

**EUREKA COUNTY  
PERSONNEL POLICIES**

**2023**

*Effective September 19, 2023*

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**DEFINITION OF TERMS..... 147**

*These are the personnel policies for Eureka County, identified as **employer** from this point forward throughout the document. Revisions to these policies will be distributed electronically via email. Keep your email address up to date with your **employer** by contacting the Human Resources Office at (775)237-5326.*

# GENERAL PROVISIONS

## 1.1. Purpose

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

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

## 1.2. Scope

Nothing in these policies is intended to supersede applicable state or federal laws or administrative regulations/ordinances related to personnel matters. Nothing in department policy will supersede with the Eureka County Personnel Policy. Departments may have department specific policies and procedures provided they do not abolish, change, alter or modify the Eureka County Personnel Policy.

## 1.3. Computing Time for Notices

Unless otherwise provided, the length of time for processing an action in these policies, days shall be counted beginning with the calendar day following mailing or delivery of notice and concluding at 5:00 p.m., on the last day to be counted. If the last day to be counted falls on a weekend or holiday, the period will end at 5:00 p.m. on the first business day following the last counted day.

## 1.4. Administration

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

All employees and volunteers of the employer are expected to read and familiarize themselves with the contents of these policies, including definitions. After receiving and reviewing these policies, each employee is expected to sign an acknowledgement form. The employee must return the signed acknowledgement form to the Human Resources for inclusion into his/her personnel file, and should keep the Human Resources informed of a valid email address for the employee to

receive policy revisions. Employees who fail to comply with these policies will be subject to disciplinary action, up to and including termination.

**1.5. Administrative Directive**

Human Resources shall have the authority and obligation to develop and disseminate clear administrative directives, interpretive memoranda, and other administrative procedures to execute these policies, and to implement the employer's personnel program on a consistent basis.

**1.6. Authority To Take Action**

The Board of County Commissioners, acting in a meeting as a Board, always retains the authority to act upon human resources related matters. The Board delegates authority to Human Resources in such matters impacting employees and/or supervisors of Eureka County, including elected officials. Human Resources will coach, consult, guide and advise employees, supervisors, including elected officials, and the Board on human resource matters, and will notify the Board when policies and procedures were not adhered to, or were interfered with or impeded. The Board expects all employees and/or supervisors, including elected officials, to adhere to the Eureka County Personnel Policies and consult with Human Resources on such matters. In consultation with Human Resources, the Board may consider certain actions when these policies and procedures are not adhered to by supervisors and elected officials. These actions may include, but are not limited to, the following: cancellation, reduction or suspension of present and future capital expenditure; immediate downward adjustment to departmental budgets; and/or the denial of vacancy requests and hiring freeze waivers.

**1.7. Change of Address**

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

**1.8. Failure to Receive Notices**

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

## 1.9. Personnel Files

### 1.9.1. *Guidelines*

**Employer** maintains job-related information for each employee throughout the course of his/her employment. Records are retained and destroyed in accordance with **employer** policies as well as federal and state laws governing record retention.

The types of files which may be maintained include:

- General employee personnel records such as application/resume, job offer letter(s), or contract(s), job descriptions, signed acknowledgement forms and/or agreements, performance records, disciplinary documents, training records, and other job related documents.
- Documents relating to recruitment and selection for each position filled such as job announcements, applications and resumes and interview questions and notes.
- Information regarding an applicant's background such as reference checks, conviction records and credit histories.
- Form I-9 for each employee (and supporting documentation, if retained)
- Records relating to pay including, but not limited to; timesheets, attendance records, payroll records, tax records (including W-4 forms), payroll deductions, direct deposit information and wage garnishments.
- Files relating to safety including, but not limited to; safety training records, occupational injury and illness reports, worker's compensation reports (no names listed); and reports related to exposure to toxic substance and/or blood-borne pathogens.
- Information regarding medical or psychological conditions or diagnoses such as doctor's note, FMLA forms, worker's compensation forms, and drug/alcohol test results.
- Documents related to an investigation including copies of complaints, investigation reports, witness statements and investigation notes, notices given to employees, other related documents.
- Documents related to grievance including, but not limited to; copies of grievance form, employee's request/appeal for grievance, witness statements and interview notes; copies of each response to the grievance from the organization; copies of requests from the employee to advance grievance to the next level in the appeals process; copies of all correspondence sent/received regarding processing the grievance; and other related documents.

### 1.9.2. *Master Personnel Files*

The employer shall maintain in a secure location a master personnel file for

each employee at the Office of the Comptroller and Human Resources. An employee's supervisor/ manager may elect to maintain for legitimate business purposes only a duplicate copy of the documents in a secure location; however, this does not supersede or eliminate the employer's need to maintain the master personnel file for each employee.

#### 1.9.3. *Employee Access*

An employee may view the contents of his/her master personnel file upon request in the presence of the Comptroller, Human Resources or his/her deputy or agent. An employee may request copies of any or all documents in his/her master personnel file, but may not remove any documents from the file. The employer 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.

#### 1.9.4. *Negative Information*

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

#### 1.9.5. *Employee Information Submitted*

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

### **1.10. Confidential Information**

#### 1.10.1. *Identification and Access*

The following types of information are considered confidential and access to records is limited as listed below.

##### 1. Recruitment and Background Information

The following types of information and records concerning current employees, former employees, and applicants for employment are confidential:

- a. All information related to an employment application including, but not limited to, letters of reference, résumés, or his/her status as an applicant for employment.
- b. All information that the employer received or compiled concerning the qualifications of an applicant or an employee including, but not limited



to, reports by employers, law enforcement officials, or other individuals concerning the hiring, promotion, performance, conduct, or background of applicants or employees.

- c. 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.
- d. Materials used in employment examinations including answers, rating guides, score sheets, etc., on any written exam or rating criteria for interviews.
- e. The names of members of an evaluation panel and tests that are governed by confidentiality agreements.

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

- Employees with a business need-to-know in order to fulfill the responsibilities assigned by **employer**.
- The **employer's** manager/administrator, human resources director/manager or his/her designee.
- Persons authorized pursuant to any state or federal law or court order (i.e. governmental/legal/auditing/investigation agencies).
- Counsel retained by or on behalf of the **employer**; and
- Any other parties with whom the **employer** has contractual relationship in order to enable the **employer** to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the **employer**.

## 2. Personnel-related Information

The following types of personnel-related information are confidential:

Information maintained in an employee's master personnel file or record of employment which relates to his/her:

- a. Performance;
- b. Conduct, including any proposed or imposed disciplinary action taken;
- c. Protected class membership by federal and/or state law, date of birth or social security number;
- d. Past or present home address, telephone number, post office box, or relatives;
- e. All information concerning the voluntary or involuntary termination of an employee, other than the dates of actual employment and,
- f. The name of an employee's/former employee's designated beneficiary.

