

White Pine County

Personnel Policies

Adopted by

White Pine County Commission

October 22, 2008

Amended on

November 18, 2009

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1. GENERAL PROVISIONS

1.1. Purpose

These personnel policies are established to carry out the legislative policies set forth in White Pine County Code Title 2.

1.2. Scope

In cases where 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 related to human resources management matters.

1.3. Code of Ethical Standards

Consistent with the provisions of NRS 281A.400 and NRS 281.230, a code of ethical standards is hereby established to govern the conduct of the County's officials and employees.

1. No official or employee shall seek or accept any gift, service, favor, employment, engagement, emolument, or economic opportunity 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.
2. No official or employee shall use his/her position with the County to secure or grant unwarranted privileges, preferences, exemptions, or advantages for himself/herself, any business entity in which s/he has a significant pecuniary interest, or any person to whom s/he has a commitment in a private capacity to the interests of that person.
3. No official or employee shall participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which s/he has a significant pecuniary interest.
4. No official or employee shall accept any salary, retainer, augmentation, expense allowance, or other compensation from any private source for the performance of his/her duties as an official or employee.
5. 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 the people generally, s/he shall not use such information to further the pecuniary interests of himself/herself or any other person or business entity.
6. No official or employee shall suppress any governmental report or other document because it might tend to affect unfavorably his/her pecuniary interests.
7. No official or employee shall use governmental time, property, equipment, or other facility to benefit his/her personal or financial interest.
8. No official or employee shall attempt to benefit his/her personal or financial interest through the influence of a subordinate.
9. No official or employee shall seek other employment or contracts through the use of his/her official position.

10. 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 or commission 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 subsection 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 provisions above may result in disciplinary action, up to and including termination.

1.4. Political Activity

1.4.1. Political Activities during Working Hours

1. 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 election item or political cause or the nomination or election of any person to public office. Wearing or displaying of apparel, buttons, insignia, or other items that advocate for or against a political candidate or a political cause is also 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 or a citizen who is requesting service supplied by the County, to influence or to give money, service, or other valuable thing to aid, promote, or defeat any election item or political cause or the nomination or election of any person to public office.
2. Employees are expressly forbidden to use any County resources, including, but not limited to: interoffice mail, e-mail, telephone, fax machines, copy machines, or Internet access to engage in any political activity outside the approved scope of his/her official duties.

1.4.2. Political Activities while Off Duty

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

1.4.3. Running for or Holding Political Office

1. 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.

2. Employees who are seeking or who have been elected or appointed to public office shall not conduct any business related to these activities while on duty. This includes all the items listed in section 1.4.1 above.
3. 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:
 - a. The employee may resign his/her position.
 - b. The employee may apply and seek approval for use of accrued leave time.
 - c. The employee may request unpaid leave.

The maximum duration of paid or unpaid leave time approved will be one hundred twenty (120) calendar days. 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.

4. If there is any question regarding this policy, employees should contact their department manager for clarification.

1.5. Employment of Relatives

Pursuant to the provisions of NRS 281.210, no officer or appointing authority of the County 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. (*Appendix A – Consanguinity and Affinity Chart*) Existing employees may continue in their current position following the election 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. For purposes of this paragraph, supervision includes second or higher levels of supervision.

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

1.6. Computing Time for Notices

For the purpose of determining the length of time periods 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 5:00 p.m. on the last day to be counted. If the last day to be counted falls on a weekend or a holiday, the period will end at 5:00 p.m. on the first County business day following the last counted day.

1.7. 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 to continued employment or imply a contract of employment.

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 (*Personnel Policies – Acknowledgment and Receipt*). The employee shall return the signed acknowledgement form to the Human Resources Department for inclusion in his/her personnel file. Employees who fail to

comply with these policies may be subject to disciplinary action, up to and including termination.

All changes, revisions, additions, and notices of deletions to these policies will be made available to all employees.

1.8. Administrative Directive

The Human Resources Director/Administrator shall have the authority and the duty to develop and promulgate interpretive memoranda and administrative procedures to execute these policies and to implement the County's human resources program on a consistent basis. Interpretive memoranda and administrative procedures shall be provided to the Board of Commissioners for review as soon as practical after their issuance. At its option, the Board of Commissioners may discuss the memoranda or administrative procedures and provide direction to the Human Resources Director/Administrator as it deems appropriate.

1.9. Change of Address

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

1.10. Failure to Receive Notices

All written communications to employees shall be hand-delivered or sent by U.S. mail with delivery confirmation to the current address on record. All written communications to applicants shall be hand-delivered or sent by U.S. mail to the address shown on the application for employment. 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 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.

1.11. Personnel Files

1.11.1. Contents of Personnel Files

The contents of each employee's personnel file may include the following:

- Job description.
- Employee's eligibility for overtime compensation pursuant to the Fair Labor Standards Act and Nevada law.
- Job application/résumé.
- Job offer letter.
- Employment contract/any agreement between the employee and the County.
- Signed acknowledgments including receipt of the County's policies and procedures, new employee orientation checklist, and related documents.

- Enrollment documentation for County-sponsored benefits.
- Credit card, long distance calling card, and related agreements.
- Emergency contact information.
- Authorizations for release of information signed by employee.
- Salary history record including rates of pay and other forms of compensation.
- History of positions held including promotion, demotion, transfer, layoff, and termination.
- Training/education records including documentation of completion of training required for continued employment and the expiration dates of certificates issued for completion of training.
- Performance evaluations.
- Performance improvement plan, letters of instruction, and reports of coaching/counseling.
- Documentation of oral reprimand, written reprimand, disciplinary notices and documents.
- Letters of recognition, commendations, and congratulations.
- Separation checklists.
- COBRA notice.
- Exit interview.

The personnel file should *not* include any of the following:

- Grievances or the responses thereto.
- Form I-9 – Employment Eligibility Verification form and supporting documents.
- General correspondence.
- Any document that describes a medical or psychological condition of the employee or any other individual. (Medical and related documents shall be kept in a separate, locked file to which access is strictly limited to those in a need-to-know position.)

1.11.2. Maintenance of Personnel Files

The County shall maintain a master personnel file for each employee. An employee's supervisor or manager may elect to maintain a duplicate copy of documents contained in the master personnel file; 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. When required, the employee is responsible for providing a copy of his/her driver's license or other required license or certificate. Additionally, an employee must 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.

1.11.3. Employee Access

An employee may view the contents of his/her personnel file upon request as provided in Section 1.12.2 below. All inspections must be conducted in the presence of the Human Resources Director/Administrator or designee. An employee may make copies of documents in his/her 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.

1.11.4. Negative Information

The County shall not put negative or derogatory material in an employee's 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 indicate s/he has reviewed it. If the employee refuses to sign such material, the County may place it in the employee's file with a dated notation that the employee refused to sign such material after having been given an opportunity to do so. Whenever practical, another manager or supervisor should serve as a witness to the employee's refusal and should co-sign the entry along with the originating manager or supervisor.

1.11.5. Employee Information Submitted

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

1.11.6. Verification of Employment

Upon a request for verification of employment, the County will provide only dates of employment, base salary, and job titles. The County will not give out an employee's address or telephone number without the original written release signed by the employee, a court order, or a subpoena.

1.11.7. Providing References

All requests for employment information shall be referred to the Human Resources Director/Administrator. Only those personnel designated by the Human Resources Director/Administrator 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 the District Attorney.
6. Employment information and opinions regarding the character, honesty, and potential for violence of County employees may be provided to governmental employers (including, but not limited to, any federal, state, county, municipality, or city employers) or to any private (non-governmental) employer where the employee's character, honesty, sexual misconduct, or potential for violence are relevant issues. Examples include, but are not limited to, jobs that 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. The County will provide information requested by law enforcement agencies in accordance with NRS 239B.
7. Records that are required for employees in safety-sensitive positions, as defined in 42 CFR Part 382 and U.S. Department of Transportation regulations, shall be made available to subsequent employers upon receipt of written request from the employee or former employee.

1.12. Confidential Information

1.12.1. Identification of Confidential Information

The following types of personnel information and employment records maintained by the County concerning current employees, former employees, and applicants for employment are confidential.

1. All information related to an employment application including, but not limited to, letters of reference, résumés, or 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 other 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 examinations, including answers, rating guides, score sheets, etc., on any written exam or rating criteria for interviews.
5. Information in an employee's personnel file or other record of employment that relates to his/her:
 - a. Performance.
 - b. Conduct, including any proposed or imposed disciplinary action.
 - c. Race, ethnic identity or affiliation, age, gender, marital status, number and names of dependents, military/veteran status, living arrangements,

- membership in any organization, sexual orientation, national origin, disability, date of birth, or social security number.
- d. Past or present home address, telephone number, post office box, or names of relatives.
 - e. Voluntary or involuntary termination, exclusive of the dates of actual employment.
6. The name of an employee's/former employee's designated beneficiary.
 7. All medical information concerning an employee or applicant including, but not limited to, the following:
 - a. Pre-employment and post-employment medical and psychological examinations.
 - b. Disability and documentation relating to reasonable accommodation requested or granted.
 - c. Drug testing.
 - d. Pregnancy, including related doctor's certification and other communication.
 - e. Any other medical information that an employee or applicant has provided.
 8. All confidential medical information shall be kept in files segregated from other personnel and employment records. Access to such files shall be strictly limited to those with a demonstrable need-to-know. Persons in a need-to-know position may include, but are not limited to, the following:
 - 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 equal employment opportunity laws and regulations.
 - d. Workers' compensation insurance providers.
 - e. Insurance company employees when the company requires a medical examination to provide health or life insurance (29 CFR. §1630.14(c)(1)).

(*Note:* Attendance records that show an employee has taken sick leave are not a confidential record.)
 9. All information contained in a confidential investigative file. The County shall keep all confidential investigative documentation in files separate from other personnel and employment records with access limited to only those with a demonstrable need-to-know. When and if it becomes the basis for disciplinary action, it will be made part of the employee's personnel file.

1.12.2. Access to Confidential Information

Access to confidential records is restricted as follows 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.
2. Access to the materials for an examination and information relating to an applicant that is relevant to a decision to hire that person; i.e., information described in paragraphs 1-4 of section 1.12.1 above is limited to the following:
 - a. Employees with a need to know in order to fulfill the responsibilities assigned by the County.
 - b. The County's Human Resources Director/Administrator, the District Attorney, or a 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.
 - e. 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.
3. Access to an employee's personnel-related confidential file containing those items listed in paragraphs 5-8 of section 1.12.1 above, is limited to the following:
 - a. The employee.
 - b. The employee's representative when s/he presents a current signed authorization from the employee.
 - c. The employee's supervisor or manager, with a need to know, or as needed to provide reasonable accommodation.
 - d. Persons authorized pursuant to any state or federal law or court order.
 - e. Counsel retained by or on behalf of the County.
 - f. 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.
4. Access to an employee's personnel-related confidential file containing those items listed in paragraph 9 of section 1.12.1 above is limited to the following:
 - a. The employee's supervisor or manager, the Human Resources Director/Administrator, or designee.
 - b. Persons authorized pursuant to any state or federal law or court order.
 - c. Counsel retained by or on behalf of the County.
 - 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.

1.12.3. Disposal of Personal Records

1. In compliance with the Fair and Accurate Credit Transactions Act (FACTA) 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 in paper, film, electronic, or other form, which contain information from a consumer reporting company, such as reports obtained from third-party agencies that conduct employment background checks on behalf of the County.

In addition, the County shall, in accordance with good personnel practices, properly dispose of any records containing employee personal or financial information.

2. Sensitive information includes the following:
 - a. Name
 - b. Social security number
 - c. Driver's license number
 - d. Phone number
 - e. Physical address
 - f. E-mail address
 - g. Any other personal identifiers
3. The County shall dispose of sensitive information by shredding or burning any and all papers and by destroying or erasing all electronic files or media that contain personal information.
4. The County will determine whether the disposal of consumer report documents will take place by utilizing an internal process and equipment or by procuring the services of a document destruction contractor to dispose of material that is specifically identified as consumer report information. The County will exercise due diligence to ensure that a contractor disposes of documents as required by law. Due diligence may consist of requiring that the disposal company be certified by a recognized trade association to ensure the disposal company complies with the disposal rule requirements.

1.13. Drug- and Alcohol-Free Workplace

1.13.1. Policy

1. The County recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse reasonably can be expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills.
2. The County is committed to maintaining a safe and healthy workplace for all employees and volunteers; assisting employees who recognize they have a problem with drugs or alcohol; periodically providing employees with information about the dangers of workplace drug and alcohol abuse; and,

when appropriate, taking disciplinary action for failure to comply with this policy.

3. The County maintains information relating to the hazards of and treatment for drug- and alcohol-related problems, which is available to employees upon request to the Human Resources Director/Administrator. Proactive training and information shall be provided by the County periodically.
4. The County encourages employees and volunteers who suspect they may have a substance abuse problem to seek counseling and rehabilitation from the County's employee assistance program, a substance abuse professional, or other treatment provider.
5. The County strictly prohibits the following behavior:
 - a. The illegal use, sale, attempted sale, manufacture, attempted manufacture, purchase, possession, cultivation, distribution and/or dispensing of drugs by an employee or volunteer at any time and in any amount. Prohibited drugs include, but are not limited to, marijuana, cocaine (including crack), opiates (including heroin and codeine), amphetamines (including methamphetamines), phencyclidine (PCP), and related substances as defined by the National Institute on Drug Abuse (NIDA). This prohibition also includes 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 individual has a valid prescription. In addition, the County prohibits employees and volunteers from possessing open containers of alcoholic beverages while on County premises or while on duty. Employees and volunteers are also prohibited from working with a blood-alcohol level of .02 or more.
 - b. Bringing alcohol, illegal drugs, or other substances which may impair the safety or welfare of employees, volunteers, program participants, or the public onto the premises controlled by the County or placing such substances in vehicles or equipment operated on behalf of the County.
6. A confirmed, positive test result for alcohol or illegally used drugs will be grounds for disciplinary action, up to and including termination.
7. Medical and rehabilitation records are confidential medical records and may not be disclosed without the prior written consent of the patient, authorizing court order, or otherwise as permitted by state or federal law. Positive test results may only be disclosed to the employee or volunteer, the appropriate medical and substance abuse treatment providers, any attorney assisting or representing the County, a County representative when needed to respond to an alleged violation of this policy, County employees who have a need to know of drug and/or alcohol testing results, or a court of law or administrative tribunal in any adverse personnel action.

1.13.2. Searches

1. If the County suspects that an employee, volunteer, or an on-site contractor is in possession of illegal drugs, alcohol, or contraband in violation of this policy, the County may request the individual to submit to a search of his/her person, personal effects, and/or vehicles. 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.

2. Searches will be conducted by management personnel and may or may not be conducted in the presence of the person whose property or work area is to be 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 representative conducting the search.
3. Nothing in paragraphs one and two above limits the County's authority and right to examine or search property and space owned or controlled by the County as provided in section 1.14 of these policies.

1.13.3. County Responsibilities

The County is responsible for the following actions:

1. Providing communication and training on this policy that includes instructions to assist managers and supervisors in recognizing conduct and behavior that gives rise to a reasonable suspicion of drug and/or alcohol use and how to effectively intervene.
2. Receiving and maintaining employee's and volunteer's drug and alcohol testing records and files from all sources and assuring that they are kept confidential.
3. Making drug testing and notice forms available.
4. Notifying appropriate department managers 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.

1.13.4. Department Manager Responsibilities

Department managers are responsible for the following actions:

1. Determining if reasonable suspicion exists to warrant drug and/or alcohol testing and making a written record of the specific facts, symptoms, or observations that are the basis for the reasonable suspicion.
2. Submitting the documentation to the Human Resources Director/Administrator or designee.
3. Authorizing the testing of employees following consultation with the Human Resources Director/Administrator or designee.
4. Facilitating the process of testing an employee for the presence of drug(s) and/or alcohol.

5. Directing an employee to complete a consent form (*Drug/Alcohol Test Informed Consent*).
6. When requested by the Human Resources Director/Administrator, notifying an employee of his/her test results and, if the result is positive, of his/her right to a retest of the same sample.
7. Implementing disciplinary action against employees who fail to comply with provisions outlined in this policy.
8. Notifying the Human Resources Director/Administrator of an employee's conviction of a federal or state criminal drug and/or alcohol statute violation.
9. 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.
10. Reporting Requirements
 - a. A department manager who receives information or is a witness to any use of drugs or alcohol that violates the County's policies or the law is required to report this information to the Human Resources Director/Administrator or designee immediately. The information reported must include all of the following:
 - 1) The person(s) involved, including all witnesses.
 - 2) Any information gathered, such as actual observation of drug/alcohol use, the presence of paraphernalia, observation of any unusual physical signs or behaviors.
 - 3) A written record of specific conversations held with the accused and any witnesses.
 - 4) All pertinent facts, including date(s), time(s), and locations(s).
 - b. A department manager other than the Sheriff shall not conduct a formal investigation, release findings, or administer discipline without specific authorization from the Human Resources Director/Administrator or designee to do so.

1.13.5. Employee and Volunteer Responsibilities

Each employee and volunteer is responsible for reviewing and complying with this policy.

1. Each employee and volunteer is responsible for meeting standards for work performance and safe on-the-job conduct.
2. No employees or volunteers shall report to work under the influence of alcohol, illegal drugs, or misused prescription or over-the-counter drugs.
3. It is the employee's or volunteer's responsibility and obligation to determine, by consulting a physician if necessary, whether or not a legal drug s/he is taking may or will affect his/her ability to safely and efficiently perform his/her job duties. An employee or volunteer whose impairment may affect job performance must inform his/her department manager who will attempt to find an appropriate alternative assignment. If none is available, an employee may take sick leave or be placed on a medical leave of absence or

take other steps consistent with the advice of a physician. If an employee or volunteer reports to work under the influence of prescription medication and, as a result, endangers himself/herself or others, the employee or volunteer will be disciplined, up to and including termination.

4. Each employee and volunteer must report the facts and circumstances of any criminal drug or alcohol conviction for activity that occurred while the employee or volunteer was on duty or that may impact the employee's or volunteer's ability to perform his/her assigned duties. If duties involve driving a vehicle, the employee or volunteer must report to his/her department manager a conviction for driving under the influence (DUI) and/or revocation or suspension of his/her driver's license pending adjudication. Notification to department manager must occur before resuming work or volunteer duties or no later than five (5) days after the conviction or revocation/suspension. The Human Resources Director/Administrator will work with the District Attorney to provide required notices to federal authorities.
5. It is every employee's and every volunteer's responsibility to report violations of this policy to his/her department manager or to the Human Resources Director/Administrator. An employee who witnesses or obtains information regarding illegal drug/alcohol use by his/her immediate supervisor is required to report the incident to the Human Resources Director/Administrator or the District Attorney.
6. Employees who are required to submit to a drug/alcohol test must complete and sign the County's consent form (*Drug/Alcohol Test Informed Consent*).

