious diseases or when attendance at work is prevented by public health requirements.
- c. The need to provide medical care for an ill or injured dependent child, spouse/domestic partner, or parent who resides in the employee's household. Medical care includes accompanying a dependent child, spouse/domestic partner, or parent who resides in the employee's household to medical appointments.
- d. Medical or dental appointments for the employee; provided that the employee makes a reasonable effort to schedule such appointments at times which have the least interference with the work day.
- e. Any disability.

Employees who are absent from work due to sick leave shall be at their residence, a medical facility, their health care provider's office, or shall notify their supervisor of their whereabouts when using sick leave.

3. Abuse of Sick Leave

Use of sick leave for purposes other than those listed above is evidence of abuse of sick leave. Abuse of sick leave is cause for disciplinary action, up to and including termination. If the County suspects abuse, they may require substantiating evidence which may include, but is not limited to, a certificate from a health care provider.

4. Illness During Annual Leave

If an employee on annual leave suffers an illness or injury which requires medical treatment from a health care provider, s/he may elect to charge that time to accumulated sick leave provided the employee furnishes the County with a certificate issued by the health care provider providing treatment.

5. Placing an Employee on Sick Leave

The County may place an employee on sick leave if s/he has an illness that appears to be contagious or due to a known or suspected illness or injury, and/or the employee is not able to perform the essential functions of their position with or without reasonable accommodation.

6. Return to Work

An employee on sick leave shall notify his/her department manager as soon as the employee is able to return to work. An employee returning from an extended absence shall give as much advance notice of return as possible. The County may also require a statement from a health care provider certifying the employee's fitness to return to work.

7. Failure to Return to Work

In the event that an employee on sick leave fails to return to work as soon as medically able, that employee may be deemed to have resigned from the County and to have waived all employment rights. Sick leave benefits under this provision shall be paid to the employee on sick leave only for the actual workdays missed due to medical inability to perform normal duties.

8. Sick Leave at Separation

Upon separation from employment due to resignation, retirement, disability, or death, an eligible employee shall receive a one-time recognition payment based upon the amount of unused sick leave remaining in the employee's sick leave account. The amount to be paid out is not to exceed 25% of accrued leave up to a maximum of 500 hours, provided that the employee has at least ten (10) years of service. If the separation is due to the death of the employee, the compensation due will be paid to the beneficiary(s) designated by the employee.

6.3.2. Procedure

1. Leave Approval

An employee shall complete an appropriate leave request form as soon as the need for a leave is known. The County shall determine whether to approve use of accrued sick leave and shall approve such a request whenever it is deemed reasonable.

2. Notification

Any employee who is ill or unable to report to work for any reason shall notify his/her immediate supervisor no later than fifteen (15) minutes following the employee's normal work reporting time. In the event of a continuing illness, the employee shall continue to notify his/her immediate supervisor daily or at appropriate intervals agreed on by the supervisor of his/her condition. The County may deny sick leave requests which are not in compliance with this policy.

3. Health Care Provider's Certification

The County may require an employee who has been absent for three or more days to provide a health care provider's certification that the illness/injury incapacitated the employee from performing his/her duties, was necessary for the employee to make full and timely recovery or was appropriate to avoid the spread of a contagious disease. The certification will also verify the employee's fitness for return to work. A health care provider's statement is required when specifically requested by the supervisor or manager. Whenever an employee qualifies for FMLA leave, the employee is required to submit to the County the "Certification of Health Care Provider" form referenced in the FMLA policy.

6.4. Family and Medical Leave

6.4.1. Policy

Public employers are covered under the Family and Medical Leave Act (FMLA) and will comply with the requirements of the FMLA and advise employees if they meet all the FMLA eligibility requirements.

The County must provide employees *Form WHD-1420 Employee Rights and Responsibilities under the Family and Medical Leave Act* and are also required to post and keep posted this notice in a conspicuous place that can readily be seen by employees and applicants alike, even if no employees are eligible.

1. Eligibility

Employees who have been employed by the County for a total of 12 months and worked for the County at least 1,250 hours during the preceding 12-month period and are employed at a work site where 50 or more employees work for the County within 75 surface miles of that work site are eligible for FMLA leave. When the 1,250 hours are calculated, the hours an employee was on leave, even if that leave was paid, do not count toward the 1,250 hours worked. However, an

employee who has a military service obligation must be credited with the hours of service that would have been performed, but for the period of military service. The required 12 months of employment does not have to be consecutive. There may be a break in service as long as it does not exceed seven years. There is an exception to the seven-year condition for USERRA-covered military service or written agreements. All employees meeting the above qualifications qualify for FMLA, regardless of their seasonal, temporary, etc., status.

2. Compensation During Leave

FMLA leave will be unpaid leave unless the employee has accrued paid leave and is otherwise eligible to use the leave. An employee on FMLA leave must use all of his/her accrued paid annual leave, sick leave (if it qualifies under the County's sick leave use requirements), compensatory time leave, and personal time off concurrently with FMLA leave. (See the applicable collective bargaining agreement for alternate provisions which may apply.) When substituting accrued paid leave, the employee must comply with the County's procedural requirements, terms, and conditions of the paid leave policy as appropriate; the remainder of the leave period will then consist of unpaid FMLA leave. Employees must be made aware that they are required to use sick, annual, compensatory time and personal leave as appropriate, in the rights and responsibilities notice *Form WH-381: Notice of Eligibility and Rights & Responsibilities*.

3. Intermittent or Reduced Schedule Leave

When medically necessary (as distinguished from voluntary treatments and procedures) or for any qualifying exigency or caregiver leave, leave may be taken on an intermittent or reduced schedule basis. Leave for bonding with a healthy newborn or placement of a healthy child for adoption or foster care is not considered medically necessary and, therefore, may not be taken on a reduced schedule or intermittent basis unless agreed to by the County. The County requires leave for the care of a newborn, adopted, or foster care child shall be taken on a continuous basis in increments of not less than eighty (80) hours. Employees needing intermittent leave or reduced schedule leave must make a reasonable effort to schedule their leave so as not to unduly disrupt the employer's operations. If the leave is foreseeable, the employer may require an employee on intermittent leave or reduced schedule leave to temporarily transfer to an available alternative position for which the employee is qualified if the position has equivalent pay and benefits and better accommodates the employee's intermittent or reduced schedule leave. Intermittent leave and reduced schedule leave reduces the 12-week entitlement only by the actual time used. When an employee who was transferred, no longer needs intermittent or reduced schedule leave, the employee must be placed in the same or equivalent position held prior to when the leave commenced.

6.4.2. *Duration of and Reasons for Leave*

1. Duration of Leave

Any eligible employee, as defined above, may be granted a total of 12 weeks of unpaid FMLA leave (which shall run concurrent with paid leave) during a 12-month period (see exception for Military Caregiver Leave as provided in section 6.4.3 below). This period is measured backward from the date an employee uses any FMLA leave. A “week” is defined as a calendar week, regardless of the number of days the employee normally works. Twelve weeks does not entitle a part-time employee working three days a week to 60 leave days, but rather 12 weeks.

2. Reasons for Leave

FMLA may be granted for the following reasons:

- The birth of the employee’s child and in order to care for the newborn child;
- The placement of a child with the employee for adoption or foster care;
- To care for the employee’s spouse, child, or parent who has a serious health condition;
- An employee’s own serious health condition that prevents the employee from performing one or more of the essential functions of his/her job. Serious health conditions may include conditions resulting from job-related injuries and/or illnesses, including time an employee is receiving lost time compensation; or
- Due to a qualifying exigency arising when an employee’s spouse, son, daughter, or parent is a military member on covered active duty or has been notified of an impending call to covered active duty.

3. Conditions for Leave

a. Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition of incapacity or treatment that involves:

- Inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility.
- Continuing treatment by (or under the supervision of) a health care provider for a period of incapacity of more than three consecutive full calendar days, combined with at least two visits to a health care provider within 30 days of the first day of incapacity or one visit to a health care provider requiring a regimen of continuing treatment, e.g., prescription medication.

b. Exigency Leave:

- Short-term notice deployment (deployment in seven or less calendar days)
- Military events and activities
- Childcare and school activities
- Family support or assistance programs
- Financial and legal arrangements
- Counseling
- Service member's rest and recuperation leave (limited to 15 calendar days for each instance)
- Post-deployment activities
- Parental leave for the spouse, son, daughter, or parent of a military member to care for the military member's parent who is incapable of self-care.
- Additional activities arising out of active duty that the **employer** and employee agree upon.

c. Covered Active Duty:

- In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country.
- In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

4. Limitation of Leave

The entitlement to FMLA leave for the birth or placement of a child for adoption or foster care will expire 12 months from the date of the birth or placement. If both an employee and his/her spouse are employed by the County, their combined time off may not exceed 12 weeks during any 12-month period for the birth, adoption, or foster care of a child, or care of a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks within a 12-month period for his/her own serious health condition, or to care for a son, daughter, or spouse with a serious health condition.

Employees may not take more than a combined total of 12 weeks in a 12-month period for all FMLA qualifying reasons listed in section 6.4.2.2.

6.4.3. Military Caregiver Leave

1. Policy

An eligible employee, as defined in 6.4.1.1., may be granted a total of 26 weeks of unpaid FMLA leave (which shall run concurrent with paid leave) during a 12-month period to provide caregiver leave for a seriously ill or injured covered service member or veteran who is the employee's spouse, son, daughter, parent, or next of kin. This period is always measured forward from the date an employee takes FMLA

leave to care for the covered service member or veteran and ends 12 months after that date.

2. The Covered Service member under the Military Caregiver leave must be:
 - a. A current member of the Armed Forces (including a member of the National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness that:
 - Was incurred by the covered service member in the line of duty on active duty in the Armed Forces, or
 - Existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and
 - May render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
 - b. A covered veteran is an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period* prior to the first date the eligible employee takes FMLA leave to care for the covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
 - A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
 - A physical or mental condition for which the covered veteran has received a U.S. Department of Veteran Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
 - A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
 - An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veteran Affairs Program of Comprehensive Assistance for Family Caregivers.

* The period between 10/28/09 and 3/8/13 is excluded in the determination of the five-year period.

3. Limitations of Leave

Employees cannot take more than a combined total of 26 weeks for military caregiver leave or because of other FMLA qualifying reasons as provided in 6.4.2. A husband and wife both working for the same employer are limited to a combined total of 26 weeks of FMLA military caregiver leave.

6.4.4. *Notice of Leave*

An employee intending to take FMLA leave because of an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or family member, or the planned medical treatment for serious illness or injury of a covered service member shall provide notice for such leave at least 30 days before the leave is to begin. If a requested leave will begin in less than 30 days, the employee must give notice to his/her immediate supervisor as soon as the necessity for the leave is known. Reasonable advance notice is required for all leaves, even if the event necessitating the leave is not foreseeable. If an employee gives less than 30 days' notice, the County may require an explanation. For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable.