Access to these confidential records are restricted to the following

unless specifically provided in a separate policy:

- The employee;
- The employee's representative when s/he presents a current signed authorization from the employee;
- Employees with a business need-to-know, or as needed for a reasonable accommodation and human resources,
- Persons authorized pursuant to any state or federal law or court order,
- Counsel retained by or on behalf of the **employer**;
- **Employer's** workers' compensation carrier in order to address a claim filed for worker's compensation; and
- Any other parties with whom the **employer** has contractual relationship in order to enable the **employer** to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the **employer**.

### 3. Personnel-related Information

The following types of medical information are confidential:

- a. Pre-employment and post-employment medical and psychological examinations;
- b. Disability and documentation relating to reasonable accommodation requested or granted;
- c. Drug and alcohol testing;
- d. Genetic information;
- e. Pregnancy, health care provider's certification and other communication;
- f. Subsequent Injury Fund Questionnaire;
- g. Any other medical information that an employee or applicant has voluntarily provided or the employer has requested.

Note: Medical information shall be kept in files segregated from other personnel and employment records. Notations on attendance sheets that an employee took sick leave are not a confidential record.

Access to these confidential medical records is limited to:

- Supervisor/managers regarding necessary restrictions and accommodations in the employee's duties;
- First-aid and safety personnel;
- Government officials investigating compliance with applicable laws, on request;
- State worker's compensation office officials;

- Insurance company employees when the company requires a medical examination to provide health or life insurance;
- Employer's workers' compensation carrier in order to address a claim filed for worker's compensation.

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

- The examining physician;
- The employee;
- The **employer's** officer who is responsible for risk management or human resources and/or his/her designee; and the insurer if an employee has filed a claim pursuant to NRS617.

#### 4. Investigations and Grievances

The employer shall keep all information and documents pertaining to an investigation separate from other personnel and employment records ensuring privacy of all employees, witnesses, and other individuals involved.

Grievance files that include notices, notes, and decisions of appeal will be maintained in a separate file

Access is limited to only those individuals with a demonstrable business need-to-know, including:

- The employee's manager/administrator, human resources director/manager, or his/her designee,
- Persons authorized pursuant to any state or federal law or court order,
- Counsel retained by or on behalf of the **employer**;
- Any other parties with whom the **employer** has contractual relationship in order to enable the **employer** to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the **employer**.

##### *1.10.2 Disposal of Personnel Records*

NRS 239B.030 states that government agencies shall ensure that personal information, defined as social security numbers, driver's license numbers, or bank account numbers, required to be maintained by state or federal statute and received after January 1, 2007, be maintained in a confidential manner.

If the agency has records containing personal information which is not required by specific state or federal statute and the information was received prior to January 1, 2007, the information may be obliterated or removed from documents and computer systems.

1. In compliance with the Fair and Accurate Credit Transactions (FACT)

Act Disposal Rule, the **employer** shall dispose of sensitive information derived from consumer reports to ensure there will be no unauthorized access to – or use of – any confidential information. “Consumer Reports” are defined as reports which contain information from a consumer reporting company, such as reports obtained from third party agencies who conduct employment background checks on behalf of the **employer**.

2. Sensitive information includes any and all documents containing employee information, which can include:
  - a. Employee name
  - b. Social security number
  - c. Driver’s license number
  - d. Phone number
  - e. Physical address
  - f. Email address
  - g. Personal bank account information
  - h. Any other personal identifiers

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

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

## EMPLOYEE RELATIONS

### 2.1. Fair Employment Practices

#### 2.1.1. *Policy*

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

The **employer** will:

1. Recruit, hire, train, and promote for all job classifications without regard to protected class membership as well as to ensure that all compensation, benefits, transfers, layoffs, return from layoffs, **employer**-sponsored training, social, and recreation programs will be administered in conformance with the **employer's** policy. In addition, the employer will not discharge, discipline, or discriminate against an employee who is a victim of domestic violence or whose family or household members are victims of domestic violence as provided for in NRS 613, discussed compensation as provided for in NRS 613, or used leave as a National Guard member as provided for in NRS 412.
2. Comply with all applicable laws prohibiting discrimination in employment including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Employment Opportunity Act of 1972, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act, as amended, the Genetic Information Nondiscrimination Act of 2008, the applicable Nevada Revised Statutes on Equal Employment Opportunity (NRS 613), Nevada Revised Statutes regarding National Guard service (NRS 412.139/.1395), and any other applicable federal, state, and local statutory provisions.
3. Provide reasonable accommodation as required by law/statute wherever the need for such is known by the **employer**, and/or the applicant or employee indicates a need for such reasonable accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose a threat to the safety of him/herself or others. Reasonable accommodations will be considered for qualified individuals with a disability; sincerely held religious beliefs

and practices; pregnancy, childbirth, and pregnancy-related conditions; and domestic violence victims or whose family or household members are victims of domestic violence.

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

#### 2.1.2. *Scope*

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

#### 2.1.3. *Equal Employment Opportunity Officer Designated*

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

## 2.2. **Anti-Harassment**

### 2.2.1. *Policy*

**Employer** promotes a productive work environment and does not tolerate verbal, physical, written, or graphical conduct/behavior(s) that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment based on that person's protected class membership.

### 2.2.2. *Prohibited Conduct/Behavior(s)*

The **employer** will not tolerate any form of harassment, including any conduct/behavior(s) on the part of employees, volunteers, clients, customers, vendors, contractors, etc., that impairs an employee's ability to perform his/her duties. Examples of prohibited conduct/behavior(s) include, but are not limited to:

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

#### **2.2.3. Training**

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

### **2.3. Dealing w/Allegations of Prohibited Conduct/Behavior(s)**

#### **2.3.1. Process**

Employees or applicants who believe they are being subjected to any form of prohibited conduct/behavior(s) as described in this policy by another (e.g. employee, client, customer, vendor, volunteer, contractor, etc.) as well as those who believe they have witnessed another employee, client or member of the public being subjected to prohibited conduct/behavior(s), have an affirmative duty to bring the situation to the attention of the employer.

#### **2.3.2. Employee Responsibilities**

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

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

Note: An employee is NOT required to talk directly to the alleged harasser or to the employee's supervisor. It is critical, however, that the employee contact one of the individuals listed in sections 2 or 3 below

if s/he believes s/he is being targeted or has witnessed what the employee believes to be prohibited conduct/behavior(s) directed to or committed by another

2. If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the prohibited conduct/behavior(s) to cease, but the request did not produce the results desired, the employee should report the conduct/behavior(s) as soon as possible to any supervisor/ manager, employer's designated EEO Officer, or the alternate.