1.13.6. Voluntary Referral

1. The County strongly encourages employees and volunteers who suspect they have substance abuse problems to voluntarily refer themselves to a treatment program. A voluntary referral is one that occurs prior to any positive test for illegal drugs or alcohol under this policy and prior to any other violation of this policy, including a criminal conviction of that individual for a drug- or alcohol-related offense. A decision to participate in a treatment program will not protect the employee from discipline.
2. Any employee or volunteer 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.
3. An employee or volunteer who is being treated for substance abuse in a recognized rehabilitation program may be entitled to reasonable accommodation under the Americans with Disabilities Act 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.
 - a. The employee or volunteer must agree to release treatment information to the County to permit the monitoring of the individual's ongoing compliance with treatment recommendations.
 - b. Leave related to treatment for drug or alcohol problems will be considered to be medical leave under the provisions of the Family and Medical Leave Act if the employee is eligible.

- c. After such accommodation, the employee or volunteer must discontinue all involvement with alcohol or drugs as an essential requisite for continued employment or volunteer service.
4. Upon completion of a substance abuse program, employees and volunteers must take and pass a return-to-work test and sign a return-to-work agreement that will include a commitment to follow recommendations given by the treatment provider and may require submission to random drug/alcohol testing.

1.13.7. Testing Guidelines

1. The County will comply with all applicable provisions of federal and state law when carrying out specimen collection, delivery of a specimen to a laboratory, storage of the specimen, and drug testing procedures.
2. When 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.
3. The County will test for the following types of substances:
 - a. Marijuana.
 - b. Cocaine, including crack.
 - c. Opiates, including heroin and codeine.
 - d. Amphetamines, including methamphetamines.
 - e. Phencyclidine (PCP).
 - f. Alcohol.

Other drugs may be added to this list.

1.13.8. Reasonable Suspicion Drug/Alcohol Testing

1. A department manager, with the concurrence of the Human Resources Director/Administrator or designee, shall determine if reasonable suspicion exists and shall document, in writing, the specific facts, symptoms, or observations that form the basis for such reasonable suspicion. If the Human Resources Director/Administrator or designee is not available, the department manager must review his/her observations that serve as the basis for testing with the Sheriff or designee before directing the employee to undergo mandatory testing. (*Suggested Steps for Reasonable Suspicion Drug/Alcohol Testing and Documentation for Reasonable Suspicion Drug/Alcohol Testing*).
2. The bases for determining that reasonable suspicion exists include, but are not limited to, the following:
 - a. Information is provided either by reliable and credible sources or is independently corroborated.
 - b. Direct observation of use of drugs or alcohol by an individual while s/he is on duty.

- c. Drug or alcohol paraphernalia which may have been used in connection with illicit drugs or alcohol is found on an individual's person or at or near his/her work area.
 - d. Evidence exists that an individual has tampered with a previous drug and/or alcohol test.
3. The following behaviors, either collectively or independently depending upon the specific circumstances or context in which the behavior occurs, may provide sufficient reason for directing an employee to submit to a drug and/or alcohol test.
- a. A pattern of abnormal or erratic behavior including, but not limited to, a single, unexplainable incident of serious abnormal behavior or a pattern of behavior that is radically different from what is normally displayed by an individual or grossly different from behavior that is considered to be acceptable in the workplace.
 - b. The presence of physical symptoms of drug and/or alcohol use including, but not limited to, glassy or bloodshot eyes, slurred speech, poor motor coordination, or slow or poor reflex responses that are different from those usually displayed by the individual and do not appear to be caused by any common ailments such as colds, sinus problems, hay fever, or diabetes.
 - c. Violent or threatening behavior such as engaging in unprovoked, unexplained, aggressive, violent, and/or threatening behavior against any person.
 - d. Absenteeism and/or tardiness in combination with other relevant behaviors.
4. When directed to undergo drug and/or alcohol testing, an employee will be suspended with pay pending receipt of the results of the test.
5. An employee who is required to submit to reasonable suspicion testing will be provided transportation by the County to the location of the test. After the employee submits to the test or if s/he refuses to be tested, the County will provide transportation for the individual to his/her home.

1.13.9. Post-Accident Testing

- 1. Each employee involved in an OSHA-recordable accident will be tested for drugs and/or alcohol as soon as possible after the accident, but after any necessary emergency medical attention has been provided. OSHA-recordable accidents are those accidents that result in:
 - a. Medical treatment other than first-aid treatment;
 - b. Loss of consciousness, restriction of work or motion; or
 - c. Transfer to another job.

Additionally, any accident in which there is property damage estimated to be valued at or in excess of \$500.00 will trigger a post-accident test. (An employee may be suspended with pay pending the results of this test and with or without pay pending any subsequent investigation.) An employee

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

2. 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 his/her physical condition allows, to enable the County to obtain hospital records or other documents that indicate whether there were drugs or alcohol in the employee's system when the accident occurred.
3. 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.
4. An employee who is subject to a post-accident test must remain readily available for testing. An employee who leaves the scene before the test is administered or who does not make himself/herself readily available may be deemed to have refused to be tested, and such refusal shall be treated as a positive test. Further, an employee who is subject to a post-accident test must refrain from consuming alcohol for eight hours following the accident or until s/he submits to an alcohol test, whichever comes first.
5. For safety reasons, an employee who is required to submit to post-accident testing may be placed on leave of absence with or without pay pending receipt of the post-accident testing results and any related investigation.

1.13.10. Employees in Safety Sensitive Positions

1. Employees in safety-sensitive positions as defined in 49 CFR Part 32, *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.
2. The County may designate additional positions as "safety sensitive" based on the duties assigned to the positions. Such designation shall be consistent with federal regulations and case law. Designation of a position as safety sensitive is subject to the review and approval of the Human Resources Director/Administrator and the District Attorney.
3. County safety-sensitive positions are positions that may, in the normal course of business:
 - a. Require the employee to operate the County's vehicles or heavy equipment on a regular and recurring basis; and/or
 - b. Involve job duties that, 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.
4. The County shall maintain a list entitled "List of Positions Designated as County Safety-Sensitive." The list shall be a public record. Before a position is included on this list, the County shall post a notice in a conspicuous location accessible to employees at the work site affected that a

position is to be included as County safety-sensitive for purposes of pre-employment drug testing and random drug and alcohol testing. The notice will afford an opportunity for comment within a twenty (20) calendar day period.

5. The County shall conduct pre-employment testing for drugs and random testing for drugs and alcohol for positions identified as County safety-sensitive. Drug and alcohol testing of applicants and employees in County safety-sensitive positions is mandatory, and successfully passing these tests is a condition of future or continued employment.
6. Employees in positions designated as safety-sensitive by the County shall be notified by the Human Resources Director/Administrator that they are subject to the random drug testing policy. Each department with safety-sensitive positions shall prominently post a list of positions designated as safety-sensitive.
7. Random Testing
 - a. All employees in positions identified as safety-sensitive by the County shall be subject to random drug and alcohol testing.
 - b. The County will drug test, at a minimum, 50% of the average number of employee positions designated as County safety-sensitive each calendar year. The County will alcohol test, at a minimum, 10% of the average number of employee positions designated as County safety-sensitive each calendar year. The selection of employees for random testing shall be on a nondiscriminatory 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.
 - c. An employee selected for random testing shall proceed immediately to the test site. An employee who engages in conduct that does not lead to testing as soon as possible after notification may be considered to have refused to be tested.
 - d. Employees selected for a random test but absent due to vacation, sick leave, or other leave will not be notified to take the random test until the first day they return to work after random selection. Random selection may result in some employees being tested more than once each year; some may not be tested at all.
 - e. The Human Resources Director/Administrator shall notify department managers of their employees randomly selected for drug or alcohol testing.
8. Pre-Employment Testing
 - a. All applicants being considered for employment in County safety-sensitive positions will be required to submit to a urinalysis test for the detection of illegal drugs as part of the hiring process. All such offers of employment are conditioned upon the ability to pass this drug test. Applicants for positions that require testing will be given a copy of the

policy and must complete the County's consent form (*Drug/Alcohol Test Informed Consent*) in advance of the post-offer, pre-employment drug test.

- b. An applicant refusing to complete any part of the drug testing will be considered to have withdrawn his/her application for employment. An applicant who refuses to test or who tests positive shall not be considered for employment with the County for 12 months.
- c. When an employee applies for a position that has been identified as a County safety-sensitive position, the employee will be subject to drug testing in accordance with the procedures contained in this policy before the employee will be considered a valid candidate for the job opening. An employee who tests positive for illegal drugs will no longer be considered an applicant for that position. Such employee will also be subject to discipline under this policy, up to and including termination. An employee may withdraw the application for the position until such time as s/he is scheduled for pre-employment testing. Once an employee is scheduled for pre-employment testing, if that employee refuses to submit to the test, s/he will be disqualified for consideration for the position and subject to discipline, up to and including termination.

1.13.11.Option for Drug Retest

- 1. No later than 72 hours after receipt of a positive drug test result, an employee may request a confirmatory retest of the same sample at his/her expense at a certified laboratory of his/her choice.
- 2. Upon such a request, the medical review officer will authorize the laboratory holding the employee's sample to release to a second laboratory, approved by the Department of Health and Human Services, a sufficient quantity of the sample to conduct a second 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 each laboratory conducting the test.

1.13.12.Consequence of Refusal to Submit to Testing or Submission of an Adulterated Specimen

- 1. An employee who refuses to submit to testing for drugs and/or alcohol will be subject to disciplinary action, up to and including termination. If an employee who consents to a drug or alcohol test fails to appear timely at the collection site or fails to give his/her urine sample after reasonable opportunity to do so, s/he will be treated as having refused to submit to a drug or alcohol test.
- 2. Submission of an altered or adulterated specimen or substitution of a specimen by a specimen donor will be considered a refusal to comply with this policy and subject the employee to disciplinary action, up to and including termination.

1.13.13.Return-to-Work Testing/Follow-Up Testing

- 1. The County may agree to continue the employment of an employee who violates this policy and undergoes rehabilitation for drugs or alcohol. An

employee, as a condition of returning to work, will be required to agree to follow-up testing as established by a certified substance abuse treatment professional. 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 his/her return to duty. The conditions for continued employment shall be given to the employee in writing.

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

1.13.14. Discipline Related to Substance Abuse

1. An employee or volunteer may be found to have violated this policy on the basis of any appropriate evidence including, but not limited to, the following:
 - a. Direct observation of illegal use of drugs, prohibited use of alcohol, or possession of illegal drugs or alcohol or related contraband;
 - b. Evidence obtained from a motor vehicle citation, an arrest, or a criminal conviction for use or possession of illegal drugs;
 - c. The use or being under the influence of alcohol on the job;
 - d. A verified positive test result; or
 - e. An employee's or volunteer's voluntary admission.
2. Employees and volunteers in violation of the provisions of this policy will be subject to disciplinary action, up to and including termination.
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 purpose of the evaluation is to determine if treatment is necessary and, if it is necessary, to recommend an appropriate program of treatment.
4. If an evaluation is conducted that 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 will not be at the County's expense; however, employees may use benefits provided by applicable insurance coverage.
5. When an employee is required to undergo treatment under this policy, s/he may be required to comply with the following as a condition of continued employment.
 - a. Monitoring by the County of the treatment program and the individual's participation;
 - b. Submission to return-to-duty testing; and/or
 - c. Any other reasonable condition that the County deems necessary to maintain a safe and healthy workplace for all employees and volunteers.
6. Failure by the employee to enroll in the recommended treatment program, to consistently comply with the program's requirements, to successfully

complete the treatment, and/or to complete any continuing care program shall be grounds for immediate termination from employment.

7. Regardless of whether the employee successfully completes a rehabilitation program, disciplinary action will be taken for any job performance or behavior that would otherwise be cause for disciplinary action.

1.14. Use of County Property and Premises

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

The County may examine lockers, desks, vehicles, and all other property and spaces owned or controlled by the County at any time for any reason. Prior notice to employees or volunteers that County-owned property or space is to be searched is not required. A search may be conducted either in or outside of the employee's or volunteer's presence.

1.15. Use of Telephone

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

1.15.1. Use of Telephones and Cellular Phones

Personal telephone calls, whether via an individual's private cellular phone or the County's telephone equipment, are restricted to authorized break periods except under obvious emergency situations. Calls necessary for the supervision of children, resolution of urgent family problems or other personal business that cannot be conducted outside of work time may be allowed by the department manager provided that such calls are limited in duration and do not interfere with performance of employees' job duties or the work of the department.

1.15.2. Use of Cellular Phones while Operating Motor Vehicles

1. Except as specifically provided below, employees and volunteers who are operating a motor vehicle while on duty and/or conducting official business for the County are prohibited from using cellular phones while the vehicle is in motion. Prohibited activities include dialing, answering, and checking messages. This prohibition does not apply to passengers in a vehicle.
2. Employees and volunteers who are operating a motor vehicle shall pull off the road and safely stop before placing or accepting calls or checking messages.
3. A limited exception to this prohibition is made for
 - a. public safety personnel responding to emergencies and/or conducting business that requires communication while driving a vehicle, and

- b. personnel who must communicate by telephone while performing road maintenance activities, such as snowplowing, when stopping the vehicle would cause safety issues and or substantially interfere with successful completion of the assigned work.

To the extent reasonably possible, a passenger in the vehicle shall perform such communication.

1.15.3. Cellular Phone Use in Business Meetings

Cellular phone use during meetings is forbidden unless specifically required and authorized by management. Cellular phones must be turned off and/or calls forwarded to the message feature.

1.16. Information Technology

1.16.1. Policy

The County requires employees and volunteers to use its information technology responsibly. Information technology includes telecommunication systems and devices and computer hardware, software, and storage devices. An employee's or volunteer's use of the County's information technology constitutes his/her acceptance of this policy and its requirements.

1.16.2. No Expectation of Privacy

Employees and volunteers shall not expect privacy with respect to any of their activities when using the County's information technology, nor shall they expect privacy with regard to information sent, received, or stored using the County's information technology. Use of passwords, account numbers, or keys by employees or volunteers does not create any expectation of privacy or 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 on the County's computer systems equipment and/or electronic information storage devices.

1.16.3. Use

The County provides information technology to employees and volunteers for County business use only. Access to the Internet, including the World Wide Web and electronic mail, is to be used only for job-related purposes.

1.16.4. Prohibited Use

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

1. Sending, receiving, or storing messages that a reasonable person would consider to be offensive, disruptive, harassing, threatening, derogatory, defamatory, pornographic, or indicative of illegal activity.
2. Sending, receiving, or storing messages or images that a reasonable person would consider to be offensive or harassing on the basis of race, color, gender, sexual orientation, national origin, religion, age, ancestry, disability, or veteran status.
3. Sending, receiving, or storing chain letters.

4. Subscribing to newsletters, advertising, or other periodic e-mail that is not necessary for the performance of the employee's or volunteer's assigned duties.
5. Sending, receiving, or storing union-related solicitations.
6. Engaging in political activities including, but not limited to, solicitation or fund raising.
7. Engaging in religious activities including, but not limited to, proselytizing or soliciting contributions.
8. Conducting outside employment in any manner.
9. Engaging in illegal, fraudulent, defamatory, or malicious conduct.
10. Downloading, uploading, or otherwise transmitting without authorization:
 - a. Confidential or proprietary information or material, or
 - b. Copyrighted material.
11. Downloading, uploading, or otherwise transmitting sexually explicit material or illegal information or material.
12. Obtaining unauthorized access to other systems.
13. Using another person's password or account number without explicit authorization from the County.
14. Improperly accessing, reading, copying, misappropriating, altering, misusing, or intentionally destroying the information or files of other users. This provision does not prohibit County management and its authorized technicians from viewing any and all material stored on a County computer, nor does it prohibit removal of unauthorized material that has been placed on a County computer.
15. Transferring electronic files of any kind from any source unless authorization to do so has been given by the Board of County Commissioners or the department manager or designee.
16. Downloading, loading, and/or installing unauthorized software or software not purchased or licensed by the County.
17. Breaching or attempting to breach any security system or otherwise maliciously tampering with any of the County's information technology systems including, but not limited to, introducing viruses.
18. Using the County's information technology for personal, non-business purposes in other than a very limited or incidental way. Very limited or incidental use is that which
 - a. is conducted on personal time (i.e., during designated breaks or meal periods),
 - b. does not consume system resources or storage capacity, and
 - c. does not involve any prohibited uses.

1.16.5. Violation of Policy

Improper or prohibited use of the County's information technology or services will result in discipline, up to and including termination.

Related Documents: Appendix A – Consanguinity and Affinity Chart
Personnel Policies – Acknowledgment and Receipt
Drug/Alcohol Test Informed Consent
Suggested Steps for Reasonable Suspicion Drug/Alcohol Testing
Documentation for Reasonable Suspicion Drug/Alcohol Testing

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2. EMPLOYEE RELATIONS

2.1. Fair Employment Practices

2.1.1. Policy

The County provides equal opportunity for all applicants, volunteers, and employees. The County does not sanction or tolerate discrimination in any form on the basis of race, color, religion, age, gender, sexual orientation, national origin, ancestry, disability, or veteran status.

No individual or group providing services to or working for the County shall illegally discriminate against any employee, volunteer, customer, or client of the County or against any vendor or other service provider with whom the County has a business relationship. The County will not tolerate instances of harassment or discrimination, whether or not such behavior meets the threshold of unlawful conduct.

The County recognizes the fundamental rights of applicants, volunteers, and employees to be assessed on the basis of merit. Seniority and current employment with the County may also be considered by the County when making decisions affecting an applicant, volunteer, or employee.

The County will

1. Recruit, hire, train, and promote employees without regard to race, color, religion, age, gender, sexual orientation, national origin, ancestry, disability, or veteran status.
2. Ensure that its compensation, benefits, employment practices, and its social and recreation programs are administered in conformance with this policy.
3. Comply with all applicable laws and regulations, as they may be amended from time to time, 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 of 1990, the applicable Nevada Revised Statutes on Equal Employment Opportunity (NRS 613), and all other applicable federal, state, and local statutory provisions.
4. Provide reasonable accommodation whenever the need for such is known by the County and/or an applicant, volunteer, 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 individual's performance of the assigned job duties does not pose a threat to the safety of himself/herself or others.
5. Hold each manager responsible for ensuring that his/her department is managed and operated in a manner consistent with all County personnel policies and related administrative procedures and that department activities are conducted in compliance with federal and state statutes, rules, and regulations related to fair employment practices.