Within five business days (absent extenuating circumstances) of receiving notice that 1) an employee requests to use FMLA leave, or 2) the County acquires knowledge that a leave may be for a FMLA-qualifying reason, the County will complete *Form WH-381 Notice of Eligibility and Rights and Responsibilities*. Completion of this form will designate if an employee is eligible for FMLA or if an employee is not eligible, the reason(s) why s/he is not eligible. The form will designate if the employee is required to obtain certification related to medical conditions and/or required family relationships. The County may require the use of FMLA leave for any absence which would otherwise qualify as FMLA leave, even if no formal application for such leave was made by the employee, provided notice is given to the employee.

6.4.5. *Certification of Leave*

1. Certification Forms

a. Serious Health Condition

A request for leave based on the serious health condition of the employee or the employee's spouse, child, or parent must be supported by completion of *Form WH-380-E -Certification of Health Care Provider for Employee's Serious Health Condition* or *Form WH-380-F -Certification of Health Care Provider for Family Member's Serious Health Condition* completed by the health care provider. (Note: Attach the employee's current job description to Form 380-E when it is sent to the employee's health care provider.)

The Certification of Health Care Provider form must be completed and returned by the employee within 15 calendar days, absent extenuating circumstances.

b. Exigency Leave

Employees requesting FMLA leave for qualifying exigency are required to complete *Form WH-384 Certification of Qualifying Exigency for Military Family Leave* and provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status.

c. Caregiver Leave

Employees requesting FMLA leave for military caregiver leave are required to complete *Form WH-385 Certification of Serious Injury or Illness of Covered Service Member for Military Family Leave* or *Form WH-385-V Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave* within 15-calendar days, absent extenuating circumstances. Employees may also submit invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill service member at his/her bedside in lieu of forms WH-385 or WH-385-V.

2. Incomplete or Insufficient Certification (Cure Period)

If a certification is incomplete or insufficient, the employee will be given seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent good faith efforts) to cure any such deficiency. If the deficiencies specified by the County are not cured in the resubmitted certification, the County may deny the taking of FMLA leave. A certification that is not returned to the County is not considered incomplete or insufficient but constitutes a failure to provide certification.

3. Clarification or Authentication of Certification

The County may contact the employee's health care provider for the purpose of clarification or authentication after giving the employee an opportunity to clarify specific discrepancies. Only the Payroll Clerk-Auditor/Recorder's Office may contact the health care provider.

4. Second or Third Opinions

If the County questions the validity of the certification, the County may require, at its expense, the employee obtain a second opinion from a health care provider designated by the County. If the second opinion conflicts with the original opinion, the County may require, at its expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the County and the employee. This third opinion will be considered final and binding on both parties.

Second and third opinions are not permitted for leave to care for a covered service member when the certification has been completed by a Department of Defense or Department of Veterans Affairs health care provider. However, second and third opinions are permitted when the certification has been completed by other health care providers as provided for by law.

Second and third opinions are not allowed on a fitness-for-duty certification.

5. Recertification

In instances where the minimum duration of leave anticipated by the original certification is more than 30 days, the County may require the employee to recertify that the original medical condition still exists. Such requests can be made no more frequently than the minimum duration of the leave requested (e.g., 40 days) or once every six months in connection with an absence,

In situations in which the minimum duration of leave anticipated by the original certification is less than 30 days, the County may request recertification if the employee requests an extension of leave, the circumstances described by the original certification have changed significantly, or the County receives information casting doubt upon the continuing validity of the certification.

Recertifications are not permitted for leave to care for a covered service member.

6. Annual Medical Certification

The County may require the employee to provide new medical certification, not recertification, for his/her first FMLA-related absence in a new 12-month leave year.

6.4.6. *Designation Notice*

Within five business days (absent extenuating circumstances) of receipt of all required information, the County will make a determination on whether the employee's request for leave is for an FMLA-qualifying reason. The County will complete *Form WH-382 Designation Notice* indicating if leave is approved or not and provide to employee.

If the County cannot make a determination from the information provided, they will use this form to:

- Indicate the information presented is incomplete or insufficient and provide the employee seven calendar days to provide complete information (cure period).
- Provide notice to an employee if a second or third medical certification is required.

The County may also use this form to designate a fitness-for-duty certificate which will be required prior to returning to work.

6.4.7. *Benefits Coverage During Leave*

During a period of FMLA leave, an employee will be retained on the County's health plan under the same conditions that would apply if the employee was not on FMLA leave. To continue health coverage, the employee must continue to make any contributions that s/he would otherwise be required to make. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage.

If the employee fails to return to work after the expiration of the FMLA leave, the employee may be required to reimburse the County for payment of health insurance premiums during the leave, unless the reason the employee cannot return is due to circumstances beyond the employee's control. The definition of "beyond the employee's control" includes a large variety of situations such as: the employee being subject to layoff; continuation, recurrence, or the onset of an FMLA-qualifying event; or the employee's spouse's unexpected worksite relocation of more than 75 miles from the current worksite.

An employee is not entitled to the accrual of any seniority or employment benefits during any unpaid leave. An employee who takes FMLA leave will not lose any seniority or employment benefits that accrued before the date the leave began and will be entitled to any unconditional pay increase, such as cost of living increase granted to all employees during the FMLA leave period.

6.4.8. *Outside Employment*

An employee is prohibited from engaging in outside employment during an FMLA absence if the job conflicts with the reason the employee is on FMLA leave; e.g., an employee is on FMLA leave due to a back injury and works a job requiring heavy lifting. All other requirements of the County's Outside Employment policy apply.

6.4.9. *Periodic Reporting*

Any employee on FMLA leave must notify the County periodically of his/her status and intention to return to work. The County has the authority to determine how often the employee must provide this notification.

6.4.10. *Change in Duration of Leave*

1. Return Prior to Expiration

If an employee wishes to return to work prior to the expiration of the approved FMLA leave period, s/he must notify the supervisor within two business days prior to the employee's planned return. Employees may be required to provide a fitness-for-duty certification (if indicated on the designation notice) specifically addressing the employee's ability to perform the essential functions of his/her job, prior to returning to work if the FMLA leave of absence was due to the employee's own serious health condition. Employees required to present a fitness-for-duty certification may be delayed in restoration to employment until certification is provided. Second and third opinions are not allowed on a fitness-for-duty certification.

2. Request an Extension of Leave

An employee who requests an extension of FMLA leave due to the continuation of a qualifying exigency, care for service member, continuation, recurrence, or onset of his/her own serious health condition, or of the serious health condition of the employee's spouse, child, or parent, must submit a request for an extension, in writing, to the County. This written request should be made as soon as the

employee realizes that s/he will not be able to return at the expiration of the leave period. Any additional time requested beyond the FMLA 12-week period (or 26-week period for caregiver leave) will not be considered as FMLA. Rather, such time, if approved by the County, will be characterized as either paid or unpaid leave, thereby ending the County's reinstatement obligations included in Section 6.4.11. (See the applicable collective bargaining agreement for alternate provisions which may apply.)

6.4.11. *Return from Leave*

Upon returning to work, an employee on FMLA leave will be restored to his/her most recent position or to a position with equivalent pay, benefits, and other terms and conditions of employment. The County cannot guarantee that an employee will be returned to his/her original position. The County will determine whether a position is an "equivalent position" as defined by FMLA. Employee's right to restoration, however, ceases at the end of the applicable 12-month FMLA leave year.

Employees may be required to provide a fitness-for-duty certification (if indicated on the designation notice) specifically addressing the employee's ability to perform the essential functions of his/her job, prior to returning to work if the FMLA leave of absence was due to the employee's own serious health condition. Employees required to present a fitness-for-duty certification may be delayed in restoration to employment until certification is provided. Second and third opinions are not allowed on a fitness for duty certification.

Key employees may be denied job restoration if such denial is necessary to prevent substantial and grievous economic injury to the operations of the County and the employee was given written notice s/he was considered a key employee at the time s/he gave notice of FMLA leave or when the leave commenced.

6.4.12. *Failure to Return from Leave*

Failure of an employee to return to work upon the expiration of an FMLA leave of absence will subject the employee to disciplinary action, up to and including termination, unless the County has granted an additional (paid or unpaid) extension. (Note: Refer to the County's other leave policies.) Nothing in this policy limits the County's obligations of reasonable accommodation under the Americans with Disabilities Act, as amended.

6.5. *Leave of Absence Without Pay*

6.5.1. *Policy*

The County may approve leaves of absence without pay for up to twelve (12) months. Such approval will be for exceptional circumstances and conditions, such as education or prolonged illness, when the approval of such leave is consistent with the County's needs, when the work of the office or department will not be impeded by the employee's absence, and when the leave will not require the appropriation of additional funds for the operation of the employee's department. Exceptions for leave beyond

one (1) year may be provided as required by law. The County will require the use of all accrued paid leave prior to granting leave without pay.

6.5.2. Procedure

1. Approval –30 Days or Less

Leaves of absence without pay not exceeding 30 days may be granted by the Department Head with substantiating documentation. The Department Head is responsible for notifying the Board of County Commissioners of any leave approvals.

2. Approval – More Than 30 Days

The Board of County Commissioners may grant a leave in excess of 30 days following written certification by the employee that the leave is consistent with the intent of this section and substantiating documentation as requested by County is provided.

3. Purpose

Leaves of absence without pay will not be granted for the purpose of allowing an employee to seek or accept other employment, except when or if the County determines that the granting of such leave is in its best interest.

4. Employer Termination of Leave

The County may terminate any leave of absence without pay, except those granted pursuant to statute or regulation, prior to its expiration by providing written notice to the employee. The document granting the leave of absence will state the terms of the leave and any reason(s) for terminating such leave. Upon receipt of notice of termination of the leave, the employee is required to return to work within five calendar days or by a later-approved alternate date. In the event the County terminates a leave of absence, the employee will be returned to the same class or position s/he occupied when the leave of absence was granted.

5. Insurance

Employees on approved leave of absence without pay may continue their medical, dental, and life insurance coverage in accordance with COBRA health benefit continuation regulations.

6. Other Employment

No leave will be approved by the Board of Commissioners to permit an employee to engage in other gainful occupation. After approving a leave of absence, if it is found that the employee has accepted other employment during the leave period, or the employee has engaged in other gainful occupation of any kind, then the employee's employment with the County shall be immediately terminated.

7. Return from Leave

Employees on approved leave of absence without pay are required to return to work on the first work day following the end of leave at

his/her regularly scheduled time. An employee who does not return from a leave of absence without pay on the first work day at his/her regularly scheduled time following the end of a leave will be considered to have resigned.

8. Probationary Period

If an employee is granted unpaid leave during his/her introductory period, the introductory period will be extended by the number of days of leave taken by the employee during his/her introductory period.