If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the prohibited conduct/behavior(s) to cease, but the request did not produce the results desired, the employee should report the conduct/behavior(s) as soon as possible to any supervisor/manager, employer's designated EEO Officer, or the HR Representative.

3. Employees who believe the EEO Officer has engaged in prohibited conduct/behavior(s) should bring such concerns to the attention of the alternate EEO officer or the Chair of the County Commission. The Chair of the County Commission will designate an objective person to conduct an investigation of such allegations.
4. An employee who witnesses or obtains information regarding prohibited conduct/behavior(s) by his/her immediate supervisor is required to report the incident to the EEO Officer, or the alternate.
5. Applicants who have concern regarding violations of this policy are encouraged to contact the designated EEO Officer or the alternate.

#### 2.3.3. *Supervisor/Manager Responsibilities*

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

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

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

#### 2.3.4. *Investigation*

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



during the investigation process.

The **employer** will make efforts to ensure that all investigations are kept as confidential as reasonably possible. Employees will be requested to refrain from discussing the subject content with other employees or persons who may have information pertinent to the investigation throughout the course of the investigation particularly while the investigation is in progress. Employees shall be required, upon request, to provide information to regulatory agencies. The **employer** will release information obtained only to those individuals involved in the investigation and the administration of the complaint with a business need-to-know, or as required by law. Employees may be placed on administrative leave if determined to be in the best interest of the **employer**.

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

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

If it is determined that a violation of this policy has occurred, the **employee** will be subject to disciplinary action. Such corrective action may include, but is not limited to, counseling, verbal warning, written reprimand, pay reduction, transfer, demotion, suspension without pay, or termination. The **employer** will also initiate action to deter any future prohibited conduct/behavior(s) from occurring.

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

#### 2.3.5. ***Prohibition Against Retaliation***

Retaliation is adverse treatment which occurs because of opposition to prohibited conduct/behavior(s) in the workplace. The **employer** will not tolerate any retaliation by management or by any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been harassed, retaliated, or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process should immediately notify the EEO Officer or alternative EEO Officer. The **employer** will promptly investigate and deal appropriately with any allegation of retaliation.

## 2.4. **Employee Dating**

### 2.4.1. ***Policy***

The **employer** recognizes that an environment where employees maintain clear boundaries between personal and workplace interactions is most

effective for conducting business. This policy does not prevent the development of friendships or romantic relationships between employees. However, employees in supervisory/managerial positions are precluded from having a romantic relationship with any subordinate employee.

#### 2.4.2. *Employee Responsibilities*

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

#### 2.4.3. *Supervisor/Manager Responsibilities*

1. Employees employed in supervisory/managerial positions are prohibited from engaging in a romantic relationship with a subordinate employee. Employees employed in supervisory/managerial positions need to be cognizant of their status as role models, their access to sensitive information, and their ability to influence others.
2. Violation of this policy could result in disciplinary action up to and including termination.

## 2.5. Employee Bullying

### 2.5.1. *Definition*

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

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

### 2.5.2. *Purpose*

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

### 2.5.3. *Prohibited Conduct*

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

- a. *Verbal Bullying*: Slandering, ridiculing or maligning an employee or his/her family; persistent name calling which is hurtful, insulting, or humiliating; yelling, screaming, and

cursing; chronic teasing; belittling opinions or constant criticism.

- b. *Physical Bullying*: Pushing, shoving, kicking, poking, tripping; assault or threat of physical assault; damage to an employee's work area or property.
- c. *Nonverbal Bullying*: Nonverbal threatening gestures or glances which convey threatening messages; threatening actions; socially or physically excluding or disregarding a person in a work-related activity.
- d. *Cyber-bullying*: Repeatedly tormenting, threatening, harassing, humiliating, embarrassing, or otherwise targeting an employee using email, instant messaging, text messaging, social media, or any other type of digital technology.
- e. *Workplace Interference*: Sabotaging which prevents work from getting done; deliberately tampering with a person's work area or property; unreasonably assigning menial tasks outside of a person's normal job duties.

#### 2.5.4. *Dealing with Allegations of Bullying*

##### 1. Process

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

##### 2. Supervisor/Manager Responsibilities

A supervisor/manager is required to report this information to the EEO Officer or the alternate immediately.

##### 3. Investigation

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

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

The individual who made the initial complaint, as well as the individual against whom the complaint was made, will be made aware of the final determination by the **employer**.

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

#### 2.5.5. *Prohibition Against Retaliation*

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

## 2.6. Employment Disabilities

### 2.6.1. *Policy*

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

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

### 2.6.2. *Determination of Disability*

In determining whether an employee or an applicant has a disability under the law, the employee/applicant must have a physical or mental impairment that substantially limits one or more life activities, have a record of such an impairment, or being regarded as having an impairment

### 2.6.3. *Disability-Related Inquiries*

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

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

The **employer** may require the employee to provide a fitness-for-duty certification from an appropriate health care provider whenever the **employer** has reason to believe the employee may be unable to perform the essential functions of his/her job, pose a direct threat to him/herself or to others, and consistent with the business necessity of the employer.

### 2.6.4. *Confidentiality of Medical Records*

The **employer** shall treat any medical information or genetic information obtained from a disability-related inquiry or medical exam, as well as any medical information voluntarily disclosed by an employee, as a confidential medical record. Confidential medical records also include medical information from voluntary health or wellness programs and the subsequent questionnaires that follow to track the efficacy of those programs. The **employer** will share such information only with appropriate supervisors, managers, qualified medical and safety personnel, and officials investigating compliance claims on a need-to-know basis. Such information may be disclosed to appropriate personnel or outside consultants and attorneys in relation to any employment issue between the employee and the **employer**, if the medical records are relevant to any such dispute. Any medical information shall not be kept in or with the employee's personnel file. Such medical information shall be kept in a separate secure confidential medical file.

#### 2.6.5. *Accommodation*

##### 1. Accommodation for Applicants

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

##### 2. Accommodation for Employees

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

#### 2.6.6. *Requirements of Other Laws*

The **employer** 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.