6. Take prompt and effective action in response to all reports of illegal discrimination in order to end inappropriate behavior and prevent any future illegal behavior.
7. Act to protect the rights of individuals subjected to illegal harassment or discrimination and to protect the rights of anyone accused of such behavior.

2.1.2. *Equal Employment Opportunity Officer Designated*

The primary responsibility for ensuring that the County promotes and adheres to fair employment practices is assigned to the County's designated Equal Employment Opportunity (EEO) Officer. The County's designated EEO Officer is also the Americans with Disabilities Act (ADA) Coordinator and has responsibility for coordinating the County's compliance with federal and state disability laws. The EEO Officer shall be designated by the Board of Commissioners. The name and work telephone number of the designated individual will be posted on bulletin boards at the County's work sites (*Notice – Designation of Equal Employment Opportunity Officer*). The Board of Commissioners shall also designate an alternate EEO Officer to carry out the responsibilities of the EEO Officer in the absence of the EEO Officer or in the event that there are allegations against the EEO Officer.

2.2. Illegal Harassment

2.2.1. *Definition*

Illegal harassment is a form of discrimination and is defined as any conduct that meets the following criteria.

1. It is directed toward an individual because of that person's race, color, religion, age, gender, sexual orientation, national origin, ancestry, disability, or veteran status.
2. It is inappropriate or offensive as determined by applying the "reasonable person standard." The reasonable person standard considers whether a reasonable person would find that the behavior or conduct in question is offensive.

2.2.2. *Prohibited Conduct*

The County will not tolerate any form of illegal harassment on the part of any individuals including, but not limited to employees, volunteers, clients, program participants, vendors, or other service providers with whom the County has a business relationship.

The following actions are examples of illegal harassment when they demean any persons based on their race, color, religion, age, gender, sexual orientation, national origin, ancestry, disability, or veteran status.

1. Communicating in any way derogatory comments or slurs.
2. Displaying derogatory posters, notices, photographs, cartoons, drawings, or gestures.
3. Making unwanted sexual advances, leering, or using sexually degrading words in any type of communication.

4. Displaying sexually suggestive objects or pictures.
5. Impeding or blocking normal movement, interfering with work or movement, physically touching someone when it is not wanted.
6. Making direct or veiled threats or demands that an individual submit to sexual requests in order to keep a job or avoid some job-related loss.
7. Offering job benefits in return for sexual favors.
8. Any form of retaliation against an individual for opposing, reporting, or threatening to report harassment; assisting another individual in filing an illegal harassment complaint; or for participating in a harassment investigation, proceeding, or hearing.

2.3. Responding to Allegations of Illegal Harassment and/or Discrimination

2.3.1. Policy

Upon being made aware of allegations or complaints of illegal harassment and/or discriminatory conduct, the County will ensure that such allegations or complaints are investigated promptly. The County treats all allegations or complaints of illegal harassment or discrimination seriously and expects all employees and volunteers to be candid and truthful during the investigation process.

2.3.2. Actions To Be Taken by Individuals

An employee, volunteer, program participant, or a person providing services to or receiving services from the County who

- is the target of any form of illegal harassment;
- believes s/he is being or has been subjected to discriminatory action while providing services to or receiving services from the County;
- has witnessed any other person who is connected with the County, in a County facility, or participating in a County meeting or event being subjected to illegal harassment or discrimination

should immediately take appropriate action as described below.

When an individual observes or learns of illegal harassment, s/he should

- If appropriate, identify the offensive behavior to the alleged harasser and request that the harasser cease the conduct.
- Report the conduct as soon as possible to a manager or to the designated EEO Officer. (Making this report is particularly important if the individual being harassed is not comfortable speaking directly to the alleged harasser or if the individual requested the harassing behavior to cease but the request did not produce the results desired.)

Important: Any person who observes harassment or who is subjected to harassment is not **required** to talk directly to the harasser or to his/her supervisor. It is **critical**, however, that the individual contact one of the individuals listed above if s/he believes s/he is being harassed or has witnessed what s/he believes to be harassment.

When an individual observes or learns of any discriminatory activity other than illegal harassment, s/he should notify the designated EEO Officer of the discriminatory action.

Individuals who believe the EEO Officer has engaged in discriminatory conduct should bring such concerns to the attention of the alternate EEO Officer or the _____.

Applicants are encouraged to contact the designated EEO Officer or the alternate if they believe they are being illegally harassed or discriminated against during the recruitment and/or selection process.

2.3.3. *Supervisor and Manager Responsibilities*

Regardless of who is involved and regardless of how s/he became aware of the alleged discriminatory and/or harassing conduct, all supervisors and managers must immediately report all allegations or complaints of discrimination or illegal harassment or observations of such conduct to the EEO Officer or the alternate EEO Officer. A supervisor's or manager's failure to immediately report such activities, complaints, or allegations will result in discipline, up to and including termination.

2.3.4. *Reporting Requirements*

1. A supervisor who is a witness to or who receives information about any discriminatory or illegally harassing conduct that violates the County's policies is required to report this information to his/her department manager or to the EEO Officer immediately. The information reported must include the following:
 - a. The persons involved, including all witnesses.
 - b. A written record of specific conversations held with the alleged victim, the accused, and any witnesses.
 - c. A written description of the behavior observed and/or the information received.
 - d. All pertinent facts, including date(s), time(s), and locations(s).
2. A department manager is required to report this information to the EEO Officer or the alternate EEO Officer as soon as possible. No one shall conduct an investigation, release findings, or administer discipline prior to reporting the information described above to the EEO Officer. No one shall conduct an investigation of the matter without specific authorization from the EEO Officer or the District Attorney to do so.
3. An employee or volunteer who witnesses or obtains information about discriminatory or illegal harassing conduct by his/her immediate supervisor is required to report the incident to the EEO Officer or the alternate EEO Officer.

2.3.5. *Investigations*

The County will take steps to ensure that all investigations are kept as confidential as reasonably possible. Due to the sensitive nature of investigations involving complaints of discrimination or illegal harassment, all individuals

involved will be strongly advised to refrain from discussing the matter with others. Employees and/or volunteers may be required to provide information to an investigator working on behalf of the County, representatives of regulatory agencies, and/or a union representative or attorney. The County will not release information regarding a complaint or an investigation of a complaint except as needed to resolve the complaint, complete the investigation, 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 informed of the final determination by the County.

If evidence arises that an employee or volunteer who participated in an investigation made intentionally false statements, that employee or volunteer will be disciplined, up to and including termination.

If it is determined that discrimination and/or illegal harassment has occurred, the County will take remedial action against the perpetrator commensurate with the severity of the offense. Such remedial action may include, but is not limited to, counseling, requiring participation in additional training, a verbal and/or written reprimand, transfer, suspension without pay, and/or termination.

With regard to disability-related complaints, the ADA Coordinator 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 reasonable accommodation can be provided by the County.

2.4. Training

The County will provide periodic training to all employees on the prevention of discrimination and illegal harassment. 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.

2.5. Prohibition against Retaliation

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

2.6. Employment of Persons with Disabilities

2.6.1. Policy

It is the County's policy to proactively comply with provisions of state and federal disability laws. The County does not tolerate discrimination against any qualified individual with a disability in regard to any terms, conditions, or privileges of employment or volunteer service 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 or any individual volunteering services to the County.

The County 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 or others.

The County is committed to provide *reasonable* accommodation when the following conditions exist.

1. The need for reasonable accommodation is known to the County,
2. a reasonable accommodation is available,
3. the individual is otherwise qualified to perform the essential functions of the assigned job, and
4. the individual's performance of the assigned job duties does not pose a threat to the safety of himself/herself or others.

An "essential function" is 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. Determinations regarding which duties are essential functions must be made on a case-by-case basis and are normally determined based on such factors as the following:

1. The written job description prepared before advertising or interviewing applicants for the job.
2. In the County's judgment, the amount of time spent performing the function.
3. Input as to the actual work experience of past employees in the job or current employees in similar jobs.
4. The nature of the work operation and the consequences of not having the function performed.

While normally considered an essential function, punctuality and regular work hours may not be an essential function of some jobs. For example, if a job can be performed without the presence of a supervisor and the deadline for delivery of the work product is flexible, working a fixed work schedule may not be an essential function. In this case, it may be reasonable to accommodate an employee with a disability by allowing him/her to work a variable schedule.

2.6.2. Determination of Disability

An employee, volunteer, or an applicant has a disability under the law when ***all three*** of the following conditions exist.

1. The person has a physical or mental impairment or s/he has a record of such impairment or s/he is regarded as having an impairment;
2. The impairment affects a major life activity; i.e., prevents or restricts the individual from performing tasks of central importance to most people's daily lives; and

3. The impairment is permanent or long-term and substantially limits the performance of an identified duty or participation in a job-related activity.

2.6.3. Disability-Related Inquiries

1. The County shall adhere to the provisions of applicable laws regarding making disability-related inquiries or requiring medical examinations prior to making a job offer, after an offer is made, and after employment begins.
2. A “medical examination” is a procedure or test usually given by a health care professional or in a medical setting, which seeks information about an individual’s physical or mental impairments or health.
 - a. 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, CT scans, and MRIs.
 - b. Procedures and tests that employers may require that generally are not considered medical examinations include blood and urine tests to determine the current illegal use of drugs; physical agility and physical fitness tests; tests that evaluate an employee’s or applicant’s ability to read labels or to distinguish objects as part of a demonstration of the ability to perform actual job functions; and tests that measure personality traits, such as honesty, preferences, and habits.
3. Restrictions regarding disability-related inquiries and medical examinations apply to all employees, volunteers, and 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.
4. A “disability-related inquiry” is a question (or series of questions) likely to elicit information about a disability. Generally, disability-related inquiries are not allowed during the selection process. Examples of disability-related inquiries include, but are not limited to, the following:
 - a. Asking whether the employee, volunteer, or 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.
 - b. Asking an employee, volunteer, or applicant a broad question about his/her impairments, which is likely to elicit information about a disability.
 - c. Asking an employee, volunteer, or applicant whether s/he is currently taking any prescription drugs or medications.
 - d. Asking about an employee’s, volunteer’s, or applicant’s genetic information.
 - e. Asking about an employee’s, volunteer’s, or applicant’s prior workers’ compensation history.

- f. Asking an employee's, volunteer's, or applicant's coworker, family member, doctor, or other person about the employee's/applicant's disability.
5. Questions that are not likely to elicit information about a disability are not prohibited under the ADA. These types of inquiries include asking employees, volunteers, or applicants about their general well-being, whether they can perform the essential job functions, whether they currently use illegal drugs, and if they have been drinking. The County may also ask an employee or volunteer—but not a job applicant—about non-disability-related impairments such as a broken arm.
6. The County may require an employee or volunteer to provide fitness-for-duty certification from an appropriate medical provider whenever the County has reason to believe the employee may be unable to perform the essential functions of his/her job.

2.6.4. Confidentiality of Medical Records

The County shall treat any medical information obtained from a disability-related inquiry or medical examination, as well as any medical information voluntarily disclosed by an employee, volunteer, or applicant, as a confidential medical record. Confidential medical records also include medical information from voluntary health or wellness programs. The County will share such information only on a need-to-know basis. Such information may be disclosed to appropriate County personnel. If the medical records are relevant to an employment dispute between the County and an employee or a volunteer, the records may be disclosed to outside consultants and attorneys who are involved in resolving the dispute. Medical information shall be kept in a secure, locked file cabinet and not in the employee's or volunteer's personnel file.

2.6.5. Accommodation

1. Accommodation for Applicants
 - a. When an applicant requests accommodation in applying for, testing, or interviewing for a position with the County, the ADA Coordinator shall determine whether the applicant has a disability under the ADA or other disability laws.
 - b. The County's ADA Coordinator shall then determine whether the requested accommodation is reasonable. The ADA Coordinator shall solicit suggestions from the applicant and consider those suggestions along with other possible accommodations. In making the determination of reasonableness, the ADA Coordinator shall consider whether granting any particular accommodation will impose an undue hardship on the County.
2. Accommodation for Employees and Volunteers
 - a. When the County has some objective reason to believe an employee or volunteer may need accommodation to perform his/her essential job functions, the County will initiate an interactive process with the employee or volunteer to find out whether an accommodation is needed.

- b. When an employee or volunteer requests accommodation for a disability, the County will initiate the interactive process to determine if reasonable accommodation is needed for a disability as defined in state and federal laws.
- c. Whenever a manager or supervisor learns that an employee has requested or may require some type of accommodation, the manager/supervisor must 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 the accommodation requested, the need for any reasonable documentation for the disability, and the impact of the proposed accommodation on the County.

2.6.6. *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.

2.7. Prohibition of Workplace Violence

2.7.1. *Policy*

The County is committed to providing for the safety and security of its employees, volunteers, clients, program participants, and visitors.

Any person who engages in any form of violence while doing paid or volunteer work for the County or while, for any reason, on premises owned or controlled by the County is violating this policy. The County will take appropriate actions to end the violence and to prevent its recurrence.

Law enforcement personnel are excluded from this policy while carrying out the duties of their position in accordance with applicable policies, regulations, and laws.

The County is committed to ensuring that employees who report real or perceived threats in good faith will not be subject to harassment or retaliation.

2.7.2. *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 that involve or affect the County or that occur on property owned or controlled by the County or that occur during the course of the County's business. Workplace violence includes, but is not limited to, any direct, conditional, or veiled threat or act of violence that:
 - a. Occurs on premises owned or controlled by the County, regardless of the relationship between the County and the parties involved in the incident.
 - b. Occurs off the County's premises involving someone who is acting in the capacity of a representative of the County.
 - c. Occurs off the County's premises and involves an employee of the County if the threats or acts affect the legitimate interests of the County.

- d. Results in a criminal conviction of an employee or agent of the County or of an individual performing services for the County on a contract or temporary basis that adversely affects the legitimate interests and goals of the County.
2. Conduct that may be considered to be a threat or act of violence includes, but is not limited to, the following:
 - a. Hitting, shoving, or otherwise assaulting an individual.
 - b. Making direct, conditional, or veiled statements of intent to harm an individual.
 - c. Intentional or malicious destruction or threat of destruction of County property.
 - d. Harassing or threatening telephone calls, notes, letters, or computer messages.
 - e. Stalking or harassing surveillance of any person.
 - f. Unauthorized possession or inappropriate use of firearms, weapons, hazardous biological or chemical substances, or explosives.

2.7.3. *Response to Workplace Violence*

1. 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, or other individual.
2. Anyone who witnesses or hears about an incident of violence or threatening behavior shall immediately notify the Human Resources Department or a supervisor or manager.
3. Intimidating a public officer, public employee, juror, referee, arbitrator, appraiser, assessor, or similar person can be a criminal act pursuant to NRS 199.300.

2.7.4. *Weapons*

The County specifically prohibits the possession of weapons, hazardous biological or chemical substances, and explosives by any person while on County property and while participating in County-related activities. Employees are prohibited from carrying a weapon while engaged in County activities. Weapons include guns, knives, explosives, and any other items that can be used to inflict harm. This prohibition includes keeping or transporting a weapon in a vehicle being used for County activities or parked in a County parking area.

Law enforcement and public safety personnel are excluded from this prohibition to the extent necessary to fulfill their job responsibilities.

2.7.5. *Violations*

Employees who engage in violent behavior will be disciplined, including possible termination of employment. Others who engage in such violence may be banned from County activities and property.

The County may also take appropriate disciplinary action against any employee who intentionally makes a false or malicious statement about coworkers or others.

2.7.6. Temporary Order for Protection

1. The County may file for a temporary order for protection against harassment in the workplace under the terms of NRS 33.200-33.360 when it has reason to believe that harassment has occurred in the workplace. Harassment in the workplace occurs when:
 - a. A person knowingly threatens to cause or commits an act that causes:
 - 1) Bodily injury to himself/herself or to another person;
 - 2) Damage to the property of another person; or
 - 3) Substantial harm to the physical or mental health or safety of a person;
 - b. The threat is made or the act is committed against an employee of the County while s/he is performing employment duties for the County or any person who is 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 will be effective for fifteen (15) days, unless extended by the court, and may:
 - a. Enjoin the person who allegedly committed the harassment 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 person who allegedly committed the harassment to stay away from the workplace; and
 - c. Order such other relief as the court deems necessary to protect the County, the County's workplace, the County's employees while performing their employment duties, and any other persons who are present at the workplace.

Note: A temporary or extended order for protection against harassment in the workplace is in addition to and not in lieu of any other available civil or criminal action. An order of protection against harassment protects an individual *only* while performing work for the County or while on County property. It does not protect the individual at any other time. An individual wanting protection at other times or in other places must seek additional orders from the courts.
3. The County will make a reasonable attempt to notify the person who is the target of such harassment of its intent to seek a temporary order for protection against harassment.

2.8. Solicitation Prohibited

2.8.1. Employee Activities

Distribution of literature by employees in work areas or solicitation by employees or volunteers 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.

2.8.2. 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 permitted 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.
3. Representatives of recognized Non Profit organizations, which directly benefit the citizens of the County, may meet with employees during designated work time at designated places, or on County property as may be approved and coordinated by the Human Resource Director/Administrator.¹

2.9. 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.

2.10. Outside Employment

2.10.1. 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 that presents real or potential conflict with or negatively impacts their employment with the County.

¹ Additional section approved by Commissioners on December 10, 2008

2.10.2. *Conflicting Employment*

Outside employment may be classified as being 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. Is employment with a firm that has contracts or does business with the County.

2.10.3. *Procedure*

1. An employee must notify his/her department manager of the outside employment if such outside employment may be reasonably perceived to be in conflict with his/her employment or if the employee is unsure about a perceived conflict.
2. If a department manager learns that an employee is engaged in outside employment, whether as a result of the employee's notice or as a result of information from any other source, s/he shall make such inquiries as are appropriate to determine whether a conflict exists. When the department manager believes there may be a conflict between the employee's employment with the County and his/her outside employment, the department manager may request information, such as:
 - a. The outside employer's name,
 - b. Hours of proposed employment,
 - c. Job location, and
 - d. Duties to be performed.
3. If the department manager determines there is a conflict between the employee's employment with the County and the outside employment, the department manager will inform the employee that the outside employment

is not allowed. The employee may request a review by the Board of Commissioners or its designee.

4. If a determination of a conflict is made and upheld, the employee must terminate the outside employment if s/he wishes to remain an employee of the County.
5. Employees who engage in outside employment that is prohibited by this policy are subject to discipline, up to and including termination.
6. Provisions of policies and procedures of the Sheriff's Office 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.