9. Medical Reason for Leave

The County may require a health care provider's certification or other appropriate type of verification to substantiate a need for a medical leave of absence without pay. The employer may also require a statement from a health care provider certifying the employee's fitness to return to work.

10. Anniversary Date

An employee's anniversary date will be adjusted by the number of days off work for all unpaid leaves of absence in excess of 15 days during any 12-month period. (See special provisions for Military Leave in *Sections 6.8 and 6.9* below.)

11. Benefit Accrual

If an employee is on unpaid leave for more than one-half of his/her regularly scheduled work hours in any pay period, no leave benefits shall be accrued for that period, nor shall the County contribute toward the cost of insurance benefits.

6.6. Court Leave

6.6.1. Policy

The County will grant court leave to allow employees to serve as juror or a witness in a court proceeding provided that neither employee nor the employee's collective bargaining representative is a party to the action. Employees shall provide their supervisors with relevant documents verifying the need for court leave as soon as the need becomes known.

6.6.2. Compensation

Subject to the following conditions, eligible employees shall receive their base rate of pay for those hours spent in court and traveling to and from court when such time occurs during employee's regular scheduled work days and hours of work. Casual, seasonal, or temporary employees will be granted time off without pay. Law enforcement personnel appearing in court as part of their duties are not affected by this policy.

1. The employee's regular rate of pay shall be limited to compensation for court and travel time which occurs during the employee's regularly scheduled hours of work. Court leave will not result in payment of overtime or be considered as hours worked for purposes of determining eligibility for overtime,

unless the court leave is related to the employee's job responsibilities.

2. Upon completion of jury/court/witness service for which the employee received his/her regular pay, the employee will immediately forward any compensation received from the court or other party to the County upon receipt. Reimbursements received for out-of-pocket expenses such as meals, mileage, and lodging may be kept by employees, unless the County has reimbursed the employee for such expenses or such expenses were paid by the County.
3. An employee shall not receive pay for the work time missed if s/he is required to miss work because of court appearances in a matter to which the employee is a party or to serve as a witness for a party who has filed an action against the County. However, the employee may choose to use his/her annual leave.

6.6.3. *Late Start/Early Release*

1. An employee who is serving as a witness and is not required to report to court until after the start of their work day or who is released from court before the end of his/her scheduled work day shall report to work for the hours which are not required for court duty or for related travel time.
2. Employees who are required to report to jury duty will not be required to work eight hours prior to reporting. If the employee's service last four hours or more, including time going and returning from court, the employee will not be required to work between 5 p.m. of the day of jury duty and 3 a.m. the following day per NRS 6.190.

6.7. Bereavement Leave

A full-time or part-time employee who must be absent from work to attend the funeral of a family member who is within the third degree of consanguinity or affinity may use up to a maximum of 24 hours of bereavement leave charged to accumulate sick leave with the advance approval of the Department Head.

6.8. Military Leave under Federal Law

6.8.1. *Policy*

Employees who are members of the uniformed services are entitled to military leave and to re-employment rights as provided in 38 USC, sections 2021-2024, and 4302 et. seq. The uniformed services covered include the Army, Navy, Marines, Air Force, Coast Guard, Public Health Service Commissioner Corps, the reserve components of these services, and any other category dispatched by the President in time of war or national emergency. The Army National Guard and Air National Guard are also covered.

6.8.2. Notice and Notification

1. The County must provide employees with notice of their rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). This requirement may be met by posting the notice where the County customarily places notices for employees.
2. The County may require written (orders) or verbal notice of service obligation, but must waive the requirement if notice is impossible or unreasonable.

6.8.3. Salary and Benefits

1. Leave Without Pay
 - a. The County will treat the employee the same as any other employee on leave without pay.
 - b. The employee may choose to use annual leave and compensatory time, if any, before going on leave without pay.

2. Health Insurance

There is no impact to the employee's insurance coverage, including life insurance that is included in the health insurance package if the service is 30 days or less. During the 30-day time period, the County and employee premium payments or obligations, if any, remain unchanged. If the service is for more than 30 days, and the employee is in leave without pay status, the employee may then continue coverage similar to that required by the Consolidated Omnibus Budget Reconciliation Act (COBRA) for either 24 months or through the day after the date on which the employee fails to apply for reemployment in a timely manner; whichever is less (see *Reemployment, Section 6.8.4.* below). The **employer** must reinstate coverage upon the employee's prompt reemployment without the imposition of exclusions or waiting periods.

3. Seniority

An employee is entitled to the seniority (and rights and benefits governed by seniority) s/he had accrued at the commencement of military leave, plus any additional seniority rights and benefits that s/he would have attained if s/he had remained continuously employed (the "escalator principle"). However, if an introductory period is a bona fide period of observation and evaluation, the returning employee must complete the remaining period of introduction upon reemployment. The County must count time served for the purpose of determining annual and sick leave accrual rates, if the accrual amount is based on seniority. Additionally, the County must count time in the military when determining the employee's rate of pay if the rate is based on seniority (e.g., a grade-and-step pay system). The County is not required to accumulate annual or sick leave for an employee during his/her absence. The "escalator principle" will be applied to a returning employee's opportunities to take promotional examinations or skills tests and to merit pay increases.

4. Retirement

Time served will be counted as work time for purposes of retirement. The County must make contribution payments to the retirement plan as if the employee had not left, provided the employee returns to work. The County contribution will be based on the rate of pay the employee would have been paid had s/he not been called to military service (e.g., a grade-and-step pay system). An exception to this requirement is when the higher pay is based on additional knowledge, skill, or ability that can only be gained by work experience.

5. Death or Disability

If an employee does not return to work due to death or disability, the survivor or disability benefit is treated as if the employee had been working until the date of the death or disability. The County must make the retirement contribution up to the date of the death or disability.

6. Other Leave

The County must count time served in the military when calculating the employee's Family Medical Leave Act eligibility.

6.8.4. *Reemployment*

1. An employee has certain report-to-work obligations following military service. Eligible returning service members must be promptly reemployed, which in most cases means within two weeks of reporting. The employee's report-to-work obligations are:
 - a. Service of one to 30 days: The beginning of the next regularly-scheduled work period on the first full day following completion of service, and expiration of an eight-hour rest period following safe transportation home.
 - b. Service of 31 to 180 days: Application for reinstatement must be submitted not later than 14 days after completion of military duty.
 - c. Service of 181 or more days: Application for reinstatement must be submitted not later than 90 days after completion of military duty.
2. The deadline for reinstatement may be extended for up to two years for persons who are convalescing due to a disability incurred or aggravated during military service, and the County must make reasonable accommodations for the disability.
3. Reemployment rights apply to veterans whose cumulative period of uniformed service does not exceed five years while employed by the same County. Time spent in National Guard and reservist training does not count towards the five-year period.

6.8.5. *Discharge*

If time served is greater than 30 days, but less than 181 days, an employee may not be discharged within 180 days of reemployment,

except for just cause. If time served is greater than 180 days, an employee may not be discharged for one year, except for just cause.

6.9. Military Leave under Nevada Statute

6.9.1. Policy

Public officers and/or employees who are active members of the United States Army Reserve, United States Naval Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, or the Nevada National Guard are entitled to leave to serve under orders including, without limitation, orders for training or deployment, as provided in NRS 281.145.

6.9.2. Procedure

1. Upon employee's or public officer's request, the County must relieve employee or public officer of duties with pay to serve under orders for training or deployment for a period of not more than the number of hours equivalent to 15 working days in a 12-month period.
2. The County is not required to pay the public officer's or employee's salary after 15-working days (or hours equivalent).
3. Public officer's or employee's accrued vacation time may not be deducted during the leave. If public officer or employee requests additional time beyond 15 working days, public officer or employee may choose to use annual leave and compensatory time, if any, before going on leave without pay. The County will treat the public officer or employee the same as any other employee on leave without pay.
4. The 12-month period designated by the County in number 1 above is a calendar year.

6.9.3. Participation in Training, Active Service or Duty, or Other Required Meetings

As provided in NRS 412.139, the County may not terminate a member of the Nevada National Guard or National Guard of another state who is employed in this state because the member: assembles for training, participates in field training, is ordered to active service, or otherwise meets as required.

6.10. Emergency Conditions/Disaster Leave

6.10.1. Emergency Volunteer Service

An employee who is a participant in any volunteer emergency service (e.g., fire protection, ambulance service, or search and rescue) shall not schedule him/herself for on-call duty during work hours. In the event an employee is required to respond to an emergency during normal working

hours, s/he shall remain in full employment status and shall receive total regular compensation while performing the volunteer service for the period that s/he would have been working for the County.

6.10.2. *Emergency Road Conditions*

1. Any non-exempt employee who is unable to report to work due to road closures or hazardous road conditions caused by ice, snow, floodwaters, washouts, or slides shall not receive regular salary. Employees are advised to use their best judgment in making a decision of whether or not to report to work under such conditions. Should an employee decide to remain at his/her residence, all reasonable attempts should be made to notify his/her immediate supervisor. Any employee wishing to receive payment for time missed due to hazardous road conditions may do so by using either accrued annual leave or accrued compensatory leave time.
2. Any non-exempt employee who reports to work late due to road closures or hazardous road conditions will be compensated only for the actual hours worked. In the event the employee wishes to receive a full day's pay, s/he may use annual leave or accrued compensatory leave time to complete the normal work period.
3. Any employee who elects not to report to work due to hazardous road conditions or reports to work late under such conditions shall not be subject to discipline. In the event the supervisor is in doubt of the employee's reasoning, the final decision shall be made by the County on the basis of documentation or confirmation of the hazardous conditions by either a law enforcement agency or the appropriate public works agency having jurisdiction over the roadways in question.

6.10.3. *Disaster Area Declaration*

1. "Disaster Area" is defined as a designated area affected by an event declared to be a disaster by a state or federal governmental agency duly authorized to make such designation. Employees who are unable to report to work due to a disaster may use accrued annual leave or compensatory leave time as compensation for scheduled time not worked. Exempt employees who are unable to report to work due to a disaster shall use accrued annual leave as compensation for scheduled time not worked.
2. Employees shall make every effort to report to work as soon as is reasonable under such conditions provided the County's operation is open and functioning. An employee who has made such an effort, yet fails to report to work under such declared "disaster" conditions, shall not be subject to discipline. Employees shall make every effort to report their circumstances to their immediate supervisor.

6.11. Blood Donor Leave

6.11.1. Policy

Employees may be granted reasonable time off during their work shift for the purpose of donating blood when participating in a County-sponsored blood donation. All such absences shall be scheduled with the employee's supervisor. In no event shall an employee be eligible for overtime as a result of donating blood.

6.12. Leave for Parents of Children Enrolled in School

6.12.1. Policy

For employers with 50 or more employees employed for 20 or more calendar weeks per year, those employees who are parents of children enrolled in public or private school (K-12) are entitled to four hours of unpaid leave, per school year, for each child enrolled in school. The employee may use the entitled leave time to:

- a. Attend parent-teacher conferences;
- b. Attend school-related activities during regular school hours;
- c. Volunteer or otherwise be involved at the school in which the child is enrolled during regular school hours; and
- d. Attend school-sponsored events.