## 2.7. **Pregnancy, Childbirth, and Related Medical Conditions**

### 2.7.1. *Policy*

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

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

### 2.7.2. *Accommodation*

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

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

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

#### 1. Accommodation for Employees

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

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

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

## 2. Accommodation for Applicants

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

### 2.7.3. *Prohibitions*

The **employer** will not:

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

### 2.7.4. *Requirements of Other Laws*

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

### 2.7.5. *Notice Requirements*

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

## 2.8. Reasonable Accommodation for Victims of Domestic Violence

### 2.8.1. *Policy*

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

### 2.8.2. *Accommodation*

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

### 2.8.3. *Prohibitions*

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

- a. The employee requested accommodation pursuant to this policy, or
- b. An act of domestic violence was committed against the employee at the workplace.

## 2.9. Drug- and Alcohol-Free Workplace

### 2.9.1. *Policy*

The **employer** recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal



relationship skills. This drug and alcohol-free workplace policy applies to volunteers as well as all employees.

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

regardless of the amount.

- d. Law enforcement personnel may possess and/or transport such substances as required in the course and scope of job-related functions.

### 3. Reporting Requirements

1. A supervisor who receives information or is a witness to any use of illegal drugs, prohibited substances or alcohol by an employee which violates **employer's** policies or the law, is required to report this information to his/her supervisor, and Human Resources immediately. The information reported must include:
  - The persons(s) involved, including all witnesses;
  - Any information gathered, such as actual observation of drug /prohibited substances/alcohol use, the presence of paraphernalia; observation of any unusual physical signs or behaviors;
  - A written record of specific conversations held with the accused and any witnesses;
  - All pertinent facts, including date(s), time(s), and locations(s).
2. An employee who witnesses or obtains information regarding drug/prohibited substance/alcohol use by his/her immediate supervisor is required to report the incident to that individual's supervisor and Human Resources.

4. Specimen collection, drug testing procedures, sample collection, and alcohol testing procedures will comply with all applicable provisions of federal and state law.

5.. A positive test result for illegal drugs/prohibited substance/alcohol will be grounds for disciplinary action, up to and including termination.

6.. Employees in safety-sensitive positions as defined in 49 CFR Part 382, et seq., are subject to the Federal Department of Transportation (DOT) (49 CFR Part 40) and the Federal Motor Carrier Safety Regulations (FMCSR), as prescribed by the Federal Motor Carrier Safety Administration (FMCSA) (49 CFR Parts 382, 383, 387, 390-397, and 399), as well as the **employer's** Drug-and Alcohol-Free Workplace Policy.

7. The **employer** receives funding through federal grants and it's therefore subject to the Drug-Free Workplace Act of 1988. Marijuana (including medical and recreational marijuana), cocaine, opioids, amphetamines (including methamphetamines), phencyclidine (PCP), and methylenedioxy-methamphetamine (MDMA) are considered illegal Schedule I or II drugs through the Federal government.

**Employer** is committed to a policy of a drug-and alcohol-free-workplace and employees may not have any detectable level of Schedule I or II drugs in their system while at work. However, this policy is adopted in compliance with requirements of NRS 453A.

2.9.2. *Employee Responsibilities*

1. Each employee is responsible for meeting standards for work performance and safe on-the-job conduct.
2. Employees shall not report to work under the influence of alcohol, illegal drugs, prohibited substances or misused prescription(s) or over-the-counter drugs regardless of the amount.
3. Employees who suspect they may have a substance abuse problem are encouraged to seek counseling and rehabilitation from the **employer's** Employee Assistance Program (EAP) provider, substance abuse professional, or other treatment provider. The **employer's** medical insurance policy may provide for payment of some or all of the treatment costs.
4. It is the responsibility and obligation of employees in safety-sensitive positions to determine, by consulting a health care provider if necessary, whether or not a legal drug s/he is taking may/or will affect his/her ability to safely perform his/her job duties. An employee in a safety-sensitive position whose medication may affect their ability to safely perform their job must contact their supervisor or the Human Resources, who will attempt to find an appropriate alternative assignment. If none is available, the employee and the **employer** will take steps consistent with the advice of a health care provider which could include the use of sick leave or a leave of absence. If an employee reports to work under the influence of prescription medication and, as a result, endangers him/herself or others, the employee will be disciplined, up to and including termination.
5. Each employee must report the facts and circumstances of any drug or alcohol arrest resulting from an incident that occurred while the employee was on duty. Each employee must report the facts and circumstances of any drug and alcohol conviction which may impact the employee's ability to perform the duties of his/her job. If duties involve driving a vehicle, the employee must report to his/her supervisor no later than five days after a conviction for driving under the influence (DUI), and revocation or suspension of the driver's license pending adjudication. The supervisor shall immediately notify Human Resources. Notification to **employer** must occur before resuming work duties or restriction, revocation or suspension. Failure to notify **employer** will result in disciplinary action, up to and including termination. A criminal conviction for violation of a drug or alcohol statute may lead to disciplinary action, up to and including termination, if the employee's

action leading to the conviction violates the provisions of this policy or relates to an employee's ability to perform his/her job satisfactorily.

6. Employees in safety-sensitive positions identified by the **employer** are subject to random drug and/or alcohol testing as provided in this policy.
7. Employees must act as responsible representatives of the **employer** and as law-abiding citizens. It is every employee's responsibility to report violations of this policy to his/her immediate supervisor or to Human Resources. Such reporting is critical in preventing serious injuries or damage to the **employer's** property.
8. Employees who are required to submit to a drug/alcohol test must complete and sign a consent form. Employees acknowledge that by consenting to drug testing, they are waiving any expectation of privacy between the employer and employee in the information provided related to the drug/alcohol test. The remaining confidentiality provisions of this policy are not waived.

**Note:** Law enforcement employees and applicants for law enforcement positions are also subject to the Law Enforcement Department's Drug Testing Policy.

### 2.9.3. *Department Head Responsibilities*

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

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

### 2.9.4. *Supervisor Responsibilities*

Supervisors are responsible for:

1. Determining if reasonable suspicion exists to warrant drug

and/or alcohol testing and detailing, in writing, the specific facts, symptoms, or observations that are the basis for the reasonable suspicion.

2. Submitting the documentation immediately to the appropriate department head or designee.
3. Complying with all the appropriate provisions outlined in this policy that apply to supervisory personnel.

#### 2.9.5. ***Employer Responsibilities***

The **employer**, through Human Resources, is responsible for:

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

#### 2.9.6. ***Employee Education***

The **employer** maintains information relating to the hazards of and treatment for drug- and alcohol-related problems. Proactive training and information shall be sponsored by the **employer periodically**. Any employee may voluntarily seek advice, information, and assistance. Medical confidentiality will be maintained consistent with this policy.