2.11. Dress and Grooming

2.11.1. Policy

Each employee is expected to dress and groom appropriately for the job, presenting a clean, safe, and neat appearance. An employee who is unsure about whether his/her attire or grooming is appropriate should consult with his/her department manager.

The County will establish standards as to appropriate attire and grooming. The County may also establish special requirements based on safety concerns.

In setting standards for attire and grooming, the County will consider the following factors:

1. The specific nature of the work and the work environment.
2. The attire of other employees engaged in similar work.
3. Safety considerations such as necessary precautions for working with or near machinery.
4. The nature of the employee's public contact, if any.
5. The effects on others of the attire or grooming (e.g., the aggravation of another person's allergies resulting from the use of colognes or perfumes).

2.11.2. Enforcement

When the County believes an employee's dress or grooming does not comply with established standards, the department manager will counsel the employee. If counseling fails to result in the desired response, the department manager may initiate disciplinary action. An employee who disagrees with a department manager's judgment on dress and grooming shall address the issue through the dispute resolution process provided in section 12 of these policies or through an applicable collective bargaining agreement grievance procedure.

2.12. Children 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 are forbidden to bring children to the workplace. This policy is intended to address the presence of children while the employee is on duty and does not include official functions or activities promoted by the County.

Department managers may grant a temporary exception to this rule, not to exceed one workday, to accommodate an 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.

Related Documents: Notice – Designation of Equal Employment Opportunity Officer

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3. EMPLOYMENT

3.1. Scope

The role of department managers is critical in the hiring process. The subject matter expertise of managers in the hiring department helps to ensure the selection of the most appropriately qualified candidate for each position. Therefore, the County will involve department management in the process.

3.2. Types of County Employment

1. **Temporary:** A temporary employee is a person who has been hired to work fewer than one thousand (1,000) hours in any twelve (12)-month period. Time worked as a temporary employee shall not be considered a part of the probationary period for a temporary employee subsequently hired as a regular probationary employee. A temporary employee is not entitled to benefits other than those prescribed by law.
2. **Probationary:** A probationary employee is one who is hired to fill a budgeted position but has not completed the introductory period for the position. Employees of the courts do not serve a probationary period.
3. **Regular:** An employee hired to fill a regular position established by the Board of Commissioners, except a position assigned to the courts, who has completed a probationary period for his/her current position. An employee of the courts is considered to be a regular employee after completion of six (6) months of employment; however, the employee continues to be employed at the pleasure of the hiring judge.
4. **Full-Time:** A probationary or regular employee whose regularly scheduled workweek is equal to or greater than thirty-five (35) hours per week on a regular, recurring basis.
5. **Part-Time:** A part-time employee is an employee who works, on a regular, recurring basis, a set schedule of hours that is less than full-time but a minimum of fifty percent (50%) of the normal working hours of a full-time employee in the same job class. A person regularly working at least twenty (20) hours per week but fewer than forty (40) hours per week qualifies as a part-time employee. A person regularly working at least seventeen and five-tenths (17.5) hours per week but fewer than thirty-five (35) hours per week qualifies as a part-time employee if the normal workweek for full-time employees doing the same work is thirty-five (35) hours per week.
6. **Seasonal:** A seasonal employee is one who is hired for a specified period, usually May 1 – October 31 (six [6] months) to fill a budgeted position.

3.3. Approval to Hire

1. If a department manager wishes to fill a regular position made vacant by the resignation, retirement, or termination of an employee, s/he shall submit a written request to the County Clerk for placement on the next Commission agenda and provide copies of the request to the Human Resources Department and to the Finance Department. The written request must
 - a. Identify the position to be filled by position number and job classification.
 - b. Include a request to the Finance Department to provide a statement regarding the availability of funds to fill the position.

- c. Include a request to the Human Resources Department to determine whether the current classification of the position to be filled is appropriate.
2. If funds are not available, the Finance Department will notify the department manager, and the department manager may either withdraw the request or may ask the Board of Commissioners to allocate the funds necessary to fill the position.
3. If there are sufficient funds available, the following steps will be taken:
 - a. The Finance Department will notify the hiring department manager and the Human Resources Department.
 - b. The Human Resources Department will review the duties of the position with the hiring department to verify that the position is appropriately classified.
 - c. If there is no appropriate list of eligible candidates, the Human Resources Department, in conjunction with the department manager, will begin the recruitment and examination process. If an appropriate list of eligible candidates exists, no recruitment or examination will be conducted. The names of the candidates on the list, along with their application materials, will be provided to the department manager for consideration after the Board of Commissioners authorizes filling the position.
 - d. The Board will consider the request and decide whether to approve filling the position.
 - 1) If the Board does not approve the request, any recruitment and examination process will be terminated, and the applicants will be notified that the position will not be filled at this time.
 - 2) If the Board approves the request, any recruitment and examination process will be completed and a list of eligible candidates will be provided to the department manager.

3.4. Source of Candidates

Regular positions may be filled by qualified candidates selected from existing eligible lists or by candidates determined to be qualified based upon performance on a County examination process. Applications from current employees may be considered for open positions before non-employee applicants are considered if the announcement of the vacancy announces this fact.

3.5. Announcements of Examinations

3.5.1. Open Examinations

The County will announce all examinations for regular positions. An announcement may be for the purpose of filling a single vacancy or to establish a list of eligible candidates for current and/or future vacancies in the same job class. Examination announcements will be publicized to allow potentially qualified and interested individuals to learn of employment opportunities and to encourage applicants from diverse sources. Examination announcements will always be posted in the County Courthouse, the Annex, the Road Department, the County Library, and the Sheriff's Office and in such other places as the County deems appropriate. Depending on the qualifications required for the position, the announcement may also be posted at employment security offices

and local college campuses. The announcement will normally include the following:

1. Title and pay 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;
4. Whether the examination will be used to create a list of eligible candidates for future vacancies and the duration of the list;
5. Procedures for applying;
6. Deadlines for submitting applications; and
7. A declaration that the County is an Equal Employment Opportunity (EEO) employer, and that, pursuant to the Americans with Disabilities Act (ADA), reasonable accommodations are available.

3.5.2. Promotional Examinations

Notice of promotional examinations will be posted in the locations listed above. Only current regular employees may apply to take promotional examinations. If a list of eligible candidates is to be established as a result of a promotional examination, the announcement will identify any current vacancies to be filled from the list, 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.

3.6. General Requirements for Filing of Applications

3.6.1. Application Forms

Applications for employment must be made in writing on prescribed forms (*Employment Application*). Applicants must complete and submit a separate application form for each job class for which they wish to be considered unless the examination announcement indicates otherwise. The County may also require that applicants submit résumés, completed supplemental questionnaires, and/or other evidence of education, training, experience, or other information. Persons wishing to be considered for some positions may be required to submit a letter of interest and/or a résumé for consideration prior to being invited to submit a formal job application. Applications submitted become the property of the County.

3.6.2. Signatures

Applications must be signed by the applicant. Faxed and e-mailed copies of the application materials may be accepted with the provision that the signed original documents will be submitted prior to participation in any proctored examination or any interview for the job.

3.7. Application Filing Periods

Examination 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

candidates have applied. The County 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 examination announcement. An application period may be ended before the end of the posted filing period when no job openings are anticipated or for other reasons as determined by the County.

Applications must be submitted to the designated office as shown on the examination announcement. Applications not received by the designated office by the announced deadline will not be considered.

3.8. Eligibility of Applicants

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

1. The application does not indicate the candidate 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. Prior conviction shall not automatically disqualify an applicant from employment; however, an applicant's prior conviction of a crime may be considered in the employment decision. An applicant may be denied employment if s/he is convicted of a crime that relates to the position sought. The County will consider job-related misdemeanor convictions, but such convictions shall not constitute a *sole* basis for disqualification from employment.
4. The applicant has been discharged from or resigned in lieu of dismissal from any prior employment for any cause that 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 an 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.

3.9. Reduction of Applicant Pool

The County may determine at any time in the examination process that only those applicants who possess qualifications that are deemed best suited to the vacancy being filled will continue to be considered.

3.10. Examination Process

3.10.1. Administration of Examinations

All examinations for employment of whatever type are conducted under the direction of the County.

Regular employees will be paid for time spent taking examinations and being interviewed for promotional positions if they are held during their scheduled work time. Temporary workers will not be paid for time taking examinations or being interviewed.

3.10.2. 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, knowledge, ability, skill, achievement, physical and mental fitness, and job-related personal characteristics such as customer service skills.

3.10.3. Types of Examinations

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

1. Assessment of experience, training, and/or education.
2. Written tests.
3. Individual and group interviews.
4. Performance tests.
5. Physical ability tests.
6. Evaluation of work performance and work samples.
7. Medical and psychological evaluations (post-offer, pre-employment only).

Certificates from medical practitioners, statements from references, criminal history reports, background investigations, and fingerprint checks may be a part of any selection process as required by law or regulation or when determined by the County to be necessary for determining an applicant's qualification for a position.

3.10.4. 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. The standards shall be related to job performance on essential job functions.

3.10.5. Introductory Period

All new and rehired employees, except elected officials and those designated as at-will employees, will serve a six (6)-month introductory period beginning with the day the employee initially reports for work. Current employees who are promoted or transferred will be required to serve a sixty (60)-workday introductory period.

The introductory period is part of the examination process. During this introductory period, the employee and the County have the opportunity to evaluate one another and determine whether the employee is a good fit for the position. During the introductory period, the employee is designated as a *probationary employee*. Probationary employees are *at-will* employees.

Prior to completion of the introductory period, the supervisor will conduct at least one (1) performance evaluation to ascertain the advisability of continued employment. When an employee has successfully completed the introductory period, s/he will be notified in writing.

3.11. Selection

The County may maintain lists of eligible candidates consisting of the names of applicants eligible for hire to positions in a particular job class based on the examination process. Lists of eligible candidates may be used to fill vacancies that occur within six (6) months of the establishment of the list or until a published expiration date, whichever occurs first.

When the hiring department requests that a vacancy be filled, the Human Resources Department will provide the department manager with the names of applicants from the appropriate eligible list. Any person on an appropriate reinstatement list shall be considered for appointment in accordance with the applicable layoff policy. When required by the provisions of an applicable collective bargaining agreement, qualified current employees will be considered for appointment before other candidates are considered. Eligible applicants will be referred for consideration on the basis of the results of examinations or, in the case of reinstatement lists, according to the applicable layoff policy.

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

When a list of eligible candidates (except a reinstatement list or a promotional list) contains fewer than three (3) eligible candidates willing to accept appointment, the department manager may make an appointment from among such eligible candidates or may request the Human Resources Department to provide a new list. When so requested, the Human Resources Department will conduct a new recruitment and examination and establish a new list of eligible candidates.

The department manager will hire a candidate from among those referred and notify the Human Resources and Finance Departments of the selection.

3.12. Correction of Administrative Errors

If the County should discover any administrative errors 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.

3.13. Checking References

Checking the references and verifying the background of potential employees is a critical part of the employment process. When background checks are conducted by external third parties (also called consumer reporting agencies), they may be governed by relevant provisions of the Fair Credit Reporting Act (FCRA) and the Fair and Accurate Credit Transactions Act (FACTA).

Only those employees designated by an elected official, a department manager, or the Human Resources Director/Administrator may acquire employment references. Reference checks will be conducted pursuant to the following procedure.

1. Obtain a County employment application that is signed and dated by the applicant (*Employment Application*). The applicant must have completed all relevant sections of the application.
2. Obtain the applicant's signature on the application and/or separate release form (*Authorization to Conduct Employment Investigations*) that authorizes the release of information from former employers, military, educational institutions, other institutions, personal references, and other individuals to the County or its representatives. Authorization by the applicant for release of such information shall include a release from liability for any employer, educational institution, government agency, or individual providing such information. If an applicant refuses to sign such a release, s/he will not be eligible for further consideration for employment with the County.
3. Inform the applicant that the County will conduct a background/reference check as part of its evaluation of the applicant's suitability for employment and that the check will include contacting employment and other references, educational institutions, and personal and professional associates to verify information provided.
4. Utilizing the *Reference Check Data Collection Form* as a guide, 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 of work, and ability to work with others are examples of appropriate inquiries. Discriminatory and non-work-related questions about family or marital status, disabilities, religion, national origin, age, and related information about an applicant are not appropriate and shall not be asked.
5. For safety-sensitive positions as defined by 42 CFR Part 382 and U.S. Department of Transportation regulations, the County shall obtain, pursuant to an applicant's written consent, information from previous employers regarding any alcohol tests with a concentration result of .04 or greater, verified positive controlled substance test results, and refusals to be tested within the preceding two (2) years from date of application.
6. 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.

7. Document the information acquired, when it was obtained, and the source of the information as well as refusals to provide information (*Reference Check Data Collection Form*).
8. Maintain strict confidentiality of all background/reference information. Only persons who have a demonstrable work-related need-to-know as determined by the Human Resources Director/Administrator will be accorded access to such information.

3.14. Offers of Employment

3.14.1. Job Offer Letters

See section 5.7.4. of these policies for the procedure required for approval for hiring above the minimum rate of the salary grade.

After a candidate has been selected for employment or promotion, the Human Resources Director/Administrator will extend an official, conditional written offer of employment on behalf of the department manager and the Board of Commissioners.

The department manager or the Human Resources Director/Administrator may contact the selected candidate by telephone to determine whether the candidate has 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 as an official job offer.

Offers of employment shall be made contingent upon applicable conditions of employment as specified in section 3.14.3. When applicable, the letter shall also inform the candidate that the offer is for probationary status and that successful completion of the introductory period is a condition of continued employment. The candidate shall be notified in writing of the results of the post-offer/pre-employment investigations, and, if applicable, the date on which employment will begin (*Offer Letter*).

3.14.2. Pre-Employment Drug Screening

1. The County may require successful candidates who have been offered an appointment to a regular position or temporary work to consent to a pre-employment drug screen. The County will advise the selected candidate 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 drug test result. The drug screen shall be conducted by the County's designated laboratory testing facility. Refusal to authorize and participate in a drug screen shall eliminate the candidate from further consideration for the position.
2. The drug test must be undertaken as soon after notification as possible, and in no circumstances later than forty-eight (48) hours after notice to the candidate.
3. The County will advise candidates 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 candidate is lawfully using an otherwise illegal drug.

4. The County will not extend a final offer of employment to any candidate with a verified positive test result, and such candidate will not be considered for any vacancy of the County for a period of twelve (12) months.

3.14.3. Conditions of Employment

All offers of employment are subject to receipt of satisfactory evidence of identity and legal authority to work in the United States. Each candidate 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 Form I-9 (Employment Eligibility Verification) and providing required documentation.

Depending on the specific position, offers of employment may also be contingent upon the results of a post-offer/pre-employment medical examination, criminal background check, reference checks, verification of possession of required certificates, licenses, and training, and/or submitting other documentation of qualifications.

3.14.4. Notification to Applicants

The Human Resources Director/Administrator will notify candidates when they are placed on a list of candidates eligible for consideration for future vacancies.

The Human Resources Director/Administrator will notify, either verbally or in writing, all unsuccessful applicants that they have not been selected and will document any verbal notification.

3.15. Orientation

The hiring supervisor or manager will be responsible for the orientation of each new employee (*New Employee Orientation Checklist*). 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, illegal harassment, workplace violence, and alcohol and drug abuse. 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 be provided a copy of or access to the County's personnel policies.
3. Has been introduced to other employees.
4. Has had the opportunity to have questions addressed.

3.16. Failure to Appear for Work

If a selected candidate fails to report for work at the time prescribed by the County, that candidate may be deemed to have declined the position and be removed from the list of eligible candidates.

3.17. Transfers

A transfer is a lateral move to a job in the same pay grade as the employee's present position. An employee who wants to transfer to another available position must be qualified for the identified position. If the transfer is to another department, the employee must then contact the hiring manager, 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 hiring manager will consider the employee's past performance, qualifications, abilities, and job experience as key factors in evaluating a transfer request. Approval of the transfer is at the discretion of the hiring manager and of the Human Resources Director/Administrator.

3.18. Rehire

Regular employees or employees serving an introductory period following promotion who subsequently resign may be rehired within one (1) year of the effective date of their resignation without undergoing any further examination. The rehire must be to a position in the same class or a class comparable to the one in which the employee formerly served as a regular employee.

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

Upon rehire, the employee may be required to submit to post-offer/pre-employment background investigations, reference checks, and health examinations in the same manner as a newly hired employee. The rehired 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 unless the employee is rehired under the provisions of this section.

3.19. Temporary Employment

3.19.1. 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 temporary workers at all levels of responsibility from time to time on an as needed basis for limited periods of time.

3.19.2. Authorization to Hire Temporary Workers

In general, if the County has appropriated sufficient funds in the budget to pay the worker, a temporary worker may be hired for work that will require fewer than twenty (20) hours per week for fewer than one hundred twenty (120) consecutive working days to complete. Work requiring more hours to complete will usually require the establishment of a regular position. The County will not hire temporary 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 temporary worker for longer than one hundred twenty (120) days or more than twenty (20) hours per week.

Department managers are required to obtain prior approval from the Finance Director and the Human Resources Director/Administrator in order to hire a temporary worker. Such approval shall be granted or denied without undue delay. In case of emergency, pre-authorization may be waived by the Human Resources Director/Administrator. *Emergency* is defined as a situation in which life or property is in immediate peril.

3.19.3. Temporary Worker Job Offer

After a candidate has been selected as a temporary worker, the hiring manager or designee will extend an official, conditional written offer of employment. The

hiring manager or designee may contact the selected candidate 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 as an official job offer. When appropriate, offers of employment shall be made contingent upon the results of a post-offer/pre-employment medical examination, criminal background check, reference checks, verification of possession of required certificates, licenses, and training, and/or submitting other documentation of qualifications.

All offers of temporary work shall specify the expiration date of the appointment. If, after the expiration date of the appointment, the employee will continue to work on an intermittent basis or on a schedule of fewer than twenty (20) hours per week, a written extension of the duration of employment may be issued without a new hiring process provided that the extension will not require enrollment of the worker in PERS. The extension must be authorized by the Finance Director and the Human Resources Director/Administrator and must have an expiration date.

3.19.4. Duration of Temporary Employment

A temporary worker has no right to or expectation of continued employment or any property right regarding employment. A temporary worker may be terminated at any time, with or without cause, with or without notice, and shall have no right to appeal except when the action is alleged to have violated the County's policies regarding fair employment practices and/or prevention of illegal harassment.