The time for the leave must be mutually agreed upon by the employee and the County. The employee must request the leave in writing at least five school days prior to the date on which the leave is to be taken. The employee may also be required to furnish documentation demonstrating that s/he was present at the school activity for which the leave was provided.

6.12.2. Retaliation

An employee shall not be retaliated against for utilizing the leave described in this section. Any employee who believes s/he has been retaliated against as a result of having taken leave under this section may file a claim with the Nevada Labor Commissioner. The County shall provide the employee with all of the forms necessary for the claim filing.

6.13. Leave for Nursing Mothers

6.13.1. Policy

As required by federal law, NRS 281, and the Nevada Pregnant Workers' Fairness Act, the County will provide paid or unpaid reasonable breaks each time an employee needs to express breast milk for her nursing infant who is up to one-year old. Employees may elect to use their paid break times for this purpose. The County will furnish a private space, other than a bathroom, that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others where the employee may express breast milk.

If complying with this policy will cause an undue hardship for the County considering the size, financial resources, nature, and structure of the public body, the County may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the County may require the employee to accept a reasonable alternative selected by the County.

An employee who does not agree with the determination of the County may file a complaint with the Local Government Employee-Management Relations Board.

6.13.2. *Prohibition against Retaliation*

The County will not tolerate any retaliation by management or by any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been retaliated or discriminated against in any manner whatsoever should immediately notify the EEO Officer or the alternate. The County will promptly investigate and deal appropriately with any allegation of retaliation.

6.14. Related Forms

- Certification of Health Care Provider for Employee's Serious Health Condition (FMLA Form WH-380-E)
- Certification of Health Care Provider for Family Member's Serious Health Condition (FMLA Form WH-380-F)
- Certification of Qualifying Exigency for Military Family Leave (FMLA Form WH-384)
- Certification of Serious Injury or Illness of Covered Service member for Military Family Leave (FMLA Form WH-385)
- Certification of Serious Injury or Illness of Veteran for Military Family Leave (FMLA Form WH-385-V)
- Designation Notice (FMLA Form WH-382)
- Employee Rights and Responsibilities under the Family and Medical Leave Act (FMLA Form WH 1420)
- Leave of Absence Authorization Form
- Nevada Consanguinity/Affinity Chart
- Notice of Eligibility and Rights & Responsibilities (FMLA Form WH-381)
- Notice of Intent to Return to Work After Leave of Absence (Non-Medical)
- Notice of Intent to Return to Work After Medical Leave of Absence

7. BENEFITS

7.1. Health Insurance Coverage

7.1.1. *Eligibility*

Eligible employees as defined in the group health insurance plan are eligible to enroll in the group health insurance plan effective the first of the month following thirty (30) days of employment. Dependents of employees, as defined in the current plan booklet, are also eligible for coverage under the insurance plan at the employee's expense. Employees must authorize a payroll deduction of any share of the health coverage premium which is to be paid by the employee.

7.1.2. *Benefits*

The specific terms and conditions of coverage are specified in the plan document for medical, dental, vision, and prescription drug insurance issued by the insurance company.

7.1.3. *Plan Changes*

The County will, from time to time, evaluate the health coverage plan that is offered and make adjustments, as the County deems appropriate, in the level of coverage and the amount of premium cost to be paid by the County.

7.2. Life Insurance Coverage

7.2.1. *Eligibility*

Eligible employees, as defined in the life insurance plan, are covered by a County-paid term life insurance and accidental death and dismemberment insurance plan effective the first of the month following thirty (30) days of employment.

7.2.2. *Policy*

The specific terms and conditions of coverage are specified in the plan document issued by the insurance company and are available from the Pershing County Auditor-Recorder's Office.

7.2.3. *Coverage*

Eligible employees are covered by a life insurance policy in the amount of \$20,000. (*Optional* - dependent life insurance is available on an employee-contribution basis.)

7.3. Retirement

As defined in NRS 286, the County is considered a public employer and employees in positions considered to be half-time or more, according to the full-time work schedule for at least 120 consecutive work days, are covered by the Public Employees Retirement System (PERS). Details are available in NRS 286.

Eligibility for membership in PERS for elected officials is covered in NRS 286.293.

Eligibility for membership in PERS for district judges, justices of the peace, and municipal judges is covered in NRS 1A.

7.4. Workers' Compensation

All County personnel shall follow all established rules or practices relating to safety. All County personnel shall maintain clean and sanitary work places and shall not litter or contribute to unsafe or unsanitary work conditions on County premises. The County will provide protective clothing devices and/or equipment required by the Occupational Safety and Health Administration (OSHA). Employees shall follow all established rules or practices relating to the use of protective attire.

County Department Heads are to provide the safest working conditions possible. It is the duty of the Department Head to establish safety regulations and to instruct employees in accident prevention. Employees are expected to adhere strictly to all safety requirements. Suggestions regarding safety will be welcomed from all employees.

Whenever an employee is injured on the job, he/she shall report the injury to his/her supervisor immediately. The supervisor shall first secure needed medical aid for the injured employee and then promptly file an accident report with the County Auditor giving full particulars. Additionally, all accidents involving vehicles shall be reported to the Department Head immediately. The Department Head shall report all vehicle accidents on forms approved by the insurance agent serving the County for vehicle insurance to the County Clerk and District Attorney.

Each employee shall report to his/her Department Head any instance of injury to the person or property of a member of the public as a result of operation of County property under the employee's control. The employee is also expected to report any instance of injury to a member of the public arising an incident on County property which comes to the employee's attention. Upon receipt of such report, the Department Head shall immediately investigate and file a written report of such occurrence with the Board of County Commissioners, the County Clerk, and the District Attorney.

Employees are insured under the provisions of the State Workers' Compensation Act for occupational injuries and diseases that arise/arose out of and in the course of their employment. Employees are required to report all on-the-job accidents, injuries, or illness to their immediate supervisor as soon as reasonably possible or within 24 hours of the accident, injury, or illness. Employees are also required to complete the Form C-1 within seven days of the accident, injury, or illness regardless of whether medical attention was received.

The following provisions are adopted pursuant to and are intended to implement the requirements of NRS 281.390:

1. When an employee is eligible at the same time for benefits for temporary total disability under NRS 616A to 616D, inclusive, or NRS 617, and for any leave benefit s/he may, by giving notice to the supervisor or manager, elect to continue to receive his/her normal salary instead of the benefits under those statutes until his/her accrued sick leave, comp time, annual leave, or approved catastrophic leave (if any), in this order, is exhausted. The County will notify the Workers' Compensation Administrator of the election. The County will continue to pay the employee his/her normal salary, but charge against the

employee's accrued leave time as taken during the pay period an amount which represents the difference between his/her normal salary and the amount of any benefit for temporary total disability received, exclusive of reimbursement or payment of medical or hospital expenses under NRS 616A to 616D, inclusive, or NRS 617 for that pay period.

2. When the employee's accrued leave time is exhausted, payment of his/her normal salary under subsection 1 must be discontinued and the County will promptly notify the Workers' Compensation Administrator so that it may begin paying the benefits to which the employee is entitled directly to the employee.
3. An employee who declines to make the election provided in subsection 1 may use all or any part of the leave benefit normally payable to him/her while directly receiving benefits for temporary total disability under NRS 616A to 616D, inclusive, or NRS 617, but the amount of leave benefit paid to the employee for any pay period must not exceed the difference between his/her normal salary and the amount of any benefit received, exclusive of reimbursement or payment of medical or hospital expenses under those statutes for that pay period.
4. If the amount of the employee's leave benefit is reduced, pursuant to subsection 3, below the amount normally payable, the amount of leave time charged against the employee as taken during that pay period must be reduced in the same proportion.
5. An employee may decline to use any part of the leave benefit normally payable to him/her while receiving benefits under NRS 616A to 616D, inclusive, or NRS 617. During that period of time, the employee will be considered on leave of absence without pay.

7.5. Transitional Duty

7.5.1. Policy

The County is committed to providing work, when possible, for employees who have been restricted by a treating health care provider due to a work-related injury or illness. Such work will be provided subject to availability. Work will be assigned according to the nature of the injury or illness and the limitations set forth by the treating health care provider. Every effort will be made to place employees within their own departments. If necessary, an employee will be placed wherever appropriate work is available.

7.5.2. Salary

While on transitional duty, employees will continue to receive their regular rate of pay. Employees who are placed outside their department will continue to have their salary charged to their regular department.

7.5.3. Duration and Conditions of Transitional Duty

An employee on transitional duty must furnish a written update from the health care provider to the workers' compensation coordinator after each visit in order to remain in the reassigned job. Transitional duty assignments are limited to a period of 90 days, subject to review.

7.6. Deferred Compensation

Employees may defer a portion of their taxable income by participation in a deferred compensation plan as provided for in NRS 287.

Initial enrollment may be made at any time during the year for earnings beginning the first of the month following enrollment. Changes in contribution are governed by the terms and conditions of the particular plan.

Only income earned after the effective date of initial or increased participation can be deferred.

Prior to retirement, participants may withdraw the balance of their deferred compensation account only upon termination of employment. In the event of an unforeseeable emergency, the employee may withdraw a portion of the account needed to pay for the emergency. The IRS defines the conditions for and requires employer approval of early withdrawal on a hardship basis. The Board of Commissioners must review and approve all requests for early withdrawal.

7.7. Related Forms

- Transitional Duty Letter
- Workers' Compensation Benefits Leave Option Form

8. TRAVEL EXPENSES

8.1. Policy

1. Employees will be reimbursed for reasonable travel expenses which are required for the performance of their assigned duties and which are appropriately authorized.
2. To obtain reimbursement, employees must submit an expense report on a proper claim form and substantiate the amounts claimed as required below.
3. Reimbursement shall be made only for expenses actually incurred, paid, and authorized under this policy and procedure.

8.2. Allowances

8.2.1. Mileage

The County will attempt to make a vehicle available to employees to use for official travel. If there are no County vehicles available and the employee must use a personal vehicle, mileage will be reimbursed at the per mile rate set by the County Commissioners. If an employee drives a personal vehicle when commercial air travel would be more efficient, the mileage reimbursement will be limited to the cost of the airfare. Employees using a personal vehicle for official travel must have proof of current registration and insurance for that vehicle. Current rate is 53.5 Cents

8.2.2. Lodging

Moderate cost lodging should be pre-arranged at a location nearest to the meeting/training site as possible. Reimbursement will be based on the cost of a single room if available. A receipt is required for reimbursement of incurred lodging expenses. Current rate is \$91.00/\$102.00 (Las Vegas).