#### 2.9.7. ***Employee Assistance and Voluntary Referral***

1. The **employer** strongly encourages employees who suspect they have substance abuse problems to voluntarily refer themselves to a treatment program. A voluntary referral is defined as being one that occurs prior to any positive test for illegal drugs, prohibited substance or alcohol under this policy and prior to any other violation of this policy, including a conviction of that individual for a drug- or alcohol-related

offense. A decision to participate in the employee assistance or other treatment program will not be a protection or defense from discipline.

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

#### 2.9.8. *Reasonable Suspicion Testing*

1. When any supervisor has reasonable suspicion that an employee may be under the influence of alcohol, drugs, or prohibited substance the employee in question will be directed by the department head or designee or Human Resources to submit to drug and/or alcohol testing. This test may include a breath or blood test or urinalysis.
2. The supervisor shall be responsible to determine if reasonable suspicion exists to warrant drug and/or alcohol testing and shall be required to document, in writing, the specific facts, symptoms, or observations which form the basis for such reasonable suspicion. When possible, the documentation will be forwarded to the department head or designee to authorize the drug and/or alcohol test of an employee.
3. The department head or designee or Human Resources shall direct an employee to undergo drug and/or alcohol testing if there is reasonable suspicion that the employee is in violation of this policy. The employee will be placed on administrative leave with pay pending the results of the test. An employee who is required to submit to reasonable suspicion testing:
  - a. Must sign a consent form. By consenting to testing, the employee acknowledges that s/he is waiving any expectation of privacy between the employer and employee in the information provided related to the drug/alcohol test. The remaining confidentiality provisions of this policy are not waived.
  - b. Will be immediately provided transportation by the **employer** to the location of the test.
  - c. Will be advised to refrain from eating or drinking before being tested.
  - d. Will be provided transportation by the employer or

transportation arrangements will be made available by the employer after the employee submits to the test or refuses to be tested.

4. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
  - a. Information provided either by reliable and credible sources or independently corroborated.
  - b. The first line supervisor or another supervisor/manager receives information from a reliable and credible source as determined by the department head that an employee is violating the **employer's** policy.
  - c. Direct observation of drug, prohibited substance or alcohol use while on duty.
  - d. The first line supervisor or another supervisor/manager directly observes an employee using drugs, prohibited substance or alcohol while an employee is on duty.
  - e. Employee admits using drugs, prohibited substance or alcohol prior to reporting to work or while at work.
  - f. Drug, prohibited substance or alcohol paraphernalia possibly used in connection with illicit drugs, prohibited substance or alcohol found on the employee's person or at or near the employee's work area.
  - g. Evidence that the employee has tampered with a previous test for drugs, prohibited substance or alcohol.
5. The following behaviors will also contribute toward reasonable suspicion and, collectively or independently, on a case-by-case basis may provide a sufficient reason for requesting a test for drugs, prohibited substances or alcohol:
  - a. A pattern of abnormal or erratic behavior.  
This includes, but is not limited to a single, unexplainable incident of serious abnormal behavior or a pattern of behavior which is radically different from what is normally displayed by the employee or grossly differing from acceptable behavior in the workplace.
  - b. Presence of physical symptoms of drug and/or alcohol use.  
The supervisor observes physical symptoms that could include, but are not limited to, glassy or bloodshot eyes, slurred speech, poor motor coordination, or slow or poor reflex responses different from what is usually displayed by the employee or generally associated with common ailments such as colds, sinus problems, hay fever, and diabetes.
  - c. Violent or threatening behavior.  
*First Incident:* If an employee engages in unprovoked, unexplained, aggressive, violent, and/or threatening behavior against any person, the department head or designee, or

Human Resources may request that the employee submit to drug and/or alcohol testing.

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

- d. Absenteeism and/or tardiness.

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

#### 2.9.9. *Post-Accident Testing*

1. Employees have the right and are encouraged to report all workplace accidents and injuries promptly and accurately.
2. Each employee involved in an accident will be tested for illegal drugs, prohibited substances, and/or alcohol as soon as possible after the accident, but after any necessary emergency medical attention has been provided. Accidents that trigger testing are those that result in;
  - a. Death;
  - b. Medical treatment of employee or another individual, other than first-aid;
  - c. Loss of consciousness; or
  - d. Property damage estimated to be valued at or in excess of five hundred dollars (\$500.00).
3. An employee who is subject to a post-accident test must sign a consent form. By consenting to testing, the employee acknowledges that s/he is waiving any expectation of privacy between the employer and employee in the information provided related to the drug/alcohol test. Must remain readily available for testing. An employee who leaves the scene without good reason before the test is administered or who does not make him/herself readily available may be deemed to have refused to be tested, and such refusal shall be treated as a positive test.

An employee who is required to submit to post-accident testing will be immediately provided transportation by the **employer** to the location of the test and must refrain from consuming alcohol for eight hours following the accident or until the employee submits to an alcohol test, whichever comes first. Employee will be provided transportation by the **employer** or transportation arrangements will be made available by the **employer** after the employee submits to the test or refuses to be tested.

Upon completion of the test:



- a. If the employee caused or contributed to the accident, or the **employer** determined there is a risk to return him/her to work, the employee will be provided transportation to his/her home or the employer will make transportation arrangements, and the employee will be placed on administrative leave with pay pending the results of this test.
- b. If the **employer** determines the employee did not cause or contribute to the accident, the employee will be transported back to the work site (if medically able) and will resume work.

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

Note: NRS 616C states a positive test for illegal drugs, prohibited substances (including marijuana), or alcohol per limits set forth in NRS 484C can cause the denial of workers' compensation claims. Employees acknowledge that by consenting to drug testing, they are waiving any expectation of privacy as to the sample provided. The remaining confidentiality provisions of this policy are not waived.

In the event an employee is so seriously injured that s/he cannot provide a blood, breath, or urine specimen at the time of the accident, the employee must provide necessary authorization, as soon as the employee's physical condition allows, to enable the **employer** to obtain hospital records or other documents that indicate the presence of drugs, prohibited substances or alcohol in the employee's system when the accident occurred.

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 **employer** to obtain the test results from such officials.

#### 2.9.10. *Safety-Sensitive Positions*

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

and/or the public, including positions that require use of dangerous tools/equipment; performance of job duties at heights; use of dangerous chemicals; or carrying firearms in the performance of job duties.

3. The **employer** shall maintain a list entitled "List of Positions Designated as Safety-Sensitive." The list shall be a public record.