3.19.5. Employment in a Regular Position

Appointment of a temporary worker to a regular position may be made only if the worker's name is on an appropriate reinstatement list or a list of eligible candidates. When hired for a regular position, the service date of the candidate who previously was employed as a temporary worker will be determined based on the date of hire into a regular position. No credit will be given toward completion of an introductory period or the accrual of benefits for the time an employee was initially hired for temporary work.

3.20. License/Occupational Certification

3.20.1. Purpose

The County stipulates that, if required by the current job, each employee shall obtain and maintain a valid license, certificate, permit, or other occupational certification issued by the state, county, city, or other applicable authority. An employee who fails to maintain a current license, certification, or other authorization to perform the work for which s/he was hired will be unqualified for employment and his/her employment will be ended.

3.20.2. 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 Chapter 425 of the NRS, 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 or for any other reason, 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. If, pursuant to NRS 425, 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 may not meet the job requirements. Failure to meet the job requirements will result in termination.

3.21. Volunteer Program

3.21.1. Purpose

The County recognizes that there are benefits to members of the community and to the County when volunteers become involved in the delivery of the County's programs and services. The community receives enhanced services because of the specialized skills and commitment that volunteers provide.

3.21.2. Scope

This policy covers the essential elements of an effective volunteer program that is compliant with applicable state and federal regulations pertaining to the County's volunteers. This policy is broad in scope; therefore, additional specific requirements consistent with this policy may apply to volunteers for specific program areas.

3.21.3. 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, sexual orientation, national origin, ancestry, or disability.

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

Volunteer applicants engaged in activities for the County on a regular basis 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 seek to resolve problems with the volunteer's performance or behavior. However, if problems cannot be corrected, the County will discontinue accepting the services of the volunteer.

Specific requirements that apply to employees, including requirements for fingerprinting, detailed background checks, and screening for drug use apply to volunteers providing similar services.

3.21.4. *Managing Volunteers*

Volunteers shall receive appropriate oversight for the functions performed, including an orientation to the County's policies and 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 and a description of the work performed will be recorded. The County will remove volunteers from the roster when volunteers are inactive for more than thirty (30) days.

Volunteers may be reimbursed for expenses incurred. In addition, the County may provide limited and reasonable benefits and/or nominal remuneration to volunteers. Compensation for time volunteered and 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.

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

Related Documents: Employment Application
Authorization to Conduct Employment Investigations
Reference Check Data Collection Form
Offer Letter
New Employee Orientation Checklist

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4. POSITION CLASSIFICATION PLAN

4.1. Policy

4.1.1. Classification Plan

The County will maintain a classification plan for all positions. A class specification is maintained for each class. The class specification includes: title of the class; a definition or general description of the class; a list containing examples of the duties, responsibilities, and authority assigned to positions in the class; a description of the qualifications for employment in a position in this class, including knowledge, skills, ability, experience, training, licenses, and certifications required to perform the work assigned to a position in the class; and a list of the physical requirements and working conditions of jobs in the class.

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 duties, responsibilities, and authority of the position. Classification of a position shall be effective when approved by the 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, ability, and other qualifications are required to perform the duties;
 - c. Similar tests may be used to select employees for the positions; and
 - d. The same level of compensation is appropriate for the positions.
3. Classes will be allocated to a pay grade based on comparison with other County classes and salaries paid by comparable employers for comparable work.

4.2. Classification of New Positions

When preparing a request for a new position, a department manager shall provide the Human Resources Director/Administrator with a description of the duties, responsibilities, and authority to be assigned to the new position. The Human Resources Director/Administrator will determine an appropriate class for the new position and provide his/her recommendation to the department manager and to the Board of Commissioners. The Board will determine the appropriate classification for the position when it approves creation of a new position.

4.3. Reclassification of Existing Positions

4.3.1. Initiated by Board of Commissioners

When the Board of Commissioners determines that one or more positions may be misclassified or that certain class descriptions no longer accurately describe the duties and/or qualifications, it will direct the Human Resources Director/Administrator to conduct a classification review.

4.3.2. *Initiated by Department Manager*

1. When a department manager believes the duties of a position have changed to the extent they no longer fit within the current class, s/he shall submit a request for reclassification to the Human Resources Director/Administrator. The request for reclassification shall include the following:
 - a. A list of duties currently assigned to the position that are not described in the current class description.
 - b. A statement explaining why the new duties have been assigned to the position (e.g., establishment of a new program, new technology being used, increased workload, or reorganization of the work unit). If the duties were previously assigned to another position, the statement shall identify the position formerly assigned the duties.
 - c. A list of duties formerly assigned to the position that are no longer assigned to the position and a statement explaining how those duties are currently performed (e.g., no longer performed because of change in technology, change in program/services provided, or changes in organization structure). If the duties are now assigned to another position, the statement shall identify the position now assigned the duties.
2. If the Human Resources Director/Administrator determines that new, clearly defined, permanent, and substantial changes in the duties assigned to a position may have occurred, s/he shall recommend to the Board of Commissioners that a classification study be authorized. The Human Resources Director/Administrator may request that the Board authorize including additional positions in the reclassification study in order to maintain equity in the County's classification plan.
3. If the Human Resources Director/Administrator declines to recommend a classification study, the department manager may request that his/her request be presented to the Board of Commissioners. The Human Resources Director/Administrator will then submit his/her findings and the department manager's request to the Board for consideration.

4.3.3. *Approval and Effective Date*

The Board of Commissioners must approve all reclassifications.

The effective date of a reclassification of an employee shall be the first day of the next pay period following the approval by the Board of Commissioners.

4.3.4. *Reclassification of an Employee*

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 class.

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 new class when the employee has satisfied all of the following requirements.

1. The employee has completed the introductory period for the position as previously classified.
2. The employee is currently performing the duties of the higher job class and demonstrates acceptable or better job performance.
3. The employee has the qualifications for appointment to the higher class.

If an employee has not completed the introductory period for the original job class, the department manager, with the concurrence of the Human Resources Director/Administrator, may allow the employee to complete the introductory period for the original job class if the employee is otherwise qualified for the new job class. Upon successful completion of the introductory period, the employee will be assigned to the new job class.

If an employee in a position that has been reclassified to a higher paying class is not qualified to perform the duties of the higher paying class, the department manager may take one of the following actions.

1. Allow the employee to continue in the position for a limited period of time while the employee obtains the qualifications for the new job class and/or completes an introductory period for the new classification.
2. Assign the employee to a vacant position in a job class for which the employee is qualified that is paid at or below the rate of pay for the original classification of his/her current position.
3. If there is no other alternative acceptable to the employee and the department manager, lay off the employee based upon lack of work that the employee is qualified to perform.

4.3.5. *Salary upon Reclassification*

An employee whose position is reclassified to a class with a higher salary grade than the grade of his/her current class shall be placed at the lowest step in the salary grade for the new class that is equal to or greater than the employee's current rate of pay.¹

An employee whose position is reclassified to a job class assigned to a lower salary grade than that of the employee's current class may be placed at a "Y-rate." A Y-rate is a rate of pay that is between the steps of the salary grade for a job class or that is above the top step of the grade for a job class. A Y-rate is used to avoid reduction in an eligible employee's current rate of pay when an eligible employee is assigned to a class with a lower paid salary grade.

The Board of Commissioners may approve a Y-rate for an employee when the following conditions are met.

1. The reason for reclassification of the position is unrelated to layoff or discipline of the employee in the position.

¹ Change approved by Commissioners on January 28, 2009

2. The reclassification is not the result of employee action or request.
3. The employee's current rate of pay is between the steps in the pay grade for the position's new job class or is above the top step of the grade for the position's new job class.
4. The employee has completed the introductory period for the employee's current job class.
5. The employee is fully qualified to perform the work of the lower paid class.

An employee who is placed at a Y-rate that is above the top step of the salary grade for the new (lower) class shall continue to be paid at the Y-rate until the top step of the grade for the new class is increased to become equal to or greater than the employee's Y-rate as a result of cost of living adjustments or market rate adjustments. In the process of a salary adjustment that ends the employee's Y-rate, the employee assigned to a Y-rate above the top step of the grade for the new job class will receive a salary adjustment that is less than the adjustment given to employees who are not assigned to a Y-rate.

An employee who is placed at a Y-rate that is between the steps of the salary grade for the new (lower) class shall continue to receive the Y-rate until the employee becomes eligible for advancement to the next higher step in the grade for the new job class. In the process of a step increase that moves an employee from a Y-rate of pay between the steps of a grade to a higher rate of pay that is at a step in the salary grade, the employee will receive a smaller percentage increase than an employee moving from one step in the salary grade to the next higher step in the grade.

4.3.6. *Retroactive Out-of-Class Pay*

If an employee in a reclassified position is assigned to the new class, the department manager may request that the Board of Commissioners approve out-of-class pay for the employee for the period of time between the date on which a formal reclassification request was made and the date the employee was assigned to the new class. The Board, at its sole discretion, may approve such a request.

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5. COMPENSATION PLAN

5.1. Pay Periods and Paydays

All employees are paid biweekly on alternate Fridays. When a payday falls on a holiday, employees will be paid on the preceding workday.

When an employee resigns or quits employment, the County shall pay all compensation due the employee no later than the payday following such resignation.

5.2. Workweek

The official workweek shall begin on each Saturday at 12:00 a.m. and end seven (7) days (168 hours) later at midnight Friday. Except as may be otherwise provided, an employee who occupies a full-time regular position shall work either thirty-five (35) or forty (40) hours, excluding meal breaks and including rest breaks, in each week.

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. The time that is required to prepare the work area before leaving it to take a rest or meal period or before leaving at the end of the workday 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 (5)-day, forty (40)-hour workweek shall work eight (8) hours per day for five (5) days in any workweek and shall receive two (2) days off.
2. Employees working a four (4)-day, forty (40)-hour workweek shall work ten (10) hours per day for four (4) days in any workweek and shall receive three (3) days off.
3. Employees working a five (5)-day, thirty-five (35)-hour workweek shall work seven (7) hours per day for five (5) days in any workweek and shall receive two (2) days off.

5.3.3. Rest Periods

Employees will be granted one (1) twenty (20)-minute break or rest period during each work period of four (4) or more hours. Employees working fewer than three and one-half (3½) hours in a day are not entitled to a rest period. The rest period shall be as close to the middle of each half of the employee's workday as practical and typically shall not be taken within the first or last hour of an employee's scheduled workday. Rest periods may not be scheduled or taken consecutively or in conjunction with meal periods. Employees must be back at their work location at the end of their scheduled break.

Rest periods for law enforcement employees and public safety dispatchers are governed by the applicable collective bargaining agreement and department policies.

Rest breaks that are not taken are lost. They have no cash value and may not be accrued.

5.3.4. *Meal Periods*

Employees who work six (6) or more hours in a workday are allowed an uninterrupted, unpaid meal period of thirty (30) minutes or longer at or about midpoint of their workday. Supervisors or managers will be responsible to ensure that, whenever possible, employees will be permitted the half-hour meal period uninterrupted by work-related duties. If an employee's meal period is interrupted by a work-related matter, which results in a meal break of less than thirty (30) consecutive minutes, the employee will be paid for the meal period.

Meal periods for law enforcement employees and public safety dispatchers are governed by the applicable collective bargaining agreement and department policies.

5.3.5. *Work Schedules*

A department manager may make temporary assignments to different or additional locations, shifts, hours of work, or duties as needed to meet the department's needs or to respond to unforeseen or emergency situations. Rest and meal periods shall be scheduled by the department manager or designee in a manner that allows maximum public access to the County's services. A department manager may adjust the schedule for rest and meal periods from time to time to meet the needs of individual employees and/or to respond to changes in department workload.

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 ensure compliance with federal and state law, and to maintain effective and efficient cost accounting.

5.4.2. *Responsibility for Time Reporting*

All employees will record all hours worked on a County time sheet.

All employees shall record all leave time taken, whether paid or unpaid, and the type of leave taken on the time sheet. For exempt employees, charges to the employee's leave bank will be made in whole day increments. No charge will be made to the accrued leave bank of exempt employees for leave of less than one whole day except as permitted by the Family and Medical Leave Act.

Employees are responsible for accurately completing their own time sheets and submitting to their immediate supervisor, or Department Head if that is his/her immediate supervisor. Absent a designated immediate supervisor or Department Head, time sheets will be submitted to the Department Liaison assigned to the Department, if no Liaison is assigned, to the Chair of the White Pine County Board of Commissioners, or in his/her absence, the Vice Chair. The approval

authority shall not alter or adjust the hours that an employee reports on his/her time sheet. If the approval authority believes the employee has completed his/her time sheet in error, the approval authority shall discuss the issue with the employee. If there is no agreement regarding the amount of time that the employee has entered on the time sheet, the approval authority will discuss the matter with the Human Resources Director/Administrator and/or the Finance Director.

5.5. Pay Status under the Fair Labor Standards Act (FLSA)

All positions are designated as exempt or nonexempt from federal and state laws and regulations requiring payment for overtime hours worked. An exempt employee is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) based on standards set forth in the regulations implementing the FLSA. A nonexempt employee is subject to the overtime provisions of the FLSA. The County classifies employees as exempt or nonexempt in accordance with the provisions of the FLSA. The Human Resources Director/Administrator will determine whether an employee is exempt or nonexempt.

It is the County's policy to comply with all aspects of the FLSA, including its salary basis requirements. Accordingly, the County intends that deductions from pay for exempt employees be made only in circumstances permitted by the FLSA, the U.S. Department of Labor's rules governing the salary basis of pay for exempt employees, and applicable state laws and regulations. The following statements shall govern when deductions will be made from the pay of exempt employees.

1. Deductions from pay will be made when an employee does not use paid leave and is absent from work for one or more full days for personal reasons other than sickness or disability.
2. Deductions from pay, including deductions from accrued vacation and/or sick leave balances, will be made in accordance with the County's vacation and sick leave policies and state law for absences of one or more full days due to sickness or disability.
3. Deductions from pay, including deductions from accrued vacation and/or sick leave balances, shall not be made for partial day or hour-by-hour absences except when an employee is taking intermittent leave under the Family and Medical Leave Act.
4. Deductions from pay will be made to offset amounts employees receive as jury or witness fees or for military pay.
5. Deductions from pay will be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

If an employee believes s/he is improperly designated as exempt or nonexempt, s/he shall request a review of the classification by the Human Resources Director/Administrator. A review will be conducted on a timely basis, and the County will act to correct any errors as soon as practical.

Pursuant to provisions of collective bargaining agreements, employees who might otherwise be considered exempt may be eligible for overtime premium pay.

5.6. Compensation for Hours Worked

5.6.1. *Nonexempt Employees*

1. Nonexempt employees will be paid for all hours worked. Hours worked include, but are not limited to, the following:
 - a. Time worked before, during, and after the normally assigned shift, even if the employee wishes to volunteer his/her time, unless the volunteer work is clearly different from work the employee is paid to perform and is not in any way required or related to the person's County employment. **Guideline:** Periods of six (6) minutes or less are not considered overtime unless they occur regularly.
 - b. Rest periods of twenty (20) minutes or less when authorized by the department manager.
 - c. Travel time that occurs during an employee's normally scheduled work hours, including regular days off, holidays, etc.
 - d. Hours spent at lectures and training activities unless attendance is completely voluntary.
2. All paid time shall be considered work time for the purpose of determining eligibility for overtime premium pay.
3. All overtime shall be approved in advance. When it is not possible or practical to obtain prior approval, overtime worked shall be reported as soon as possible to the approving authority following completion of the overtime work. All hours worked in excess of forty (40) hours in a workweek are overtime. Those employees entitled to overtime premium pay pursuant to the FLSA and/or state law will be paid at the rate of one and one-half (1½) times their regular rate of pay for overtime hours worked.
4. Overtime premium pay shall be added to a nonexempt employee's pay for the payroll period during which the work is performed.
5. A nonexempt employee may request compensatory time off at the overtime rate in lieu of overtime premium pay. Compensatory time off may accrue to a maximum of eighty (80) hours. In the event an employee's compensatory time nears its maximum accrual and the affected employee requests use of such time and is denied its use, the employee shall receive pay for the requested hours.
6. If a nonexempt employee feels s/he has not been properly paid for overtime under the FLSA or state law, the employee shall seek correction by reporting the error to the Human Resources Director/Administrator. An investigation will be conducted on a timely basis, and the County will act to correct any errors as soon as practical.

5.6.2. *Exempt Employees*

Exempt employees are generally expected to be available to perform their job duties during normal business hours (usually 8:00 a.m. to 5:00 p.m., Monday through Friday). It is expected that, from time to time, in order for exempt employees to complete their assigned work, it will be necessary for them to work beyond the normal workdays and business hours of the County.

Consistent with the FLSA and NRS 281.100, employees in exempt positions are not required to be paid for overtime. Subject to certain exceptions set forth in the regulations, an exempt employee will be paid the full salary for any workday on which the employee performs any work, regardless of the number of hours worked. Exempt employees will not be paid for any workday on which they perform no work unless the employee is on approved paid leave.

An exempt employee's pay for the days worked during the initial and terminal pay period of employment will be prorated based upon the number of days the employee worked during the period.

5.6.3. *Correction of Errors*

An employee who believes an improper deduction has been made from his/her pay shall report the information to the Finance Department. The complaint will be investigated, and the County will act to reimburse the employee if an error is found.

5.7. Rates of Pay

5.7.1. *Compensation Plan*

Each regular position is assigned to a job class. Each employee is paid at the flat rate of pay or salary grade established for employees assigned to the job class. Assignment of a job class to a flat rate or salary grade will be based on the relative level and complexity of the duties, the breadth of assigned responsibilities, the level of authority assigned to employees in the class, the availability of persons qualified to perform the work assigned to employees in the job class, and the funds available to the County for salaries.

At its discretion and in compliance with negotiated collective bargaining agreements, the County will adjust the salary for each job class based on changes in the factors listed above or to address difficulty in recruiting and retaining qualified employees.

5.7.2. *Pay Grades*

Each job classification shall be assigned to a pay grade on the salary table established by the Board of Commissioners in an applicable collective bargaining agreement or Board established compensation plan. Adjustment in salaries and advancement through the steps in a salary grade shall occur as authorized in the applicable agreement or compensation plan.

5.7.3. *Flat Rate Salaries*

Certain job classes are 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.

5.7.4. *Salary Rate upon Initial Appointment*

Upon hire, new employees in a job class assigned to a salary grade shall be paid at the minimum step of the salary grade for each class. Upon written request of the department manager, the Board of Commissioners may authorize hiring an employee above the minimum step in the grade. The request must demonstrate that the employee possesses exceptional qualifications, that a similarly qualified

candidate is not willing to accept the position at the initial step in the grade, and that the candidate being offered the position will not accept a lower rate of pay.