8.2.3. Meals

1. The cost of meals shall be reimbursed as follows, in an amount not to exceed: (1) Breakfast, \$11:00; (2) Lunch, \$12.00; (3) Dinner, \$23.00.
2. If the cost of meals purchased exceeds these allowances, the employee may apply to the Board of County Commissioners for a variance on the allowances by submitting such request with the original receipts and an explanation for the expenditures.
3. Except as provided in item 5 below, an employee shall be entitled to reimbursement for the cost of breakfast only if s/he is required to leave his/her normal work location prior to 7:00 a.m.
4. Except as provided in item 5 below, an employee shall be entitled to reimbursement for the cost of dinner only if s/he has returned to location after 7:00 p.m.

5. No reimbursement shall be allowed for any meal which is provided or made available to an employee as part of the cost of a meeting, class, or other function, regardless of whether the employee partakes of the provided meal or purchases his/her meal elsewhere.

8.2.4. *Other Expenses*

Necessary business telephone calls, parking charges, and/or ground transportation will be reimbursed.

8.2.5. *Unallowable Expenses*

1. The County does not reimburse for fines and parking tickets, towing or impounding fees, traffic violations, alcoholic beverages, personal entertainment, tobacco, or expenses unrelated to the business purpose of the travel as determined by the Board of Commissioners.
2. The County discourages combining personal travel with business travel due to the public's perception regarding use of County funds. Employees must clearly disclose any personal travel and/or annual leave to be taken in conjunction with County travel. An employee's family may accompany the employee on County business, provided travel is not in a County vehicle. The County will not, however, pay any additional expenses so incurred.

8.3. Processing

8.3.1. *Claims*

All claims with required receipts for travel expenses are to be submitted to the Department Head for approval by the County Commissioners within thirty (30) working days following the trip.

8.3.2. *Advances*

Employees may request an advance to cover anticipated expenses of at least \$50.00. This request must be made not more than three weeks nor less than one week before departure. When advanced funds have been provided, all unused funds must be returned with a claim form submitted to the Department Head within five working days following any trip.

8.4. Related Forms: NONE

9. EMPLOYEE SEPARATION

9.1. Resignation

9.1.1. *Notice*

Employees are requested to provide at least two weeks' notice, in writing, to their supervisor or manager of their intent to resign their employment. At the sole discretion of the County, an employee may withdraw a resignation at any time prior to its effective date. An employee's failure to give appropriate notice when resigning may constitute cause for denying re-employment with the County.

9.1.2. *Return of Employer Property*

When resigning or being terminated, an employee must return all County property including clothing, keys, credit cards, employee ID, tools, equipment, and other items of value prior to the last day of employment.

9.1.3. *Job Abandonment*

The County may consider employees who are absent from work without approved leave for a period of three consecutive work days to have abandoned their position and, thus, to have resigned. The employer is required to follow due process procedures for termination if the employee has completed their probationary period.

9.1.4. *Final Paycheck*

The County shall issue a paycheck by the next payday following the effective date of resignation if sufficient notice was given by the employee and may issue a paycheck sooner when the employee resigns in good standing. Whenever the County discharges an employee, the wages and compensation earned and unpaid at the time of such discharge shall become due and payable on the next regular payday. (If the employer is *private*, they are governed by NRS 608 which requires discharged employees to receive payment immediately.)

9.2. Layoffs (Classified Service Only)

The County may lay off employees because of lack of work; lack of funds; material change in duties or organization; or in the interests of economy, efficiency; or for other appropriate causes, as determined by the County.

An employee hired for a project of limited duration (e.g., grant funded) will not be afforded rights relative to layoff at the end of the funding period unless, at the time of hire, the County elected to grant layoff rights to the employee.

The order of layoff among employees in the same class within a department will be as follows: employees serving an introductory period will be considered first, and then all other employees will be considered.

9.2.1. *Alternatives to Layoff*

Whenever a layoff is anticipated, the County will notify employees whose jobs may be affected and explain all available options to them. The County will make reasonable efforts to integrate affected employees

into other available positions. The County may also utilize options in lieu of layoffs where feasible such as part-time work schedules, reduction in work hours, job sharing, or reductions in class or pay.

9.2.2. *Order of Layoffs*

Initially the County shall consider employees for layoffs in the order of seniority within the job class and department. When selecting which employee will be laid off; the County will review the qualifications of the employee with the least seniority in the affected class. If the County finds:

1. The employee has qualification not possessed by an employee with the next greater seniority, and
2. Those qualifications are needed by the department,

The County may layoff the employee with the next higher seniority. Not more than one employee within any class or department may be retained out of seniority order, except when a less senior employee is required to perform an essential function which the more senior employees are not currently required to perform.

Qualification to be considered in determining exceptions to seniority order shall include knowledge, skill, ability, licenses, and certificates required for job function to be assigned to the remaining staff, as well as previous experience in performing the essential functions and job performance. Job performance shall be determined on the basis of the employee's record of job performance as documented in the employee's personnel file.

9.2.3. *Designation of Employees to be Laid Off*

In the event of a layoff, the Department Head shall provide the County Commissioners with a list designating the class, position, and names of employees to be laid off. The HR Rep/County Commissioners shall be responsible for providing the rationale for selecting particular employees within the same job class for layoff. The HR Representative shall review the list for conformance to the County policy.

9.2.4. *Layoff Notice*

Upon confirmation of the layoff list, the HR Representative/Payroll Clerk shall provide each affected employee with a written notice of layoff. Such written notice of the layoff shall either be delivered in person or mailed to the affected employees at least 14 days prior to the expected date of layoff.

9.2.5. Recall Rights

Laid off employees will have a right to return to a vacancy in the same class and department from which they were laid off. Recall shall be in inverse order of layoff. No probationary period shall be required.

1 Recall List

Employees shall remain on a recall list for two years following the date of layoff provided, however, laid off employees shall be removed from the recall list if:

- a. They accept recall to a position in a class at the same salary range as the position from which they were laid off, or
- b. They decline appointment to a position in the same department and in a class at the same salary range as the position from which the layoff occurred, or
- c. They fail to report for duty within fifteen (15) calendar days of mailing of notice of recall to County employment.

2 Recall Notice

Notice of recall or available position may be made in person or by U.S. Mail, return receipt requested. It is the responsibility of each laid off employee to notify the County Clerk's office of his/her current address.

3 Recall to Other Vacant Positions

When there is no one on a recall list for the department and class in which a vacancy exists, those on the recall list shall be considered for the vacancy before any other applicant is considered for appointment when the following conditions exist:

- a. Temporary work within the job class or for which the laid off employee is qualified. Work shall be offered to the laid off employee.
- b. Vacant position at the same or lower range but in a different department from which the employee was laid off. Positions shall be offered to the laid off employee, subject to completion of a probationary period, if the employee meets the qualifications for hire.
- c. Vacant positions at the same or lower range but in a different department from which the employee was laid off – Employee shall be considered for the position and may be offered the position, subject to completion of a probationary period, if qualified.
- d. An employees who fails to meet probationary period prescribed by this section of the Agreement will be returned to layoff status.

9.2.6. *Benefits Upon Reemployment*

Upon reemployment by the County, an employee shall be credited with service performed prior to their being laid off and will accrue vacation at the accrual rate applicable as if the employee had not been laid off. Sick leave balances, if any, will be reinstated at the time of reemployment. Employees, upon reemployment, will be eligible for insurance benefits as if they are a new hire unless they had maintained coverage or unless otherwise provided by the insurance carriers.

9.3. *Related Forms*

- Employee Separation Checklist

10. PERFORMANCE MANAGEMENT

10.1. *Statement*

The County's performance management system is designed to be a formal, objective, consistent, and ongoing process to assess the on-the-job effectiveness of each employee by communicating to the employee his/her status and the objectives and standards of performance which s/he is expected to achieve. The County views performance management as an ongoing process that focuses on the future and continued improvement.

10.1.1. *Purpose*

The performance management process exists to ensure timely and periodic two-way communication between employees and supervisors regarding job performance. This process is designed to:

1. Clarify the County's goals and link them to performance expectations.
2. Assist employees in reaching their full potential by identifying training needs and developing specific plans for continual improvement.
3. Identify and document performance achievements and deficiencies.
4. Provide ongoing opportunities for supervisors to coach and encourage personal development and improved job performance.

10.1.2. *Ongoing Communication Regarding Performance*

It is the policy of the County and the responsibility of each supervisor to routinely provide employees with accurate, constructive feedback regarding job performance expectations, accomplishments, deficiencies, and opportunities for growth. Recognizing that periodic formal performance evaluations cannot take the place of ongoing communication and feedback, the County encourages frequent, ongoing discussions of job performance and expectations between employees and

supervisors. Performance evaluations, whether formal or informal, do not create a contract or other right to continued employment.

10.1.3. *Frequency of Performance Evaluations*

Formal performance evaluations are to be conducted a minimum of once a year. Additionally, supervisors shall conduct formal evaluations at the following times:

1. For new employees, no later than three (3), six (6), nine (9) and eleven (11) months after initial hire.
2. Twelve (12) months following transfer to a new position within the same class.
3. When there is a significant change (either improvement or deterioration) in performance or behavior affecting the job.
4. Within three months following an evaluation documenting that the employee's performance needs substantial improvement. (The County encourages frequent, ongoing meetings between the employee and supervisor.)
5. At any other more frequent interval as the supervisor deems appropriate. In addition, informal performance communications (feedback) should occur routinely and regularly throughout an evaluation cycle.

10.1.4. *Written Record*

Performance evaluations should not be considered as discipline. Supervisors will conduct evaluations in a private meeting with the employee. Formal evaluations will be in writing, utilizing the approved performance evaluation form. All information on the form shall be consistent with the information communicated verbally during the performance evaluation meeting with the employee. Employees will be allowed an opportunity to comment on the evaluation, sign the forms, and receive a copy. A copy of the evaluation, along with any written comments by the employee, will be placed in the employee's personnel file.

10.1.5. *Personnel Actions Resulting from Performance Evaluations*

Personnel actions, whether positive or adverse, are based on an assessment of the overall performance and behavior of the employee, rather than on a single performance evaluation.

Substandard performance or violation of a policy or procedure which necessitates disciplinary action is not part of the performance evaluation process and will be addressed as provided in *Section 11 Disciplinary Actions and Appeals* of these policies.

10.1.6. *Employee Involvement*

The County strongly encourages employee participation in the performance evaluation process. Opportunities for participation include the following:

1. Supervisors providing employees with an opportunity to present a self-evaluation which the supervisor may then consider prior to and discuss during the evaluation meeting.
2. Discussions between the supervisor and the employee for the purpose of establishing performance expectations or goals for the next evaluation period.
3. If requested by the employee, a discussion with the next level supervisor to review any disagreements over a performance evaluation.