#### 2.9.11. *Pre-Employment Testing*

4. All applicants being considered for employment will be required to submit to a Swab Saliva test, hair or a urinalysis test for the detection of illegal drugs and alcohol as part of a post-offer, pre-employment drug and/or alcohol test. All such offers of employment are conditioned upon the ability to pass this test. Applicants for positions which require testing will be given a copy of the policy and must complete the **employer's** consent form.
5. An applicant refusing to complete any part of the testing will not be considered a valid candidate for employment with the **employer** and such refusal will be considered a withdrawal of the individual's application for employment. An applicant who refuses to test or tests positive shall not be considered for employment with the **employer** for at least twelve (12) months.

#### 2.9.12. *Random Testing*

1. All employees in positions identified as safety-sensitive by the **employer** shall be subject to random testing for drugs, prohibited substances and alcohol.
2. Per DOT testing guidelines for CDL holders, the **employer** will test for drugs/prohibited substances, at a minimum, 50% of the average number of employee CDL positions each calendar year. The **employer** will alcohol test, at a minimum, 10% of the average number of employee CDL positions each calendar year.
3. For all other safety-sensitive positions, the **employer** will test for drugs/prohibited substances, at a minimum 50% of the average number of employee positions designated as safety-sensitive each calendar year. The **employer** will alcohol test, at a minimum 10% of the average number of employee positions designated as safety-sensitive each calendar year.
4. The selection of employees for random testing shall be on a non-discriminatory basis and made from a computer-based random number generator that is matched with the employee's social security number. Random testing will be unannounced and the dates for administering the tests will be spread reasonably throughout the year. Random testing will be performed at any time while the employee is at work.
5. An employee selected for random testing shall proceed immediately to the test site and will be advised to refrain from eating or drinking prior to the test. An employee who engages in conduct which does not lead

to testing as soon as possible after notification may be considered to have refused to be tested.

6. Employees selected for a random test but absent due to annual, sick leave, other leave, or on urgent **employer** business approved by their department head will not be notified to take the random test until the first day they return to work after random selection. Employees on unpaid leave will be removed from the random drug testing pool during that time-period.
7. Random selection may result in some employees being tested more than once each year; some may not be tested at all.

#### 2.9.13. *Return-to-Work Testing/Follow-Up Testing*

1. If the **employer** agrees to continue employment, an employee who violates this policy and undergoes rehabilitation for drugs, prohibited substances or alcohol will, as a condition of returning to work, be required to undergo follow-up testing as established by the **employer**. 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 **employer** will review the conditions of continued employment with the employee prior to the employee's returning to work. Any such condition for continued employment shall be given to the employee in writing. The **employer** may consider the employee's rehabilitation program in determining an appropriate follow-up testing program.
2. Any employee subject to return-to-work testing that has a confirmed positive drug or alcohol test will be in violation of this policy and subject to termination.

#### 2.9.14. *Consequence of Refusal to Submit to Testing/Adulterated Specimen*

The following shall be treated as a positive test and will result in disciplinary action, up to and including termination:

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

#### 2.9.15. *Testing Guidelines*

1. The **employer** may test for alcohol and illegal/prohibited substances including but not limited to:
  - Marijuana (THC)

- Cocaine, including crack
- Opioids, including heroin, codeine, morphine, hydrocodone, hydromorphone, oxycodone, and oxycodone
- Amphetamines, including methamphetamines
- Phencyclidine (PCP)

\*Tests for marijuana for workers' compensation purposes must be a blood test per requirements set forth in NRS 616C.230.

2. In addition to testing for the above substances, CDL holders are subject to testing for the following substances:
  - 6-Acetylmorphine
  - Methylenedioxy-methamphetamine (MDMA)
3. Where applicable, the **employer** will follow federal testing procedures for drugs and alcohol set forth by the Federal Department of Transportation (DOT) 49 CFR Part 40 and the Federal Motor Carrier Safety Regulations (FMCSR). These regulations may be amended from time to time.

**2.9.16. Option for Drug/Prohibited Substance Retest**

1. In the event that an employee is required to submit to a screen test for drugs/prohibited substances within 30 days of employment, the employee shall have the right to submit an additional screening test, at his/her own expense, to rebut the results of the initial screening test. The **employer** shall accept and give appropriate consideration to the results of such a screening test. This provision does not apply to the extent that is in consistent or otherwise conflicts with federal law or to a position funded by a federal grant.
2. In all other cases:
  - a. No later than 72 hours after receipt of a positive drug test, an employee who tests positive may request a confirmatory retest of the same sample at his/her expense at a certified laboratory of his/her choice. If the confirmatory retest result is negative, the employer will reimburse the employee for that expense.
  - b. Upon request, Human Resources 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 testing analysis.
  - c. The employee will be required to authorize the laboratory to provide the **employer** with a copy of its test results. The accuracy of the test results will be verified by the laboratory conducting the analysis. The results of the confirmatory test are final.

**2.9.17. Requirement for Drug Retest**

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

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

The retest will not be under direct observation unless directed so by Human Resources. If the retest is also negative dilute, the test will be considered negative and the **employer** will not conduct a third test unless directed to do so by Human Resources.

#### 2.9.18. *Searches*

If the employer suspects that an employee is in possession of illegal drugs, prohibited substances, alcohol, or contraband in violation of this policy, the employer may request the individual to submit to a search of his/her person, personal effects, vehicles, lockers, desks, work areas, baggage, and employer quarters as outlines in the employer's Use of Employer Property and Premises and Search policies.

#### 2.9.19. *Violation of Policy*

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

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

5. When an employee is required to undergo treatment under this policy, the employee may be required to comply with the following as a condition of continued employment:
  - a. Monitoring of the treatment program and the employee's participation by the **employer**;
  - b. Submission to return-to-work testing as required under this policy and continuing follow-up testing as provided in the *Return-to-Work Testing/Follow-Up Testing, section 2.10.13*; and
  - c. Any other reasonable condition that the **employer** deems necessary to maintain a safe and healthy workplace for all employees.

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

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

#### 2.9.20. *Confidentiality*

All medical and rehabilitation records are confidential medical records and may not be disclosed without the prior written consent of the patient/employee, authorizing court order, or otherwise as permitted by state and federal law. All test results may only be disclosed to the employee; the appropriate medical and substance abuse treatment providers; the **employer's** attorney; an **employer** representative necessary to respond to an alleged violation of this policy; individuals within the **employer** who have a need-to-know of drug and/or alcohol testing results; and a court of law or administrative tribunal.