If a current employee in the same job class and department as the department hiring the new employee has the same qualifications as the new employee hired above the first step of the salary grade, the salary of the current employee shall be adjusted to the same step as the new employee.

5.7.5. Salary Rate upon Promotion

Upon promotion to a job classification assigned to a higher salary grade, the new rate for the employee shall be the lowest step in the salary grade that provides the employee a salary increase of at least seven and five-tenths percent (7.5%).

5.7.6. Salary Rate upon Lateral Transfer

Upon transfer to a position at the same pay grade, the affected employee shall retain his/her same rate of pay.

5.7.7. Salary Rate upon Working out of Classification

1. A nonexempt employee assigned the work of a higher paid job class shall be paid at a rate five percent (5%) above his/her current salary, provided that the employee shall not be paid more than the maximum of the salary grade or less than the minimum of the grade.
2. A nonexempt employee will become eligible for pay at the higher rate of pay if
 - a. the higher level duties are performed for at least four (4) consecutive work hours;
 - b. the duties are assigned due to the absence or incapacitation of the employee regularly assigned to the position; and
 - c. the higher level work was assigned by the department manager.

Once the four (4)-hour minimum has been worked, the employee will be paid at the higher rate for all consecutive work hours during which the employee has performed the duties of the higher paid class beginning with the first hour performing the higher level duties.

5.8. Longevity Pay

1. Full-time employees shall receive longevity pay based on creditable years of service as defined below, consistent with the following schedule.

Years of Employment	Annual Payment
Beginning in the year following completion of seven (7) years of employment	\$1,000.00
Beginning in the year following completion of fourteen (14) years of employment	\$1,400.00
Beginning in the year following completion of nineteen (19) years of employment	\$1,800.00
Beginning in the year following completion of twenty-four (24) years of employment	\$2,200.00

Part-time employees who qualify for longevity pay will receive a prorated payment based on the amount received by a full-time employee.

2. Creditable Service

- a. All periods of regular or probationary employment with the County shall be considered as creditable service except as follows:
 - 1) When an employee is on leave of absence without pay for more than thirty (30) calendar days in a calendar year, all time on leave of absence without pay will be deducted from his/her creditable service for computation of longevity pay.
 - 2) An employee who leaves employment with the County and does not return within twelve (12) months will be considered to have a break in creditable service for purposes of determining eligibility for longevity pay. Time worked prior to the break in creditable service will not count as creditable service for longevity pay.
3. Any period in which an employee is called into service for the United States Armed Forces will be considered as creditable service for the computation of longevity pay to the full extent required by state and federal law.

5.9. Temporary Worker Compensation

The County will pay temporary 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 County for student interns.

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

5.10. Call Back

Any unscheduled work required of a nonexempt employee for which such employee is required by his/her department manager or the manager's designee to return to his/her place of employment shall be considered overtime and shall be compensated at the appropriate overtime rate for a minimum of two (2) hours.

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6. LEAVE PLANS

6.1. Holidays

6.1.1. Recognized Holidays

Holidays for full-time and part-time employees are to be recognized as follows:

1. January 1 (New Year's Day)
2. The day before New Year's Day or the day after New Year's Day, as approved by the department manager
3. Third Monday in January (Martin Luther King's Birthday)
4. Third Monday in February (Washington's Birthday or Presidents' Day)
5. Last Monday in May (Memorial Day)
6. July 4 (Independence Day)
7. First Monday in September (Labor Day)
8. Last Friday in October (Nevada Day)
9. November 11 (Veterans Day)
10. Fourth Thursday in November (Thanksgiving)
11. The day after Thanksgiving (Family Day)
12. December 25 (Christmas)
13. The day before Christmas or the day after Christmas, as approved by the department manager

If a holiday falls on a Saturday, the preceding Friday becomes the holiday; if it falls on a Sunday, the following Monday becomes the holiday.

In addition, a holiday may be granted on any day appointed by the President of the United States or by the Governor for a day of mourning, thanksgiving, or as a legal holiday.

6.1.2. Floating Holiday

In addition to the aforementioned legal holidays, employees will be granted a floating holiday each fiscal year. A floating holiday has no cash value and may only be used in the fiscal year for which it was granted.

6.1.3. Holiday Pay

1. All employees eligible for holidays who, by nature of their job, are either required, directed, or scheduled by their department managers to work holidays, in addition to holiday pay, shall be compensated at the time and one-half (1½) rate of pay for all hours worked on such day.
2. Employees not scheduled or required to work on a holiday will be compensated for said holiday by the County at his/her straight hourly rate of pay. An employee must work or be in paid leave status on his/her regularly scheduled workday before and following the holiday to be eligible for holiday pay. The value of the holiday shall be based on the number of hours

the employee was scheduled to work on the holiday but shall not exceed eight (8) hours. If the holiday falls on a full-time employee's day off, the value of the holiday shall equal seven (7) or eight (8) hours, based on whether the full-time employee in the job class is scheduled to work thirty-five (35) or forty (40) hours per week.

3. Part-time employees in a position approved by the Board for at least twenty (20) hours per week in a department with a normal full-time workweek of forty (40) hours or at least seventeen and one-half (17.5) hours per week in a department with a normal full-time workweek of thirty-five (35) hours on an ongoing basis will be paid for a holiday based on the number of hours s/he normally would have worked had the day not been a holiday.

6.2. Sick Leave

6.2.1. Accrual

Each full-time and part-time unrepresented employee and department manager shall be credited with sick leave at the rate of one and one-fourth (1¼) working days for each month of full-time service, which is cumulative from year to year, not to exceed one hundred twenty (120) working days.

6.2.2. Use of Sick Leave

1. An employee is entitled to use accrued sick leave only:
 - a. When incapacitated to perform the duties of his/her position due to sickness, injury, pregnancy, or childbirth.
 - b. When quarantined.
 - c. When receiving required medical or dental services or examinations.
 - d. For adoption of a child, if the Welfare Division of the Department of Human Resources or any other appropriate public agency requires the employee to remain at home with the child.
 - e. Upon illness in the employee's immediate family where such illness requires his/her attendance. For this purpose, *immediate family* means the employee's father, mother, husband, wife, sister, brother, son, daughter, son-in-law, daughter-in-law, father-in-law, mother-in-law, grandparents, grandchildren, foster and step relatives in the same degree, brother-in-law, and sister-in-law. The maximum amount of sick leave that can be used for this section shall be twelve (12) weeks during a rolling twelve (12) month period measured backward from the date an employee uses sick leave for illness in the employee's immediate family.
2. An employee taking sick leave may be required to present a signed doctor's release before returning to work.
3. If an employee does not have adequate sick leave time accrued, the department manager may grant use of accrued vacation time in lieu thereof. In no case, however, will sick leave be granted in lieu of vacation time.
4. Sick leave for nonexempt employees shall be charged on an hourly basis for each full hour or major portion of an hour of sick leave taken. Sick leave for exempt employees shall be charged only for absences of one (1) or more full

days. Holidays occurring during a sick leave period shall not be counted as sick leave time. Sick leave taken during a pay period shall be charged before sick leave earned that pay period is credited.

6.2.3. Procedure

1. Leave Approval

An employee shall complete an appropriate leave request form as soon as the need for a leave is known. The Department Head, or if no Department Head is assigned the Department Liaison assigned to the Department, if no Liaison is assigned, the Chair of White Pine County Board of Commissioners, or in his/her absence the Vice Chair, 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, or Department Head if that is his/her immediate supervisor, no later than fifteen (15) minutes following the employee's normal work reporting time. Absent a designated immediate supervisor or Department Head, notification will be made to the Department Liaison assigned to the Department, if no Liaison is assigned, the Chair of White Pine County Board of Commissioners, or in his/her absence the Vice Chair. In the event of a continuing illness, the employee shall continue to notify that same individual daily or at appropriate intervals agreed on by the individual of his/her condition. The County may deny sick leave requests which are not in compliance with this policy. Upon return to work the employee will complete an appropriate leave request.

Failure to comply with approval and notification procedures will result in disciplinary action up to and including termination.

6.2.4. Compensation upon Termination

Upon termination of employment or retirement, an employee shall be entitled to a one-time compensation of fifty percent (50%) of all accrued sick leave, not to exceed \$7,500. An employee whose employment is terminated by the County for cause is not eligible for compensation pursuant to this paragraph.

6.2.5. Survivor's Rights

In the event of an employee's death, the employee's beneficiary(ies) or estate will be compensated for one hundred percent (100%) of all accrued sick leave. Payment will be made to the beneficiary(ies) named in a written designation filed with the County, or if law prevents such payment, payment will be made to the employee's estate.

6.2.6. Catastrophic Leave Pool

Employees may contribute unused sick leave to a pool for use by other eligible unrepresented employees and department managers under the following circumstances.

1. Employees contributing unused sick leave to the catastrophic leave pool, as well as those who withdraw from the pool, must be in an unrepresented position or be a department manager.
2. The maximum amount of time an employee may draw from the leave pool is three (3) months (520 hours) per event. An event shall be defined to mean any separate instance of illness or injury from the point of incapacitation to recovery sufficient to return to work.
3. The annual qualification/participation period shall be the calendar year.
4. The employee making the donation must have two hundred forty (240) hours of accrued sick leave in his/her own sick leave account after the donation has been made.
5. An employee must donate a minimum of eight (8) hours on each occasion of making a donation and may not donate more than forty (40) hours in any calendar year.
6. An employee cannot make more than two (2) donations in any calendar year.
7. All donations must be made in writing.
8. All donations will be placed in a pool for use by any eligible unrepresented employee or department manager.
9. All donations placed into the pool will be converted to a dollar value based upon the current base hourly salary of the employee making the donation. All withdrawals will be charged to the pool based upon the base hourly salary of the employee withdrawing leave from the pool.

6.2.7. Use of Catastrophic Leave

Employees may withdraw leave from the pool for use under the following circumstances.

1. The individual has at least one (1) year of service as a regular employee and is eligible to use sick leave for the absence.
2. The employee has used all available paid leave time for which s/he is eligible (including sick leave, vacation, paid holiday time, and compensatory time off).
3. The absence is not the result of an on-the-job injury, occupational disease, self-inflicted injury, or illegal use of alcohol or drugs.
4. The employee presents a doctor's certification that s/he cannot perform the regular duties of his/her job or a set of modified duties offered by the County.
5. The medical condition necessitating the leave is life threatening or requires a lengthy convalescent period.

6.3. Family and Medical Leave

Family and medical leave will be granted consistent with the provisions of the Family and Medical Leave Act (FMLA). For the purpose of determining the amount of leave an employee may take, *year* is defined as a rolling twelve (12)-month period measured backward from the date on which an employee uses any FMLA leave. When on FMLA leave, an employee shall use all available paid leave before going on leave without pay.

Periods of unpaid leave will not count as time worked for purposes of seniority or any other rights or entitlement earned through employment except as may be provided elsewhere in this policy.

An employee who requests an extension of family or medical leave due to the continuation, recurrence, or onset of his/her own serious health condition or the serious health condition of the employee's spouse, child, or parent, must submit a written request for an extension. This written request must be made as soon as the employee realizes that s/he will not be able to return at the expiration of the leave period.

Failure of an employee to return to work upon the expiration of a family or medical leave of absence may subject the employee to disciplinary action, up to and including termination.

Regardless of the amount of accrued, unused paid leave available to an employee, nothing in this policy is intended to imply that an employee who is not available to work after the expiration of any applicable FMLA rights is entitled to continued employment. The County reserves the right to terminate employment of an employee who has exhausted his/her FMLA leave. The County will, however, provide reasonable accommodation for an eligible employee consistent with the Americans with Disabilities Act (ADA).

6.4. Job-Related Injuries

6.4.1. Compensation for Job-Related Injuries

Employees are insured under the provisions of the State Workers' Compensation Act for injuries received while at work for the employer. The following provisions are adopted pursuant to and are intended to implement the requirements of NRS 281.390.

1. An employee who is eligible at the same time for benefits for temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS and for any sick leave benefit may, by giving notice to the County Finance Department, elect to continue to receive his/her normal salary instead of the benefits pursuant to those chapters until his/her accrued sick leave time is exhausted.
2. When the employee's accrued sick leave time is exhausted, payment of the employee's normal salary pursuant to paragraph 1 will be discontinued.
3. An employee who declines to make the election provided in paragraph 1 may use all or part of the sick leave benefit normally payable to him/her while directly receiving benefits for temporary total disability pursuant to the NRS, but the amount of sick leave benefit paid to the employee for any pay period must not exceed the difference between the employee's normal salary and the amount of any benefit received, exclusive of reimbursement or payment of medical or hospital expenses for that pay period.

6.5. Vacation Leave

6.5.1. Vacation Accrual

1. Each full-time unrepresented employee and department manager shall be entitled to forty (40) or thirty-five (35) hours of vacation leave credit on the

first day of the pay period following completion of six (6) months of continuous County service. Thereafter, employees shall accrue vacation leave at the monthly equivalent of the rate established below.

Length of Service	Annual Accrual Rate
Six (6) months but less than one (1) year	10 days
One (1) year but less than seven (7) years	15 days
Seven (7) years but less than ten (10) years	18 days
Ten (10) years but less than fifteen (15) years	21 days
Fifteen (15) years but less than twenty (20) years	24 days
Twenty (20) years and over	27 days

2. Vacation leave taken during a monthly period shall be charged before vacation leave earned during the pay period is credited.
3. Vacation leave shall not be granted in excess of the vacation credit earned.
4. For a 40-hour per week employee, a day equals eight (8) hours. For a 35-hour per week employee, a day equals seven (7) hours.
5. For the purpose of computing credit for vacation, each employee shall be considered to work not more than forty (40) hours each week.
6. An employee who terminates and does not return to work within twelve (12) months shall be considered to have a break in continuous County service for the purpose of determining the vacation leave accrual rate.
7. Leave without pay in excess of thirty (30) days in a calendar year shall not count as qualifying service for the purpose of determining the vacation leave accrual rate, except in the case of an employee being called into service for the United States Armed Forces, in which case, credit for service will be provided consistent with state and federal laws addressing the rights of those in military service.

6.5.2. Part-Time Employees

Vacation leave for a part-time employee shall accrue on a prorated basis from the rates set forth above for full-time employees on the first day of the pay period following the completion of six (6) months of continuous service and thereafter.

6.5.3. Maximum Accrual

Vacation leave may be accumulated from year to year, not to exceed two hundred forty (240) hours. Amounts in excess of 240 hours as of December 31 of each year shall be forfeited.

6.5.4. Payment for Excess Leave

Under the following circumstances, certain leave in excess of 240 hours on December 31 of each year will be paid to the employee.

1. The employee must have requested and been denied the use of the amount of vacation leave that the employee has accrued in excess of 240 hours.

2. The request must have been made prior to October 1 of the current calendar year.
3. The request must have been for use of the leave prior to November 15 of the current calendar year.

The amount of leave for which reimbursement is paid will be the lesser of the amount of leave denied and the amount of leave the employee has remaining in his/her accrual bank which in excess of 240 hours.

6.5.5. *Compensation during Vacation Leave*

An employee shall be paid at his/her regular hourly rate for each hour of vacation leave taken. Vacation leave shall be charged on the basis of one (1) hour for each full hour or major portion of an hour of vacation time taken.

6.5.6. *Use of Vacation Leave by Exempt Employees*

An exempt employee's accrued vacation will be charged for leave taken in full-day increments. There will be no reduction in an exempt employee's accrued vacation for any day on which the employee performs any work for the County without regard to the number of hours worked.

6.5.7. *Compensation upon Termination*

Upon an employee's departure from County employment, the County will pay the employee for any unused vacation leave earned through the last day worked. If this date is earlier than the last day of the pay period, the vacation credit will be prorated for that pay period, except as provided for in section 6.5.3 above. Under no circumstances shall cash payment be made for accrued vacation to a current County employee except as provided for in section 6.5.4 above.

6.5.8. *Survivor's Rights*

If an employee dies and was entitled to accumulated vacation leave under the provisions of this policy, the heirs of such deceased employee who are given priority to succeed to his/her assets under the laws of intestate succession of this state, or the administrator of his/her estate, upon submitting satisfactory proof to the Board of Commissioners of their entitlement, shall be paid a lump sum payment for any unused or accumulated vacation leave.

6.5.9. *Use of Vacation Leave*

The department manager/designee shall determine the time when vacation leave is taken after considering the needs of the department and wishes of the employee.

An employee shall request vacation leave at least two workdays in advance if the need for leave is foreseeable.

6.6. *Military Leave*

Military leave shall be granted in accordance with the requirements of federal and Nevada state laws and regulations.

6.7. Jury Duty/Court Appearance

1. A leave of absence with pay for court leave shall be granted to a County employee who is required to appear and/or serve as a witness for a matter outside the scope of his/her duties as a County employee, or as a juror for the federal government, the state of Nevada, or a political subdivision thereof. The employee will be paid his/her regular salary while on leave of absence, but must remit to the Finance Director all fees that s/he may receive as a witness or juror. The employee shall retain reimbursements for mileage or per diem. Court leave shall not be charged against the employee's vacation credit.
2. Employees appearing in court for the above stated reasons on scheduled days off shall retain the compensation as may be authorized for that appearance.
3. The employee shall be responsible for reporting court leave.
4. The employee shall return to work following court leave. When an employee is required to appear and/or serve as a witness or juror as provided herein during non-work hours on a day s/he is scheduled to work, the employee's supervisor may reduce the employee's workday by the number of hours spent serving as a witness or juror.

6.8. Bereavement Leave

1. *Immediate family* is defined as the employee's father, mother, husband, wife, sister, brother, son, daughter, son-in-law, daughter-in-law, father-in-law, mother-in-law, grandparents, grandchildren, foster and step relatives in the same degree of consanguinity or affinity, brother-in-law, and sister-in-law.
2. When a death occurs in the immediate family of an employee, as defined in paragraph 1 above, said employee shall be entitled to a leave of absence with pay of up to five (5) consecutive workdays. In the case of a death in the immediate family, as defined above, where the funeral or memorial service is held outside the state of Nevada, the employee shall be entitled to use two (2) days of accrued sick leave to attend the funeral. Employees absent from work due to the death of a person who is not a member of the employee's immediate family shall have said day charged against the employee's annual leave, accrued compensatory time, or leave without pay.

6.9. Emergency Conditions

6.9.1. Emergency Volunteer Service

An employee who is a participant in any volunteer emergency service (e.g., fire protection, ambulance service, search and rescue) shall not schedule himself/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.

6.9.2. Emergency Road Conditions

1. Any nonexempt 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 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 vacation time or accrued compensatory leave time.