10.2. Procedure

10.2.1. *Steps in the Performance Evaluation Process*

As part of the performance evaluation process, supervisors will:

1. Establish and communicate a written performance plan at the beginning of the evaluation period which states expectations the employee must meet.
2. Review notes taken on the employee's performance since the last formal evaluation and the employee's self-evaluation, if provided.
3. Complete a performance evaluation form comparing the employee's actual performance with the established performance expectations and standards.
4. Schedule a meeting with the employee.
5. During the evaluation meeting:
 - a. Use specific examples to provide a candid, objective, constructive, and complete description of how the employee performed during the evaluation period. Discuss both the "what's" and "how's" of the employee's performance, strategies for improvement, and the employee's own goals for personal growth.
 - b. Jointly establish new performance expectations and goals for the next performance evaluation period.
 - c. Obtain appropriate signatures and employee comments.
 - d. Review any areas of disagreement. If the employee does not agree with all or part of the performance evaluation, s/he should be referred to the next level manager or to the process in their collective bargaining agreement.
6. Continue to monitor performance, providing feedback, as well as coaching and counseling, throughout the evaluation cycle.

10.2.2. *Documentation of Performance Evaluations*

Supervisors must use the County's approved performance evaluation form and ensure that the completed and signed form becomes a permanent record in the employee's personnel file.

10.3. Related Forms

- Employee Performance Review
- Let's T.A.L.K. Preparation Form
- SMART Goals Form

11. DISCIPLINARY ACTIONS AND APPEALS (Classified Service Only)

11.1. Discipline and Appeal

11.1.1. *Justification for Discipline*

Disciplinary action, up to and including termination, may be taken against an employee for unsatisfactory performance or for misconduct including, but not limited to, the following:

1. Conduct unbecoming an employee in the County's service, or discourteous treatment of members of the public or a fellow employee, or any other act of omission or commission that impacts negatively on the public's perception of the integrity or credibility of the County or erodes the public confidence in the County.
2. Falsification of or making a material omission on forms, records, or reports including applications, time cards, and other County records.
3. Absence from work without permission or without notification to an appropriate supervisor/manager, habitual absence or tardiness, or misuse of sick leave.
4. Unauthorized possession, removal, or use of the County's property including, but not limited to, funds, records, keys, confidential information of any kind, equipment, supplies, or any other materials.
5. Insubordination, refusing to follow directions, or other disrespectful conduct directed toward a supervisor/manager.
6. Sexual harassment or other prohibited behavior directed toward another employee, member of the public, vendor, or anyone doing business with the County, or anyone present on premises owned or controlled by the County.
7. Actual or threatened physical violence including, but not limited to, intimidation, overt or subtle threats, harassment, stalking, or any form of coercion, except as may be required of a peace officer in the course of his/her duties.
8. Possession or inappropriate use of drugs or alcohol on property owned or controlled by the County or while on duty or during an on-call status.
9. Possession, bringing, or aiding others in bringing unauthorized firearms, weapons, hazardous biological material or chemicals, or other dangerous substances onto property owned or controlled by the County.

10. Violation of safety or health policies or practices, or engaging in conduct that creates a safety or health hazard to other employees, the public, vendors, or him/herself.
11. Dishonesty, including intentionally or negligently providing false information, intentionally falsifying records, employment applications, or other documents.
12. Violating or failing to comply with federal, state, or local law or the County's policies, rules, regulations, and/or procedures.
13. Unsatisfactory work performance.

11.1.2. *Forms of Disciplinary Action*

Disciplinary action includes, but is not limited to, one or more of the following:

1. Verbal warning (document time, date, and subject)
2. Written reprimand
3. Suspension *(See Note Below)
4. Pay reduction *(See Note Below)
5. Demotion (See NRS 62G.060 for juvenile court employees)
6. Termination (Reference: Section 11.1.4. Public Hearing for Dismissed Employees of Counties, Cities and Incorporated Towns, and Unincorporated Towns and NRS 62G.060 for juvenile court employees)

Employees' signed copies of the above items 1-6 must be placed in employees' master personnel file, and a copy provided to employees.

*Note: Exempt employees are subject to the following rules regarding disciplinary pay deductions and unpaid suspensions:

- a. Pay deductions imposed as a penalty may only be made in cases of violations of safety rules of major significance, including those rules related to the prevention of serious danger in the workplace or to other employees. An example would be violating a rule that prohibits smoking around flammable material. Deductions can be made in any amount.
- b. Pay reductions, as a form of discipline, may be imposed as long as the employee is paid at least \$455 per week and the reduction is on a "permanent" (i.e. not workweek) basis and is not tied to an employee's attendance or quality or quantity of work performed during a particular workweek.
- c. Unpaid suspensions may be imposed for infractions of workplace conduct rules, such as rules prohibiting sexual harassment, workplace violence, drug or alcohol use, or for violating state or federal laws. The suspension must be for serious misconduct, not for performance issues. Suspensions must be in full-day increments and must be

imposed pursuant to a written policy applicable to all employees.

- d. Suspensions for performance issues must be made in full-week increments.

11.1.3. *Minor Disciplinary Actions*

1. Defined

Oral reprimands, written reprimands, and suspensions without pay of non-exempt employees for less than three (3) workdays shall be considered minor disciplinary action.

2. Procedure for Imposing and Appealing Minor Disciplinary Actions

Minor disciplinary actions may only be appealed by an employee who has successfully completed the initial hire probationary period for the current County employment. The following procedures shall apply exclusively to minor disciplinary actions:

- a. Notice of Action

When a supervisor or manager believes it is necessary to impose a minor disciplinary action on an employee, the supervisor shall notify the employee in writing of his/her decision stating the reason for the action, the regulations or rules which have been violated, the specific action to be taken and the effective date of the action.

- b. Appeal of Minor Disciplinary Actions

Within five (5) days from receipt of the written notification, an employee who has received a written reprimand, or short suspension without pay, but believes the discipline is unwarranted, may appeal the action to Formal Level 3 of the Grievance Procedure of this agreement whereupon the decision shall be final.

11.1.4. *Severe Disciplinary Actions*

1. Defined

Demotion, suspensions without pay for three (3) or more workdays or discharge shall be considered a severe disciplinary action.

2. Procedure for Imposing and Appealing Severe Disciplinary Action

Severe disciplinary action may only be appealed by an employee who has successfully completed the initial hire probationary period for their County employment. The following procedures shall apply exclusively to severe disciplinary actions:

- a. Notice of Proposed Action

Before taking severe disciplinary action, the Department Head or designee shall serve on the employee, either personally or by certified mail, a Notice of Proposed Action, which shall contain the following:

- i. A statement of the action proposed to be taken.
 - ii. A copy of the charges, including the acts or omissions and grounds upon which the action is based.
 - iii. A copy of the rule(s) in question, if it is claimed that the employee has violated a rule or regulation of the County or Department.
 - iv. A statement that the employee may review and request copies of materials upon which the proposed action is based.
 - v. A statement that the employee has five (5) working days to respond to the Department Head or the designee either orally or in writing. If the employee chooses to reply orally, the employee is entitled to a meeting with the Department Head or his/her designee.
- b. Response
- The employee, upon whom the Notice of Proposed Action has been served, shall have five (5) working days to respond to the Department Head or the designee either orally or in writing before the proposed action may be taken. Upon application and for good cause, the Department Head or designee may extend the time period to respond. If the employee chooses to respond orally, the employee shall be entitled to personal meeting with the Department Head or designee. At such meeting, the employee may be accompanied by an attorney or association representative.
- c. Review/Action
- After complying with the applicable requirements of the sections above and having reviewed the employee's response, if any, given pursuant to the "Response" section above, the Department Head or designee may order the severe disciplinary action of the employee. Such order shall:
- i. Be in writing;
 - ii. State specifically the cause(s) of action;
 - iii. State the effective date of the action; and
 - iv. Cause the order to be served on the employee, either personally or by certified mail.

11.1.5. *Appeal of Severe Disciplinary Actions*

Within ten (10) days after the receipt of the written order, the employee may file with the County Clerk a request in writing for a hearing before:

- a. The Board of County Commissioners, or

- b. An External Hearing Officer to determine the reasonableness of the action.

This choice is mutually exclusive; therefore, if the choice is to proceed to the County Commission, the appellant cannot then request a hearing before an EHO. Failure of the employee to file a written request a hearing before either the Board of County Commissioners or an External Hearing officer within the time specified, shall be deemed a waiver of any appeal process.

11.1.6. *Hearing by the Commission*

1. If option 11.1.5.(a), above, is chosen, the Board of County Commissioners shall grant the disciplined employee a hearing within fifteen (15) days after receipt of the written request for such hearing. The hearing may be private. However, the hearing must be open to the public if so requested by the employee. Each party shall have the right to be represented by legal counsel or other person of his/her choice.

2. Rules of Evidence

Strict rules of evidence shall not apply. However, the following guidelines shall apply:

- a. The hearing shall be closed to the public.
- b. Oral evidence shall be taken only on oath or affirmation;
- c. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called that witness to testify; and to rebut the evidence against the party. If the employee does not testify on his/her own behalf, the employee may be called and examined as if under cross-examination;
- d. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient by itself to support a finding unless it would be admissible over objection in a civil action. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.
- e. Either by deposition or at the hearing, the employee may be examined and may examine or cause any person to be

examined. The employee shall be allowed to appear personally at the hearing, and he/she shall have the right to legal counsel or lay representation of his/her choice at all times throughout the proceeding and be allowed to produce such competent evidence in his/her own defense and in rebuttal of the charges as he/her or his/her representative may wish to offer.

3. The Commissioners shall deliberate in closed session. The County Commissioners, by majority vote, shall sustain, reject or modify the disciplinary action. If the Commissioners reject or modify the disciplinary action, they may order back pay, demotion, or reinstatement and/or any necessary personnel record changes. Unless appealed, the Commissioners' decision shall be final. A written record of the final decision shall be served on the Appellant and his/her representative within seven calendar days of the close of the hearing.

11.1.7. *External Hearing Officer (Classified Service Only)*

Should an employee who is the subject of a Severe Disciplinary action, choose to have his/her appeal heard by an External Hearing Officer (EHO), by selecting option 11.1.5.(b) above, the process of choosing an EHO shall commence as shown below.

1. Designation

The External Hearing Officer (EHO) shall be chosen by mutual consent of the County Commissioners or their designee and the Association. If the parties fail to agree on an EHO, a list of five (5) shall be requested from the Federal Mediation and Conciliation Service. The parties shall alternately strike names of potential hearing officers, with the Association striking first.

2. Costs

The fees and expenses of the EHO and of a court reporter, if used, shall be shared equally by the employee or his/her representative organization and the County. Each party, however, shall bear the cost of its own presentation including preparation and post-hearing briefs, if any.

3. Authority of EHO

No EHO shall entertain, hear, decide, or make recommendations on any dispute unless such dispute involves an eligible employee in the classified service and unless such dispute falls within the definition of a Severe Disciplinary Action.