## 2.10. Prohibition of Workplace Violence

### 2.10.1. *Policy*

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

### 2.10.2. *Scope*

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

### 2.10.3. *Implementation of Policy*

1. The **employer** will not tolerate any form of workplace violence including acts or threats of physical violence, intimidation, harassment, and/or coercion, which involve or affect the **employer** or which occur on property owned or controlled by the **employer** or during the course of the **employer's** business. Examples of workplace violence include,

but are not limited to, the following:

- a. All threats (including direct, conditional, or veiled) or acts of violence occurring on premises owned or controlled by the **employer**, regardless of the relationship between the **employer** and the parties involved in the incident.
  - b. All threats of any type or acts of violence occurring off the **employer's** premises involving someone who is acting in the capacity of a representative of the **employer**.
  - c. All threats of any type or acts of violence occurring off the **employer's** premises involving an employee of the **employer**, if the threats or acts affect the legitimate interests of the **employer**.
  - d. Any acts or threats resulting in a criminal conviction of an employee or agent of the **employer** or of an individual performing services for the **employer** on a contract or temporary basis which adversely affect the legitimate interests and goals of the **employer**.
2. Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:
- a. Hitting, shoving, or otherwise assaulting an individual;
  - b. Direct, conditional, or veiled threats of harm directed to an individual or his/her family, friends, associates, or property;
  - c. The intentional or malicious destruction or threat of destruction of the **employer's** property, or property of another employee;
  - d. Harassing or threatening phone calls, text messages, notes, letters, computer messages, or other forms of communication;
  - e. Harassing surveillance or stalking;
  - f. Unauthorized possession or inappropriate use of firearms, weapons, hazardous biological or chemical substances, or explosives while on **employer** business;
  - g. Displaying overt signs of extreme stress, resentment, hostility, or anger;
  - h. Making intimidating, abusive or threatening remarks;
  - i. Displaying irrational or inappropriate behavior.
3. The **employer** desires to detect and deter real, potential, or threatened violence. Every employee is required to report immediately any acts of violence or any threat of violence against any coworker, supervisor, manager, elected official, visitor, volunteer, other individual or property. Supervisory and managerial personnel who witness or become aware of any acts or threats of violence must notify their superior immediately. Every other person on **employer** property is encouraged to report incidents of threats or acts of violence of which s/he is aware.
4. Reports of violence or threatening behavior should be made to Human Resources, an employee's immediate supervisor or manager, or any

other supervisory or management employee. The **employer** is committed to ensuring that employees reporting real or perceived threats in good faith will not be subject to harassment or retaliation. Nothing in this policy alters any other reporting obligation established in the **employer's** policies or in state, federal, or other applicable law.

#### 2.10.4. *Violation of Policy*

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

#### 2.10.5. *Temporary Restraining Orders*

1. The **employer** may apply for an order for protection against harassment in the workplace under the terms of NRS 33.200 – 33.360.

### 2.11. **Employment of Relatives**

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

In addition, no person shall be employed in a position if such employment would require supervision by a relative who is within the third degree of consanguinity or affinity. 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 head. The employee may not be related within the third degree of consanguinity or affinity to the division manager or department head.)

### 2.12. **Code of Ethical Standards**

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

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



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

In addition, the **employer's** elected officials and all employees are required to comply with the provisions of NRS 281A.400 and NRS 281.230.

Employees who suspect violations of this policy must report the conduct/behavior(s) as soon as possible to any supervisor/manager or the HR representative.

The employer will not tolerate any retaliation by management or by any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been retaliated against in any manner whatsoever should immediately notify Human Resources. The employer will promptly investigate and deal appropriately with any allegation of retaliation. In the event retaliation is substantiated, disciplinary action up to and including termination may be taken.

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

## **2.13. Political Activity**

### **2.13.1. Policy**

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

requesting service supplied by **employer**, to influence or to give money, service, or other valuable thing to aid, promote, or defeat any political committee, or to aid, promote, or defeat the nomination or election of any person to public office.

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

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

#### 2.13.2. *Running for or Holding Political Office*

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

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

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

- The employee will be expected to resign their position;
- The employee may apply and seek approval for use of accrued leave time, or;
- The employee may request unpaid leave.

The maximum duration of unpaid leave time granted will be 30 days. . **Employer's** leave policies addressing continuation of health insurance, retirement benefits, accrual of additional leave time, and job and seniority status will be applied in this situation.

#### 2.13.3. *Election-Related Communication*

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

### 2.14. **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.

### 2.15. **Use of Employer Property and Premises**

#### 2.15.1. *Policy*

Employees will use the **employer's** property and equipment including, but not limited to, monies and funds, communication equipment, vehicles, tools,

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

#### 2.15.2. *Searches*

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

If an individual is asked to submit to a search and refuses, that individual will be considered insubordinate and will be escorted off the job site and disciplined, as appropriate. The **employer** may take whatever legal means are necessary, consistent with this policy, to determine whether unauthorized material, weapons of any type, or controlled substances are located or being used on **employer** premises. The **employer** may call upon law enforcement authorities to conduct an investigation if deemed necessary.

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

### 2.16. Phone Policy

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

#### 2.16.1. *Personal Calls & Texts*

1. Personal phone calls, messages & texting, audio/video recording, and other features of employee's private cell phone or the **employer's** equipment, should be limited in use and duration and not be disruptive. Excessive personal communication can result in lost productivity and distract coworkers. **Employer**-issued cell phones are to be used only for official business reasons.
2. If an emergency situation arises and the **employer**-issued cell phone must be used for a personal call and the employee is not able to obtain prior authorization from a supervisor, the employee is required to notify the supervisor as soon as is practicable. The employee is required to

furnish the reason for the call and, if requested, the number called. Violation of this policy may result in the employee being responsible for reimbursing any costs incurred.

3. Employees are expected to protect the **employer**-issued mobile equipment from loss, damage, or theft.
4. Due to the size and uniqueness of our community, it is accepted that there may be some personal cell phone use for emergency situations as well as some limited situations. This is not to be abused by the employee and will be monitored by the employee's supervisor.

#### 2.16.2. *Cell Phone Use in Vehicles*

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

#### 2.16.3. *Phone Use in Business Meetings*

Phone use during employer business meetings, to include texting, unless specifically required and authorized by the employer, should be limited and only work-related.

### 2.17. Information Technology

#### 2.17.1. *Policy*

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

policy.

Employees are prohibited from engaging in any conduct which would violate **employer** policy or procedure. Use of personal or **employer** cell phones or other electronic devices to engage in such conduct can create liability for **employer**, and as such, obligates **employer** to undertake reasonable procedures to investigate such allegations, including but not limited to inspection of such equipment. In the event an employee becomes the subject of such an investigation and the allegations include potential violations of **employer** policies, whether on work or personal time, and whether using **employer** or personal devices, the **employer** will undertake an investigation and inquiry by all means allowable under state and federal law.