2. Any nonexempt 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 vacation 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.

6.9.3. *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 a designation. Employees who are unable to report to work due to a disaster may use accrued vacation leave or compensatory leave time 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.

6.10. Leave of Absence without Pay

6.10.1. *Policy*

The County may approve leaves of absence without pay for up to six (6) months subject to the provision of paragraph 7 below. 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. Such leave may be extended for an additional period of up to six (6) months at the sole discretion of the County. The County will require the employee to use all accrued paid leave prior to granting leave without pay.

6.10.2. Procedure

1. Approval – Thirty (30) Days or Less

A leave of absence without pay of thirty (30) days or less may be granted by a department manager.

2. Approval – More Than Thirty (30) Days

The Board of Commissioners may grant a leave in excess of thirty (30) days following written certification by the employee that the leave is consistent with the intent of this section.

3. Leave for Other Employment

A leave 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 granting 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 (5) calendar days or by approved alternate later 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. Failure to Return

An employee who fails to return to duty on the date specified is considered to have abandoned his/her employment unless there is a proven compelling reason beyond the control of the employee.

6. 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.

7. Return from Leave

Granting of a leave of absence without pay does not guarantee reinstatement to any position, provided, however, employees returning from leave taken pursuant to the Family and Medical Leave Act shall have the right to immediate reinstatement at the end of the approved leave. An employee who does not return from a leave of absence without pay on the first workday following the end of the leave will be considered to have resigned.

8. Medical Leave

The County may require a physician's certification or other appropriate verification to substantiate a need for a medical leave of absence without pay.

9. 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 fifteen (15) days during any twelve (12)-month period.

10. Benefit Accrual

If an employee is on unpaid leave for more than one-half (1/2) 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.

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7. BENEFITS

7.1. Health and Life Insurance Coverage

Unrepresented employees, department managers, and elected officials eligible for insurance benefits pursuant to state law will be granted the same dollar amount toward the health and life insurance premiums and other health care benefits under the County's health insurance plans on the same basis as granted to employees in the general employees bargaining unit.

7.2. Retirement

Pursuant to NRS 286, employees who work at least twenty (20) hours per week for at least one hundred twenty (120) consecutive workdays are covered by the Public Employees' Retirement System.

7.3. Deferred Compensation

To be determined

7.4. Workers' Compensation

Employees are entitled to benefits pursuant to the State Workers' Compensation Act for injuries received while at work for the County. Employees are required to report in writing all on-the-job accidents, injuries, or occupational diseases to their immediate supervisor as soon as reasonably possible but, in no case, later than seven (7) days after the accident, injury, or onset of an occupational disease. The report shall be made on a C-1 form, which may be obtained from the supervisor or the Human Resources Department.

7.5. Educational Assistance

1. The County, subject to availability of budgeted funds, may reimburse tuition and fees for career-related education. The following qualifications must be met.
 - a. The employee must have been in regular full-time status for a minimum of one year.
 - b. The course must be given by a fully accredited institution of higher learning or be an approved adult education class.
 - c. The course must not be required for or related to the employee's current job assignments; rather, it must be designed to contribute to the employee's preparation for another County position to which the employee could reasonably aspire.
2. The employee must request tuition reimbursement prior to the beginning of the course by submitting a written request to his/her department manager. The request shall include the name and location of the organization offering the course, a full description of the course, and the fees for which the employee wishes to be reimbursed.
3. The Board of Commissioners must approve the course and the amount to be reimbursed.

4. The course will be taken during personal time. If time off work is required, the employee must request and receive prior approval from the employee's department manager.
5. The employee must provide proof that s/he has completed the course with a grade of C or better.

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8. TRAVEL EXPENSES

8.1. Policy

1. Employees will be reimbursed for reasonable travel expenses that are required for the performance of their assigned duties and that 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. A receipt is required for reimbursement of the cost of rental cars, gasoline for rental cars, parking, lodging, meals, airfare, and taxi fares.

8.2. Allowances

8.2.1. Economical Travel Required

Employees will be reimbursed the cost of using the most economical mode of travel available consistent with the authorized purpose of the travel. Determination of the most economical rate shall be based upon the most direct and usually traveled route taking into account such costs as meals, lodging, and lost work time in addition to the cost of transportation.

8.2.2. Mileage

The County will attempt to make a vehicle available to employees to use for official travel. An employee shall use a County vehicle if one is available. If there is no County vehicle available and the employee must use a personal vehicle, mileage will be reimbursed at the per mile rate set by the Nevada legislature for state employees and officials. 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.

8.2.3. Lodging

Moderate cost lodging should be pre-arranged at a location as near to the meeting/training site as possible. Reimbursement rates are determined based upon the rates authorized by the state of Nevada for its employees, consistent with the provisions shown on US General Services Administration web site (www.gsa.gov/perdiem). Reimbursement will be based on the cost of a single room if available.

8.2.4. Meals

1. The cost of meals shall be reimbursed based upon the applicable per diem rate for meals and incidental expenses as shown on US General Services Administration web site (www.gsa.gov/mie), based on the per diem rates for the travel destination. The Board of Commissioners sets eligibility for reimbursement and the dollar amounts to be reimbursed. Rates and eligibility will be generally consistent with those established by the state of Nevada for its employees. At its sole discretion, the Board of

Commissioners will adjust the requirements for reimbursement and the reimbursement rates.

2. No reimbursement shall be allowed for any meal that 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.

8.2.5. Other Expenses

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

8.2.6. 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 Finance Director.
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 vacation time 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.

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9. EMPLOYEE SEPARATION

9.1. Resignation

9.1.1. Notice

Employees are requested to provide at least two (2) weeks' notice, in writing, to their department 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 County Property

When resigning or being discharged, an employee must return all County property including clothing, keys, 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 (3) consecutive workdays to have abandoned their position and, thus, to have resigned. The County will follow due process procedures in terminating such employees.

9.1.4. Final Paycheck

When an employee resigns or quits employment, the County shall pay all compensation due the employee no later than the payday following such resignation. When an employee is to be discharged, the County shall pay all compensation due the employee on the effective date of the discharge.

9.2. Layoffs

9.2.1. Reasons for Layoff

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

9.2.2. Alternatives to Layoff

When a layoff is anticipated, the County will notify employees whose jobs may be affected by the situation and explain all available options to them. The County will make reasonable efforts to integrate affected employees into other available positions. When feasible, the County may also utilize options in lieu of layoffs, such as part-time work schedules, reduction in work hours, job sharing, or reductions in pay.

9.2.3. Order of Layoffs

When deciding which employees shall be laid off and which retained, the County shall consider job-related factors such as job knowledge, skill, and ability to do the required work; previous work experience, including ability to perform other jobs that the employee may be called upon to perform as a result of the layoff; attendance, safety, and disciplinary records; performance evaluations while with the County; and efficiency of operations. Temporary workers shall be considered for layoff first; then probationary employees will be considered for layoff. Finally, regular employees will be considered for layoff. When two employees are equally qualified based on the application of these factors, the County shall retain the employee with the most time served since the current hire date.

9.2.4. Designation of Employees To Be Laid Off

In the event of a layoff, the department manager shall provide the Human Resources Director/Administrator with a list designating the class, position, and names of employees to be laid off. The department manager shall be responsible for providing the rationale for selecting particular employees within the same job class for layoff. The Human Resources Director/Administrator shall review the list for conformance to County policy.

9.2.5. Layoff Notice

Upon his/her confirmation of the layoff list, the Human Resources Director/Administrator shall provide each affected employee with a written notice of layoff. Such written notice of layoff shall either be delivered in person or mailed to the affected employees. If practical, the layoff notice shall be delivered or mailed at least fourteen (14) days prior to the expected date of layoff.

9.2.6. Reinstatement

Persons who have been laid off shall be placed on one or more reinstatement lists. A laid-off employee may request and receive placement on a reinstatement list for any job class in which s/he previously held post-introductory status. When a vacancy in the same job class for which a reinstatement list exists is to be filled, the department manager shall fill the vacancy using the appropriate reinstatement list.

9.2.7. Reinstatement Process

The most recently laid-off employee on the applicable reinstatement list who is qualified for the position and is willing to accept employment in the class and department where a vacancy exists shall be reinstated. An employee reinstated to a position in the same class and department as held prior to the layoff will not be required to serve an introductory period if the required introductory period was completed prior to layoff.

9.2.8. Duration of Reinstatement List

The names of persons laid off shall be maintained on a reinstatement list for one (1) year from the date of layoff. Persons on this list who are hired in positions in the same or a higher paid class from which they were laid off shall, upon such hire, be removed from the reinstatement list. Appointment to a position with a higher pay grade must be made from a list of eligible candidates

created as a result of an examination. An employee who refuses reinstatement to the same position from which the layoff occurred shall be removed from the reinstatement list.

Persons reinstated to a position in a lower paid class from which they were laid off or who are called to work as a temporary worker shall remain on the reinstatement list for the designated period of time the reinstatement list is active.

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10. PERFORMANCE MANAGEMENT

10.1. Policy

The County's performance management system is designed to be a formal, objective, consistent, and fair ongoing process to gauge each employee's on-the-job effectiveness by communicating to the employee his/her status, the objectives that s/he must achieve, and the standards of performance expected. Performance management is 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 organization's goals and link them to performance expectations for each employee.
2. Encourage employees through feedback.
3. Encourage each employee to achieve his/her full potential.
4. Address existing performance problems.
5. Document the performance and on-the-job behavior of employees.
6. Help employees manage their performance.
7. Set goals for future improvement.
8. Provide ongoing opportunities for supervisors to coach and encourage personal development.
9. Aid in planning by identifying high- and under-performing employees and uncovering training needs.

10.1.2. Ongoing Communication Regarding Performance

It is the policy of the County to manage employee performance through ongoing communication between an employee and his/her supervisor regarding performance expectations and employee accomplishments. Periodic formal performance evaluations are provided to supplement ongoing communication. By providing an employee with a performance evaluation, whether formal or informal, the County does not create a contract or other right to continued employment.

10.1.3. Frequency of Performance Evaluations

Formal performance evaluation sessions are to be conducted as one part of the continuing communication between employee and supervisor. Each supervisor shall conduct a formal performance evaluation of each employee. Typically, evaluations are provided at least once during a twelve-month period. Informal performance communications (feedback) should occur routinely and regularly throughout an evaluation period.

10.1.4. Supervisor Training and Role of the Human Resources Administrator

Each supervisor must successfully complete training on how to conduct performance evaluations before conducting any performance evaluations. In the event the supervisor does not complete such training before s/he must evaluate the performance of an employee, the supervisor shall review any and all performance evaluation documents s/he prepares with the Human Resources Administrator before presenting them to the employee. In addition, for the first twelve months following completion of the training, the supervisor shall review all written evaluations with the Human Resources Administrator prior to providing the written information to the employee. The Human Resources Administrator may require the supervisor to remove inappropriate language and/or to provide a fuller explanation of the basis for ratings. **Note:** The District and Justice Courts and the District Attorney's Office are specifically excluded from the provisions of this paragraph.

10.1.5. Written Record

1. The supervisor shall make a written record of each formal evaluation on a Performance Evaluation form approved by the Board of Commissioners. Information in the written record shall be consistent with the information communicated verbally during the performance evaluation sessions.
2. The completed evaluation form, along with any written comments submitted by the employee, shall be placed in the employee's personnel file.
3. The employee and the supervisor may make working notes in preparation for the evaluation session and may take written notes regarding the information exchanged during the performance review session.

10.1.6. Personnel Actions Resulting from Performance Evaluations

Personnel actions taken by the County are based on the actual performance and behavior of the employee, not on the performance evaluation itself.

Performance evaluation sessions are not for the purpose of discussing potential disciplinary actions. If an employee's substandard performance results in disciplinary action, notice of such action will occur outside of the performance evaluation session.

10.1.7. Employee Involvement

Employee participation in the performance evaluation process is encouraged. Opportunities for participation may include the following:

1. Discussions with the supervisor regarding performance.
2. An opportunity to have the employee's written comments on the supervisor's findings made part of any permanent record of the performance evaluation.
3. Discussions with the supervisor regarding establishing performance expectations or goals for the next evaluation period.
4. If requested by the employee, a discussion with the next level supervisor to review any disagreements over a performance evaluation. If a department manager conducted the evaluation, the discussion will be held with the Human Resources Administrator.

10.2. Procedure

10.2.1. Steps in the Performance Evaluation Process

1. The following actions are to be taken by the supervisor as part of the performance evaluation process:
 - a. Review this policy and procedure.
 - b. Review the performance expectations established during the last performance evaluation.
 - c. Provide the employee to be evaluated with a list of the performance expectations established at the last performance evaluation and a blank copy of the Performance Evaluation form to use, at his/her discretion, to conduct a self-evaluation. The employee shall be allowed at least one week to complete a self-evaluation. The employee shall be allowed a reasonable amount of work time to complete the self-evaluation. At the employee's option, s/he shall provide a copy of the self-evaluation to the supervisor.
 - d. Review any notes taken on employee performance since the last formal evaluation.
 - e. Review the employee's self-evaluation (if applicable).
 - f. Complete a Performance Evaluation form covering each important aspect of the employee's performance since the last formal evaluation.
 - g. Develop a preliminary list of expectations for the next evaluation period.
 - h. Schedule a meeting with the employee.
2. During the evaluation meeting:
 - a. The supervisor will provide a full and candid description of how the employee performed during the rating period. Both the "what's" and the "how's" of the employee's performance will be discussed. The supervisor will provide a clear and honest assessment of the employee's potential and future.
 - b. The employee and supervisor will jointly establish new performance goals and standards for the next performance evaluation period.
 - c. The supervisor and employee will sign and date the final evaluation form. The employee may provide written comments regarding topics addressed on the Performance Evaluation form.

10.2.2. Frequency of Formal Performance Evaluations

1. Formal performance evaluations are to be conducted at each of the following times:
 - a. Prior to completion of the first three months in any position.
 - b. Approximately four weeks prior to the end of a probationary period.
 - c. Annually, either
 - 1) on each anniversary of the employee's appointment to his/her current position, or
 - 2) during the month of June each year.
(During the month of June each year, the department manager decides if an employee qualifies for a step increase effective July 1 of that year.)
2. In addition, supervisors may conduct formal evaluations at the following times:
 - a. At the end of the first year in any position.
 - b. Six months following transfer to a new position within the same class.
 - c. When there is a significant change (either improvement or deterioration) in performance.
 - d. Within three months following a finding that the employee's performance needs substantial improvement. (Frequent, ongoing meetings between the supervisor and employee are encouraged in this situation.)
 - e. At any other more frequent interval the supervisor deems appropriate.

10.2.3. Documentation of Performance Evaluations

The final version of the performance evaluation, signed and dated by the supervisor and the employee, is forwarded to the County Human Resources Department to serve as a permanent record of the evaluation process. Any written comments presented by the employee shall be attached to the final version of the performance evaluation. A copy of the final version shall be given to the employee, and the supervisor may retain a copy for department records.

10.2.4. Responsibility for Performance Evaluations

In larger departments, the department manager may delegate this responsibility to a first-line supervisor, but the supervisor may not be in the same bargaining unit as the employee being evaluated. Performance evaluations of appointed department managers shall be conducted by the Board of Commissioners following guidelines established by the Board specifically for department managers. Performance evaluations for the Library Director are the responsibility of the Library Board of Trustees.

Related Document: Performance Evaluation Form

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11. DISCIPLINARY ACTION AND APPEAL

Note: Applicable collective bargaining agreements that cover this subject shall be followed.

11.1. Policy

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. Failure to fully perform required duties.
2. Failure to maintain current certifications required by law or by formal action of the Board of Commissioners.
3. Insubordination, refusing to follow directions, or other conduct disrespectful to a supervisor, manager, or elected official.
4. Failure to comply with County policies or rules.
5. Unexcused absences, including absence from work without permission, failure to report to a supervisor or manager when absent from work, or being habitually absent or tardy.
6. Misuse or abuse of County property.
7. Unauthorized possession or removal or use of County property or equipment including, but not limited to, monies, funds, records, keys, confidential information of any kind, vehicles, computers, cell phones, construction equipment, and tools.
8. Substandard job performance.
9. Dishonesty, including intentionally providing false information, intentionally falsifying records or documents, or making false statements when applying for employment.
10. Conduct unbecoming an employee in the County's service, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service.
11. Actual or threatened physical violence including, but not limited to, intimidation, harassment, or coercion.
12. Commission of a crime involving moral turpitude.
13. Falsification of or making a material omission on forms, records, or reports, including applications, time sheets, and County records.
14. Sexual harassment or other illegal harassment of another employee whether or not such act occurs in the course of County business; sexual harassment or other illegal harassment of any other person while conducting County business.
15. Possession or inappropriate use of drugs or alcohol on County property, in County facilities, or while on duty.
16. Possession or bringing of firearms, weapons, chemicals, or other dangerous substances onto County property except when necessary and authorized to conduct County business.

17. Violation of safety or health policies or practices, or engaging in conduct that creates a safety or health hazard.
18. Willful or intentional violation of the County's policies, rules, regulations, and/or procedures.

The examples are not exhaustive and the absence of a specific offense from the list of examples shall not be interpreted to mean that any particular conduct or level of performance does not constitute just cause for disciplinary action.

11.2. Procedure

11.2.1. Due Process

Prior to taking disciplinary action against any regular employee, the County will ensure that the employee is afforded due process. Due process includes timely action by the department manager, a fair investigation, a clear and precise statement of the grounds for disciplinary action, an opportunity to respond to the allegations on which discipline may be taken, and an opportunity to provide his/her side prior to a decision to take disciplinary action is made. Disciplinary action includes, but is not limited to, one or more of the following:

1. Reprimand
2. Suspension¹
3. Pay reduction
4. Demotion
5. Discharge

11.2.2. Written Notice

In situations in which the proposed disciplinary action involves a suspension, pay reduction, demotion, and/or termination, written notice of the proposed disciplinary action will be delivered or mailed, if necessary, to the employee. The notice will include all of the following information:

1. The nature of the proposed disciplinary action.
2. The effective date of the proposed disciplinary action.
3. A statement of the reason(s) supporting the proposed action and an explanation of the evidence or documents, if any, supporting the reason(s).
4. A statement advising the employee that s/he may, within five (5) days of delivery of the notice of proposed disciplinary action, file a written response or make a written request for a pre-disciplinary conference with his/her department manager or designee.
5. A statement that the employee's failure to file a written response or request a pre-disciplinary conference in a timely manner, or to appear at the pre-disciplinary conference, if requested, will constitute a forfeiture of the employee's rights to any further appeal.