4. Rules of Evidence

Strict rules of evidence shall not apply. However, the following guidelines shall apply:

- a. The hearing shall be closed to the public.
- b. Oral evidence shall be taken only on oath or affirmation;

- c. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called that witness to testify; and to rebut the evidence against the party. If the employee does not testify on his/her own behalf, the employee may be called and examined as if under cross-examination;
- d. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient by itself to support a finding unless it would be admissible over objection in a civil action. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.
- e. Either by deposition or at the hearing, the employee may be examined and may examine or cause any person to be examined. The employee shall be allowed to appear personally at the hearing, and he/she shall have the right to legal counsel or lay representation of his/her choice at all times throughout the proceeding and be allowed to produce such competent evidence in his/her own defense and in rebuttal of the charges as he/her or his/her representative may wish to offer.
- f. The hearing shall be recorded by a stenographic reporter. If any transcript is ordered by the employee or the County, the party ordering the transcript shall bear the cost of the transcription. If both the employee and the County order transcriptions, the cost of the transcription, along with the cost of the reporter, shall be borne equally by the County and the employee.
- g. The Hearing Officer shall have the power to subpoena and require the attendance of witnesses, and the production of books, papers and other evidence pertinent to the hearing and to administer oaths to witnesses. In arriving at a decision or recommendation, the Hearing Officer may consider any prior disciplinary actions taken against the employee, or any prior proceedings under this section.
- h. Failure of the employee to appear at the hearing shall be deemed a withdrawal of the appeal and the action of the

County or Department head shall be final, unless, in the opinion of the Commissioners, the circumstances were beyond the employee's control.

- i. After closing the hearing and receiving any closing briefs, the Hearing Officer shall review the evidence, arguments, and write a decision which shall be forwarded immediately to the parties. Such decision shall be final and binding. Each of the parties shall be responsible for any costs individually incurred. All costs jointly incurred, including the fees and expenses for the Hearing Officer shall be shared equally by the parties.

11.1.8. *Serving of Notices*

Written notices shall be served either by direct personal service on the person affected, or by mail. Mailed notices to a Department Head, an appellant or representative, or the Board of Commissioners shall be effective upon recorded deposit with the United States Postal Service.

11.1.9. *Summary Suspension*

Prior to any disciplinary proceedings under this Article, the County may summarily place any County employee on an immediate suspended status with or without pay. Such suspensions shall be made only in cases where the employee's continued active duty status might, in the sole opinion of the County, constitute a hazard to the employee or others, place County property or files in jeopardy, tend to bring the County service into discredit, or prolong acts or omissions of improper employee conduct. If the disciplinary action or suspension is not subsequently ordered and/or affirmed, the employee shall be reinstated in status and restored all pay and fringe benefits lost during such summary suspension.

11.1.10. *Right to Representation*

An employee subject to a meeting, an investigation that may result in disciplinary action, a pre-disciplinary conference or hearing has the right, upon request, to be represented by an employee representative or an attorney retained by the employee at the employee's expense.

11.1.11. *Public Hearing for Dismissed Employees of Counties, Cities and Incorporated Towns, and Unincorporated Towns*

Statutes for counties (NRS 245.065), cities and incorporated towns (NRS 268.405), and unincorporated towns (NRS 269.083) provide for a public hearing for a dismissed employee who has been employed for 12 months or more (except those employees exempted from the merit system; i.e., city/county manager, city/county administrator, Department Heads). Such dismissed employee is not required to utilize an established pre-disciplinary conference and appeal process before requesting a public hearing. The employee must request in writing the public hearing within 30 days of receipt of written notification of dismissal. The public hearing will occur within 15 days of receipt of such request.

11.1.12. *Administrative Leave During Disciplinary Proceeding*

By notifying the employee in writing, the **employer** may place an employee on administrative leave, with or without pay pending an investigation of alleged misconduct or performance deficiencies, prior to or during a disciplinary proceeding, or during the review of the employee's response to a proposed disciplinary action. The notice of administrative leave will include a statement that the leave is not a disciplinary action. An employee placed on administrative leave without pay who is later reinstated without punitive disciplinary action being imposed will be reimbursed for any pay lost during the administrative leave.

11.2. Related Forms

[Intent to Discipline Form](#)

[Sample Last Chance Agreement – Performance and Behavior](#)

[Sample Last Chance Agreement – Drugs and Alcohol](#)

[Verbal Written Warning Form](#)

[Written Reprimand Form](#)

12. GRIEVANCE PROCEDURE (Classified Service Only)

12.1. Grievance Defined

12.1.1. Definitions.

1. **Grievance.** A grievance is a dispute concerning the misinterpretation, misapplication or improper application of a specific section of these rules which provide a specific benefit to the employee that is not subject to the discretion of management
2. **Grievant.** A proper grievant is an employee who is filing a grievance as defined above. Alleged violations, misapplications, or misinterpretations which affect more than one employee in a substantially similar manner may be consolidated at the discretion of management as a group grievance and thereafter represented by a single grievant.
3. **Day.** "Day" shall mean a day in which the County's offices are open for business.

12.1.2. Open Door Policy

As a matter of County policy, supervisors and Department Heads are expected to provide an open door and a receptive ear for the discussion and review of employee grievances. It is for the mutual benefit of all concerned to resolve the grievances as near as possible to the point of origin.

12.2. Process

12.2.1. Informal Resolution

Within five (5) days from the event giving rise to a grievance or from the date the employee could reasonably have been expected to have had knowledge of such event, the grievant shall orally discuss his/her grievance with his/her in-immediate supervisor. A supervisor shall have three (3) days to give an answer to the employee.

12.2.2. Formal Levels

1. Level 1

If a grievant is not satisfied with the resolution proposed at the informal level, he/she may, within five (5) days of such receipt of such answer, file a formal written grievance with his/her Department Head. Within fifteen (15) days of receipt of the written appeal, the Department Head or a designee, shall investigate the grievance which may include a meeting with the concerned parties and, thereafter, give written answer to the grievant within five (5) days.

2. Level 2

If the grievant is not satisfied with the written answer from the Department Head, the grievant may, within five (5) days from the receipt of such answer, file a written appeal to the County

Commissioners. Within fifteen (15) days of receipt of the written appeal, the County Commissioners or their designee shall investigate the grievance which may include a meeting with the concerned parties, and thereafter, give written answer to the grievant within five (5) days, which answer shall be final and binding.

12.2.3. General Provisions

1. If a grievant fails to carry his/her grievance forward to the next level within the prescribed time period, the grievance shall be considered settled based upon the decision rendered at the most recent step utilized.
2. If a supervisor or manager fails to respond with an answer within the given time period, the grievant may appeal his/her grievance to the next higher level.
3. The grievant may be represented by a person of his/her choice at any formal level of this procedure.
4. Time limits and formal levels may be waived by mutual written consent of the parties.
5. Proof of service shall be accomplished by certified mail or personal service.

12.2.4. Written Records of Grievances

All documents, communications, and records dealing with the processing of a grievance shall be kept in a separate grievance file in the office of the Personnel Officer and shall not be kept in the personal history file of any of the participants.

12.2.5. Freedom from Reprisal

An employee filing a grievance in conformity with this policy shall have freedom from reprisal

Related Forms: NONE

13. DEFINITION OF TERMS

The terms used in these policies shall have the meanings defined below:

Administrative Leave: Authorized leave for administrative purposes, such as for conducting an investigation which may be with or without pay, at the option of the County.

Adulterated Specimens: A specimen is considered adulterated if it contains a substance that is not a normal constituent or contains an endogenous substance at a concentration that is not a normal physiological concentration.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol Use: The drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.

Allocation: The assignment of a single position to its proper classification on the basis of the duties performed and responsibility assigned.

Anniversary Date: The date the employee is hired, appointed, promoted, reclassified, or reallocated (as defined below) upward. This is the date an employee becomes eligible for consideration for a salary increase. The anniversary date may be adjusted as specifically provided elsewhere in the personnel policies. (Note special provisions regarding military leave.)

Applicant: A person, including a current employee, who is applying for any position with the **employer**. (May also be referred to as “candidate”)

Appointing Authority/Employer: The governing board, any elected official, or appointed official acting under the expressed authority of the governing board.

Appointment: The offer of and acceptance by a person to a position in accordance with the provisions of this manual.

At-will: Employment status wherein the employee may be terminated at any time, with or without cause. An employee in an at-will status has neither a property right nor an expectation of continued employment with the **employer** and is not covered by the provisions of the discipline, layoff, or dispute resolution sections of these personnel policies.

Authentication: For purposes of FMLA, providing the health care provider with a copy of the medical certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document; no additional medical information may be requested.

Board: The governing body of the County.

Casual Worker: An employee hired on an as-needed basis, either as a replacement for employees who are out on short- and long-term absences or to meet County’s additional staffing needs during peak business periods.

Child: (Son or daughter) For purposes of FMLA, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing In Loco Parentis; leave to care for a child with a serious health condition is limited to a child who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability”; exigency leave and caregiver leave applies to a child of any age.

Clarification: For purposes of FMLA, contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response.

Classified Service: The classified service of the County is comprised of all County positions now existing or created after the effective date of these policies which are not included in the unclassified service.

Class: A group of like positions assigned to the same title and pay grade based on similar duties and responsibilities and minimum qualifications. A class may only have one position allocated to it if there are no similar positions within the organization.

Class Series: Two or more classes which are similar as to the fundamental type of work, but which differ as to degree of responsibility and difficulty, and which have been arrayed in a progression of level of responsibility and complexity of duties.

Class Specification: A description of the essential characteristics of a job class, and the factors and conditions that make it unique from other classes, described in terms of duties, responsibilities, and qualifications.

Compensatory Time Off: Time off granted to an employee in lieu of monetary payment for overtime worked.

Contraband: Any item such as illegal drugs, prohibited substances, drug paraphernalia, or other related items whose possession is prohibited by policy.

Conflicting Employment: Outside employment that interferes with the employee's ability to perform his/her assigned job.

Conviction: A finding of guilt, including a plea of no contest or imposition of sentence or both, by any judicial body charged with the responsibility to determine violations of federal or state laws.

Date of Hire/Hire Date: The actual date an employee first renders paid service in a regular position.

Day: Calendar days unless work days are specified.

Demotion: Involuntary movement of an employee from one job class to another job class having a lower maximum base rate of pay, as a result of disciplinary action.

Department Head/Department Manager: An elected official or appointed official who is directly responsible to the Board of Commissioners or to the Board or to a board established by the Board, for overall administration of an office or department of the County.

Diluted Specimens: Diluted specimens have creatinine and specific gravity values that are lower than expected for human urine as determined by U.S. Department of Health and Human Services.

Disability-Related Inquiry: A question (or series of questions) likely to elicit information about a disability. Generally, disability-related inquiries are not allowed during the hiring process. Examples of disability-related inquiries not permitted include:

- Asking whether the employee/applicant currently has or has ever had a disability, how s/he became disabled, or inquiring about the nature or severity of an employee's/applicant's disability;
- Asking an employee/applicant a broad question about his/her impairments that is likely to elicit information about a disability;
- Asking an employee/applicant whether s/he is currently taking any prescription drugs or medication;
- Asking about an employee's/applicant's genetic information;
- Asking about an applicant's prior workers' compensation history; and
- Asking an employee's/applicant's coworker, family member, health care provider, or other person about the employee's/applicant's disability.

Discharge: Termination, separation, dismissal, or removal from employment for cause.

Discipline: A suspension (generally without pay), involuntary demotion, reduction in pay, discharge, or written reprimand or verbal warning.

Discrimination: Employment decisions or actions which are inappropriately taken because of the applicant's or employee's race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law.

Dispute: Any disagreement between the County and an employee pertaining to the application of the County's personnel policies, or an allegation by an employee that the County has failed to provide a condition of employment established by the County's compensation plan.

Domestic Partner: Persons who are registered as domestic partners with the state of Nevada per NRS 122A.200 or have a legal union validly formed in another jurisdiction that is substantially equivalent.

Drug Test: A test to determine the presence of illegal drugs/prohibited substances or their metabolites that includes specimen collection and testing by a U.S. Department of Health and Human Services (DHHS)-certified laboratory. Both a screening test and a confirmation test must be used to establish a positive test result.

Eligible List: A list of names of persons who have satisfactorily completed an examination for a position and are qualified for employment.

Employee: A person employed in a budgeted position on a full- or part-time basis. For purposes of those sections of these policies covering discipline, hiring, layoff, and dispute resolution, the term employee **excludes** elected officials, department heads, casual/temporary/seasonal workers, and others specified in the definition of unclassified service.

Regular Full-time Employee: A person who has successfully completed an initial introductory period in a regular budgeted position with a normally scheduled workweek of at least 40 hours.

Regular Part-Time Employee: A person who has successfully completed an initial introductory period in a regular budgeted position which requires a minimum number of hours per week (typically 20 hours), but less than full-time employment.

Probationary Employee: A person who serves in an at-will status for a specified period of time during which s/he is evaluated by the **employer** to ensure that s/he has demonstrated fitness for a position by actually performing the duties of the position.

Exempt Employee: An employee who is exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act. (Such determination is made on the basis of duties and responsibilities performed and the method of pay computation.)

Non-Exempt Employee: An employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

Employer Premises: All County property and facilities, the surrounding grounds and parking lots, leased space, County equipment/vehicles, offices, desks, cabinets, closets, etc.

Equal Employment Opportunity (EEO) Officer: The staff member assigned the responsibility and authority to receive, investigate, and resolve complaints of alleged discrimination/harassment.

This individual also has the responsibility to provide training to the **employer** and assure appropriate notices are posted.

Essential Function: A fundamental job duty of the position held or desired. A function is essential if the job exists to perform that function, a limited number of other employees are available to perform the function, or the function requires special skill or expertise. (Marginal functions associated with any job should not be considered essential functions.)

Examination/Test: Any measure, combination of measures, or procedures used as a basis for any employment decision. Examinations include the full range of assessment techniques from traditional paper and pencil tests, performance tests, assessment centers, introductory periods, and evaluation of physical, educational, and work experience qualifications through informal interviews and scored application forms. **Open** examinations are open to all applicants, internal and external.

Promotional examinations are open only to selected categories of employees of the County.

Full-Time: Work which requires hours of work as established by the County as full time. A full-time employee is regularly scheduled to work a normal workweek of 40 hours. Note: For the purpose of determining eligibility for benefits and layoff, collective bargaining agreements may provide alternate definitions of full time.

Grade: The designation of a salary range for a class.

Illegal Drugs: Any controlled substance or drug under Federal or Nevada law, which is illegal to sell, possess, cultivate, transfer, use, purchase, or distribute.

Incomplete or Insufficient Certification: For purposes of FMLA, a medical certification is considered incomplete if the employer receives a certification, but one or more of the applicable entries have not been completed. A medical certification is considered insufficient if the County receives a complete certification, but the information provided is vague, ambiguous, or non-responsive.

In Loco Parentis: For purposes of the FMLA, a relationship in which a person has put him/herself in the situation of a parent by assuming and discharging the obligations of a parent to a child, with whom he or she has no legal or biological connection, including day-to-day responsibilities to care for or financially support a child.

Invalid Specimens: An invalid specimen is one that contains an unidentified adulterant, contains an unidentified interfering substance, has an abnormal physical characteristic, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing testing or obtaining a valid drug test result.

Key Employee: A salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite.

Layoff: A separation from the County service because of a shortage of funds, lack of work, abolishment of a position, reorganization, or for other reasons not reflecting discredit on an employee and for reasons outside of the employee's control.

Leave Without Pay: Authorized leave in a non-paid status.

Legal Drugs: Prescription drugs and over-the-counter drugs that have been legally obtained and are being used in the manner, combination, and quantity for which they were prescribed or manufactured.

Manager: An employee, or an elected official who has been authorized to select, train, schedule, and evaluate the work of other employees, and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees. This person may also serve as the department head.

Medical Examination: A procedure or test usually given by a health care professional or in a medical setting that seeks information about an individual's physical or mental impairments or health. Medical examinations include, but are not limited to:

- Vision tests conducted and analyzed by an ophthalmologist or optometrist;
- Blood, urine, and breath analyses to check for alcohol use;
- Blood pressure screening and cholesterol testing; nerve conduction tests;
- Range-of-motion tests that measure muscle strength and motor function;
- Pulmonary function tests;
- Psychological tests designed to identify a mental disorder or impairment; and
- Diagnostic procedures such as x-rays, CAT scans, and MRI's.

Next of Kin: For purposes of FMLA, the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

Parent: For purposes of FMLA, includes a biological, adoptive, step or foster father or mother, or any other individual who stood In Loco Parentis to the employee or covered servicemember.

Personnel Action: Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting an employee's employment status.

Position: A group of duties and responsibilities requiring the ongoing services of one or more employees, which is listed in the authorized position list contained in the currently approved County's budget or established by formal action of the Board of Commissioners.

Positive Drug or Alcohol Test: Any detectable level of drugs or its metabolite (in excess of trace amounts attributable to secondary exposure) in an employee's urine or blood. With respect to alcohol, a blood alcohol concentration of 0.02 or higher constitutes a positive test.

Probationary Period: A trial or working test period which is an integral part of the examination and selection process during which an employee serves in an at-will status and is required to demonstrate fitness for the position for which s/he was hired by actually performing the duties of the position.

Prohibited Substances: Medical and recreational marijuana; prescription drugs not legally obtained, not being used in the manner, combination, or quantity prescribed, or by the individual for whom prescribed; over-the-counter medications used contrary to manufacturer instructions; or consumer products not meant for human consumption.

Promotion: The movement of an employee from one class to another class having a higher maximum base rate of pay, usually as a result of some type of examination.

Rate of Pay: An employee's salary as shown in the **employer's** compensation plan.

Reallocation: A change in the classification and pay grade of a class to a higher or lower pay grade.

Reasonable Accommodation: A modification or adjustment

- To a job application process that enables a qualified applicant with a disability or a qualified female applicant with a condition relating to pregnancy, childbirth or a related medical condition, to be considered for the position such qualified applicant desires; or
- To the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability, a female employee with a condition relating to pregnancy, childbirth or a related medical condition, or an employee who is or has a family or household member who is a victim of an act which constitutes domestic violence, to perform the essential functions of that position; or
- That enables a qualified individual with a disability or a female employee who has a condition relating to pregnancy, childbirth or a related medical condition, to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees.

Reclassification: The change of a position to a different job class which results from changes in duties and responsibilities.

Reduction in Pay: Disciplinary action by an **employer** moving an employee to a lower pay level in the same class and same pay grade.

Regular Position: An authorized position which appears in the authorized position list contained in the **employer's** budget documents or its amendments approved by the Board of Commissioners. (Normally a regular position consists of duties which must be performed at least 20 hours per week on a regular, year-round basis.)

Reinstatement: The restoration of a laid-off employee or an employee rejected during a promotional introductory period to a position in a class in which the employee formerly served as a regular employee.

Reinstatement List: A list of names of persons who have been laid off and are available for reinstatement (rehire without examination).

Reprimand: A written notice to an employee stating specific performance and/or behavioral deficiencies and the improvements in behavior and/or performance which the employee must make, and that further disciplinary action will follow if the employee does not make the required improvements. (A performance evaluation form shall not be considered a reprimand.)

Resignation: A notice by an employee that s/he intends to separate from the **employer's** service. The **employer** may require that resignations be in writing.

Salary Range: The minimum and maximum salary set for each classification, grade, or level as designated by the position compensation plans. (Also see Grade.)

Seasonal Employee: See Casual Worker.

Son or Daughter of a Covered Servicemember: For purposes of FMLA, a biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood In Loco Parentis, and who is of any age.

Son or Daughter on Covered Active Duty or Call to Covered Active Duty Status: For purposes of FMLA, employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood In Loco Parentis who is on covered active duty or call to covered active duty status, and who is of any age.

Spouse: A husband or wife of a person, regardless of gender.

Step: A specific rate of pay within the salary range established for a class. (Also see Rate of Pay.)

Substance Abuse Professional (SAP): A licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders.

Substituted Specimens: Substituted specimens have creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine as determined by U.S. Department of Health and Human Services.

Supervisor: An employee, or an elected official who has been authorized to select, train, schedule, and evaluate the work of other employees, and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees. This person may also serve as the department head or manager.

Suspension: The temporary separation from service, with or without pay, of an employee for disciplinary reasons.

Temporary Employee: See Casual Worker.

Transfer: A lateral change of an employee from one position to another position in the same class or to a different class in the same salary range.

Transitional Duty: A temporary assignment of an employee who is unable to perform the essential functions of his/her job, but has been cleared by a health care provider to perform other assignments for the employer.

Unclassified Service: The unclassified service of the County shall be comprised of positions held by County officers or employees as follows:

4. Persons chosen by election or appointment to fill an elective office.
 - e. Chief Deputies of elected officials appointed to such positions
 - f. Members of appointed boards and commissions and appointed heads of departments.
 - g. Management employees as designated by the elective officer or head of each department at their discretion with authorization from the Board of Commissioners.
 - h. All persons holding temporary appointments, the duration of which do not exceed one hundred eighty (180) days.
 - i. 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.
 - j. Volunteer Firefighters and others who report to outside agencies but are covered by PERS through the County of Pershing.
 - k. Such other officers and employees as authorized by law to be employed in the unclassified service.

Volunteer: An individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. An individual is not considered a volunteer if the individual is otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.

Warning: Verbal notice or counseling of an employee specifying required changes in work performance or on-the-job behavior.