¹ Refer to state and federal laws and regulations that limit the circumstances and length of suspensions if an employee is overtime exempt.

11.2.3. Employee Review

The employee, upon timely request and as soon as practical, will be given the opportunity to review the documents, if any (except for confidential and privileged documents), on which the proposed disciplinary action is based. If the employee requests, s/he will be provided a copy of the documents.

11.2.4. Pre-Disciplinary Conference

When the employee has requested a pre-disciplinary conference, the department manager will schedule a meeting with the employee and his/her representative (if requested) in a timely manner to review the basis of the proposed disciplinary action and to provide the employee with an opportunity to present relevant information that may cause the department manager to modify or rescind the proposed disciplinary action.

11.2.5. Implementation of Discipline

Within five (5) days of receipt of the employee's written response or of the conclusion of the pre-disciplinary conference, the department manager will consider the information and arguments presented and deliver a written decision to the employee. The written decision, which is final, will inform the employee that:

- The proposed disciplinary action will be implemented; or
- The proposed disciplinary action is modified, with an explanation; or
- The proposed disciplinary action is rescinded, with an explanation.

11.2.6. Administrative Leave during Disciplinary Proceeding

The department manager may place an employee on administrative leave, with or without pay, pending an investigation prior to or during a disciplinary proceeding or pending the review of the employee's response to a proposed disciplinary action. The department manager shall consult the Human Resources Director/Administrator and/or the District Attorney as soon as practical regarding the administrative leave. The employee shall be notified in writing of the decision to place him/her on administrative leave. The notice shall include a statement that the leave is not a disciplinary action. An employee placed on administrative leave without pay who is later reinstated with no disciplinary action will be reimbursed for any pay lost during the leave.

11.2.7. Appeal

1. Pursuant to NRS 245.065, when an employee, except a department head, who has been employed by the County for twelve (12) or more months is dismissed from employment, s/he may request within fifteen (15) days of the date of dismissal a written statement specifically setting forth the reasons for the dismissal. The request for the written statement shall be filed with the Human Resources Director/Administrator. Within fifteen (15) days of the date of the request the dismissed employee shall be furnished the written statement.
2. Within thirty (30) days after receipt of the written statement, the dismissed employee may request, in writing, a public hearing before the Board of

Commissioners to determine the reasonableness of the action. The written request shall be filed with the County Clerk.

3. If an employee fails to properly file written requests within the prescribed time s/he waives the right to appeal.
4. The Board of Commissioners shall grant the dismissed employee a public hearing within fifteen (15) days after receipt of the written request. In such hearing, the employee will have the right to be represented by an attorney or other representative retained by the employee and to present evidence and argument in response to the disciplinary action. The hearing will be conducted by the Board at a public meeting. It may be conducted informally, and no informality in the hearing or in the manner of taking testimony shall invalidate the decision rendered. At the public hearing, technical rules of evidence do not apply.

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12. DISPUTE RESOLUTION

12.1. Definition of Dispute

Subject to the exclusions listed below, for purposes of these personnel policies, a dispute is any disagreement between the County and an employee regarding the application or interpretation of the County Personnel Ordinance and the personnel policies implementing the Ordinance, or an allegation by an employee that the County has failed to provide a condition of employment that is established by the applicable compensation plan. The term *dispute*, as used in this policy, shall not include any of the following:

1. Disciplinary actions
2. Complaints for which the County provides an alternate dispute resolution procedure
3. Any impasse or dispute in collective bargaining negotiations
4. Any matter within the scope of representation for employees in a recognized bargaining unit
5. Any matter that may be or has been grieved under an applicable collective bargaining agreement
6. Termination of a probationary employee
7. Termination of an at-will employee

12.2. No Retaliation

There shall be no restraint, interference, coercion, discrimination, or reprisal against any employee for using the dispute resolution procedure.

12.3. Time Limits

1. The time limits set forth herein are essential to the dispute resolution procedure and shall be strictly observed. The time limits may be extended by agreement, in writing, signed by the employee and the Human Resources Director/Administrator.
2. If, at any stage of the dispute resolution procedure, the employee is dissatisfied with the decision rendered, it shall be the employee's responsibility to submit the dispute to the next designated level within the time limits set forth below. The employee's failure to submit the dispute to the next designated level within the time limits imposed shall terminate the dispute process, the dispute shall be considered settled on the basis of the last decision, and the dispute shall not be subject to further appeal or reconsideration.
3. The employee has the right to promptly proceed to the next step within the prescribed time limits if the appropriate County representative fails to respond within the time limits specified. Any such failure by a County representative shall not constitute acceptance of the resolution to the dispute proposed by the employee.

12.4. Dispute Resolution Procedure

12.4.1. Step 1. Discussion with Immediate Supervisor

1. The employee shall first discuss the dispute informally with the immediate supervisor. The discussion shall be held within ten (10) days of the action causing the dispute or of the date the action reasonably could have been

expected to be known to the employee. In no event shall any dispute be accepted for consideration more than six (6) months from the date of the action causing the dispute, regardless of the date the action became known to the employee.

2. The immediate supervisor shall verbally respond to the employee within ten (10) days of the informal discussion between the employee and supervisor.

12.4.2. Step 2. Formal Written Notice of Dispute

1. In the event the employee believes the dispute has not been satisfactorily resolved at Step 1, the employee may submit a written notice of dispute on a County prescribed form to the department manager within ten (10) days after receipt of the immediate supervisor's verbal response. The employee shall file one copy with the Human Resources Director/Administrator. If the written notice of dispute is not presented within the time limits provided herein, the dispute shall not be heard. The written notice of dispute must include all of the following:
 - a. A full description of the dispute and how the employee(s) was/were adversely affected.
 - b. A statement that sets forth the section(s) of the written policy or rule allegedly violated and the specific nature of the violation(s).
 - c. The date(s) of the incident(s).
 - d. The specific remedy or solution to the dispute sought by the employee(s).
 - e. The person, if any, chosen by the employee to be his/her representative.
2. No modifications in the alleged basic violation shall be made subsequent to the filing of a dispute, unless mutually agreed to by both the County and the employee. However, corrections in citations can be made at any time by the employee or the employee's representative.
3. The department manager shall meet with the employee to discuss the dispute and shall deliver a written decision that states the reasons for the decision to the employee within ten (10) days of receipt of the written dispute.
4. Any dispute settled at this step shall be subject to the review and confirmation of the Human Resources Director/Administrator before the settlement is effective. Such review shall occur within fourteen (14) days, or the dispute will automatically be moved to Step 3.
5. If the employee reports directly to a department manager, Step 2 of the dispute resolution procedure will be to the Chairman of the Board of Commissioners and subject to the review of the entire Board. In all other aspects, the procedure will be the same as heretofore described.

12.4.3. Step 3. Board of Commissioners' Review

1. If a dispute is not settled at Step 2 of this procedure, the dispute may be appealed in writing to the Board of Commissioners within ten (10) days from receipt of the department manager's written response. The appeal must specifically set forth the reason(s) the answer(s) previously provided by

management is/are not satisfactory. A meeting may be held by mutual agreement of the parties.

2. Within a reasonable time (normally ten [10] days) from receipt of the dispute, the Board shall consider the matter and render a decision. The decision of the Board shall be final.

13. DEFINITIONS OF TERMS

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

Administrative Leave: An authorized leave for administrative purposes, which may be with or without pay depending on the circumstances.

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 the authority and responsibilities exercised.

Anniversary Date: 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.

Applicant: A person who applies for a position with the County.

Appointing Authority: An elected official, appointed official, or department manager who has authority to hire others to positions in the County service.

At-will: Status of employment wherein the person appointed may be terminated from County employment at any time with or without cause. Employees in at-will status have no right to continued employment with the County and may not avail themselves of any provisions of these policies addressing disciplinary action or layoff.

Board of Commissioners / Board: The White Pine County Board of County Commissioners.

Candidate: An applicant who has been found eligible for further consideration for employment.

Class Series: Two or more classes that are similar as to type of work, but which differ as to degree of responsibility and difficulty, and which have been arranged in a normal line of promotion.

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

Classification/Class: A group of positions sufficiently similar with respect to their duties, authority, and responsibilities to permit grouping them under a common title, to apply common standards of selection to them, and to set their compensation at the same pay level. Classes are established in the County's classification plan.

Comparable Class: A class having the same maximum salary, involving the performance of similar duties, and requiring substantially the same basic qualifications as determined by the Human Resources Director/Administrator.

Conflicting Employment: Employment in an additional job that interferes with the employee's ability to perform his/her assigned job.

Continuous Service: Employment in a regular position without a break in employment, except for unpaid absences on approved leave of thirty (30) days or less or to serve in the armed forces of the United States.

Contraband: Any item, such as illegal drugs or drug paraphernalia, whose possession is prohibited by these policies.

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 criminal statutes.

County Premises: All County property and facilities including, but not limited to, the surrounding grounds and parking lots, leased space, equipment/vehicles owned or operated on behalf of the County, offices, desks, cabinets, closets, etc.

Date of Hire/Hire Date: The actual date an employee first renders paid service.

Day: Calendar day unless workday is specified.

Demotion: Disciplinary action that moves an employee from one class to another class that has a lower maximum base rate of pay.

Department Manager: An elected official or appointed official who is directly responsible to the Board of Commissioners, to the Library Board of Trustees, or to a board established by the Board of Commissioners for the overall administration of an office or department of the County.

Discharge: Termination, separation, dismissal, or removal from a position for cause.

Discipline: Reprimand, suspension, demotion, or discharge.

Discrimination: Employment decisions or actions inappropriately based on such factors as the applicant's or employee's race, color, religion, age, sex, sexual orientation, marital status, veteran status, national origin, disability, or union activity.

Dispute: Unresolved work-related problems pertaining to these personnel policies, which have been identified by an employee or group of employees. Disputes do not include disagreements related to disciplinary action.

Drug Test: Analysis of a specimen that has been collected pursuant to federal regulations by a Department of Health and Human Services (DHHS) certified laboratory.

Employee: A person employed in a budgeted position on a full- or part-time basis. For purposes of those sections of these policies addressing discipline, layoff, benefits, and dispute resolution, *employee* excludes elected officials, department managers, temporary workers, and other persons performing work for the County who have not been hired into a budgeted position.

Examination/Test: Any measure, combination of measures, or procedures used as a basis for any employment decision. Examinations include the full range of techniques designed to determine the qualifications of job applicants including, but not limited to, traditional paper and pencil tests, performance tests, introductory periods, and evaluations of education completed and relevant work experience through structured interviews and scored application forms. "Open examinations" are open to all applicants, including applicants who are not currently employed by the County as a regular employee. "Promotional examinations" are open only to persons who have completed an introductory period since their most recent date of hire and who are currently employed by the County as a regular employee.

Full-Time: A regular and recurring work schedule of 40 hours per week or of 35 hours per week in those departments that maintain a normal workweek of 35 hours.

Grade: A salary range assigned to a job class, which designates the minimum salary, maximum salary, and increments (steps) between the minimum and maximum rates that will be paid to employees in the job class.

Guideline: An interpretation of a personnel policy intended as a reference point for use by those applying the policy.

Illegal Drugs: Any controlled substance or drug, the sale, possession, cultivation, transfer, use, purchase, or distribution of which is illegal; prescription drugs not legally obtained; and/or prescription drugs not being used in the manner, combination, or quantity prescribed, or by the individual for whom prescribed.

Introductory Period: A trial or working test period that is an integral part of the examination and selection process during which an employee serves in at-will status and is required to demonstrate fitness for a position by actual performance of the duties of the position.

Layoff: A separation from County service because of a shortage of funds or materials, abolishment of a position, or for other reasons not reflecting discredit on an employee and for reasons outside the employee's control.

Leave without Pay: An 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.

List of Eligible Candidates: A list of names of persons who have qualified for further consideration for hire based on the results of an initial examination for a job class.

Part-Time: Employment requiring 50% or more of the hours of a full-time employee on a regular and recurring basis but fewer than the hours established by the County for full-time employees.

Personnel Action: Any action that affects status of employment including, but not limited to, appointment, compensation, promotion, transfer, discipline, and layoff.

Personnel Policies: Those policies and procedures adopted by the Board of Commissioners pursuant to the Personnel Ordinance and made a part of this document.

Position: A group of duties and responsibilities that require the ongoing services of one or more employees, which is listed in the authorized position list contained in the currently approved County budget or which is established by formal action of the Board.

Positive Drug or Alcohol Test: Any detectable level of a drug or its metabolite (in excess of trace amounts attributable to secondary exposure) in an employee's urine or blood. A blood alcohol concentration of 0.02 or higher constitutes a positive test.

Promotion: The movement of an employee, based on the results of an examination, from one class to another class that has a higher maximum base rate of pay.

Rate of Pay: The base hourly or monthly amount of compensation paid to an employee, excluding pay differentials for education, training, or assignment to a particular work schedule, work location, or specialty assignment.

Reallocation: A change in the pay grade of a job class to a higher or lower grade.

Reclassification: The change of a position to a different job class that results from changes in duties and responsibilities assigned to the position.

Reduction in Pay: Disciplinary action that moves an employee to a lower salary in the same class and same pay grade.

Regular Position: A part-time or full-time position that is occupied by an employee serving an introductory period or by a regular employee.

Rehire: To hire without examination a former employee who has separated from County employment within the previous twelve months.

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.

Rejection: Termination of an employee during the initial introductory period with or without cause and without the right of appeal. A department manager may also reject an employee serving an introductory period following promotion.

Reprimand: A written notice to an employee, which states specific changes in behavior and/or performance that must be made and declares that further disciplinary action will follow if the required changes are not made. (A performance evaluation shall not be considered a reprimand.)

Resignation: A notice by an employee for separation from the County's service.

Step: A specific rate of pay within a salary grade established for a class.

Substance Abuse Professional (SAP): A licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with the knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders.

Supervisor: A County employee or an elected official who has been authorized to schedule and review the work of other employees and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees. In White Pine County, this is typically an elected official, an appointed department manager, a chief deputy to an elected official, or an assistant department manager.

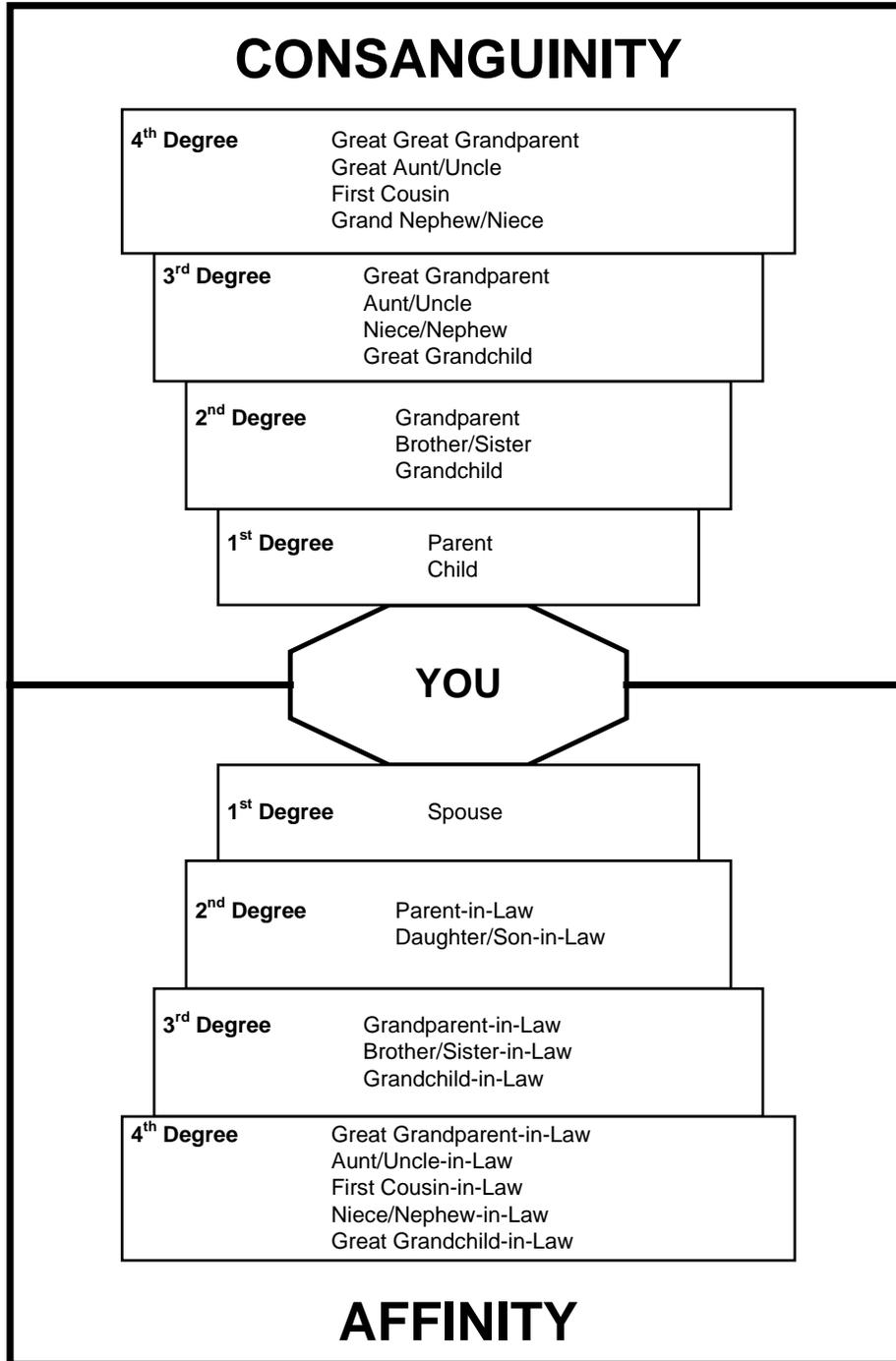
Suspension: The temporary separation from service of an employee, with or without pay, for disciplinary reasons or pending investigation of the employee's conduct.

Temporary Worker: A person hired in at-will status for a limited period of time or to work for fewer than 50% of the hours of a full-time employee.

Transfer: Movement of an employee from one position to another position in the same class or to a position in a different class but assigned to the same salary grade as the employee's current position.

Warning: Verbal notice or counseling of an employee, which specifies required changes in work performance or on-the-job behavior. (Notes may be made regarding a warning for the use of the supervisor. When such notes do not become a part of an employee's file, warnings are not reprimands and, therefore, are not discipline.)

APPENDIX A – CONSANGUINITY AND AFFINITY CHART



Note: Step relationships (stepbrother, stepfather, etc.) are considered to be the same as blood relationships.