Only authorized individuals shall develop and maintain **employer** internal (Intranet) and external (Internet-facing) web sites.

Eureka County IT Department shall define, implement and maintain processes and measures to ensure the existing employees are provided with security awareness on an ongoing basis. Appropriate information security awareness and training shall be imparted to users of information systems and assets on a periodic basis, and the level of training shall be determined by the job function and responsibilities.

All newly hired employees requiring access to **employer** information systems shall be required to agree and sign the Information Technology/Computer Policy Acknowledgement Form which requires them to understand and comply with published information technology policies. They may also be required to complete the security awareness program.

The **employer's** IT Department shall administer and maintain administrative privileges for **employer** owned software. Department heads and designated personnel shall manage and maintain department specific software with IT Department oversight.

#### 2.17.2. *Privacy*

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

The IT Department reserves the right to monitor its systems or networks, including the content of what is stored or communicated on such systems or networks subject to applicable laws. All users on **employer** systems or networks expressly consent to such monitoring. Subject to applicable laws,

monitoring may include activity on any device used for **employer** work activity. All **employer** information, communications systems and networks belong to **employer**. Only authorized employees and users may access these systems for proper business purposes. Subject to any restrictions imposed by the respective department head or supervisor, employees are permitted incidental or occasional personal use of these networks and systems without any expectation of privacy.

The IT Department shall grant access to **employer**-owned networks, applications and systems to individuals with an approved business case; they will also provide all employees with a personal workstation login ID. Supervisors may sponsor other IDs to meet business requirements.

In accordance with provisions of NRS 613.135, the **employer** will not request user names and passwords for personal social media accounts and will not take any type of employment action against an employee who refuses to provide the user name and password for their personal social media account. Employees shall treat all passwords and other access-related items like access badges, security tokens and digital certifications, as confidential; passwords must be changed on a periodic basis whether enforced by the system or not; passwords should not be easily guessable and must meet minimum complexity requirements; passwords should not be stored in documents or spreadsheets in an unencrypted manner; passwords must not be shared. The user is responsible for all actions taken using his/her credentials.

#### 2.17.3. *Use*

1. The computers, electronic equipment, associated hardware and software, including, but not limited to electronic mail (email or instant messaging “IM”) and access to on-line services, as well as voice mail, pagers, smart phones and faxes, even when accessed from a personal device, belong to the **employer** and, as such, are provided for business use. Acceptable use must be legal, ethical and show restraint in the consumption of shared resources. Very limited or incidental use of **employer**-owned equipment by employees for personal, non-business purposes is acceptable as long as it is:
  - a. Conducted on personal time (i.e., during designated breaks or meal periods);
  - b. Does not consume system resources or storage capacity;
  - c. Does not involve any prohibited uses; or
  - d. Does not reference **employer** or themselves as an employee without prior approval. This includes, but is not limited to:
    - i. Text which identifies employer.
    - ii. Photos which display employer logos, patches, badges, or other identifying symbols of employer.
    - iii. Information of events which occurs involving employer without prior approval, and.
    - iv. Any other material, text, audio, video, photograph, or image which would identify employer.

2. Employees loading, importing, or downloading files from sources outside the employer's system, including files from the Internet, World Wide Web, social media sites, and any computer disk, must ensure the files and disks are scanned with the employer's current virus detection software before installation and execution. Compliance to copyright or trademark laws prior to downloading files or software must be adhered to explicitly.
3. Employees may use information technology, including the Internet, World Wide Web, and social media sites during work hours on job-related matters to gather and disseminate information, maintain their currency in a field of knowledge, participate in professional associations, and communicate with colleagues in other organizations regarding business issues.
4. Employees may use information technology for applying for or administering grants or contracts for county government research programs or work related applications; communications with state agencies, other counties and businesses with which the **employer** conducts business.
5. An employee's use of the **employer's** computer systems, telecommunication equipment and systems, and other devices or the employee's use of personally-owned electronic devices to gain access to **employer's** files or other work-related materials maintained by **employer** constitutes the employee's acceptance of this policy and its requirements.

#### 2.17.4. *Prohibited Activities*

The following activities are strictly forbidden by this policy:

1. Violations of the rights of any person or entity protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including but not limited to the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by employer.
2. Unauthorized copying of copyrighted material including but not limited to digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which employer or the end user does not have an active license.
3. The installation of software on employer computers without the prior approval of the Information Technology (IT) Director is prohibited.
4. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, The IT Director should be consulted prior to export of any material that is in question.
5. Introduction of malicious programs into the network or server (e.g.,

viruses, worms, Trojan horses, email bombs, etc.).

6. Allowing access to confidential or proprietary information on employer systems. This includes family and other household members when work is being conducted at an employee's home.
7. Using employer equipment or systems to actively engage in procuring or transmitting materials that is in violation of sexual harassment or hostile workplace laws of the State of Nevada.
8. Making fraudulent offers of projects, items or services originating from any employer account.
9. Making statement about warranty, expressly or implied, unless it is a part of normal job duties.
10. Effecting security breaches or disruptions of network communication.
11. Port scanning or security scanning, unless conducted by the IT Director or third-party contractor authorized by the IT Director
12. Executing any form of network monitoring which will intercept data not intended for the employee's host unless performed by the IT Director or a third-party contractor authorized by the IT Director.
13. Circumventing user authentication or security of any host network or account, unless performed by the IT Director or a third-party contractor authorized by the IT Director.
14. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack,) unless performed by the IT Director or a third-party contractor authorized by the IT Director.
15. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the internet/intranet/extranet, unless performed by the IT Director or a third-party contractor authorized by the IT Director.
16. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam,) unless performed by the IT Director. (e.g. Phish emails).
17. Any form of harassment via email, telephone or paging, whether through language, frequency or size of messages.
18. Unauthorized use, or forging, or email header information.
19. Solicitation of email from any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
20. Creating or forwarding "chain letters" or "Ponzi" or other pyramid schemes of any type.
21. Use of unsolicited email originating from within employer's networks or other Internet/intranet/extranet service providers on behalf of, or to advertise, any service hosted by employer or connected via employer's



network.

22. Physical alteration or repair of any hardware or software such as computers, laptops, printers, fax machines, phones, online services, email systems, bulletin board systems, recording equipment, copiers, or any other software that is owned, licensed by or operated by employer, as well as monitors, mice, keyboards, etc.; users must report any problems with hardware or software to the employer IT Department.
23. Sending, receiving, or storing messages or images that a “reasonable person” would consider to be offensive, disruptive, harassing, threatening, derogatory, defamatory, pornographic, indicative of illegal or prohibited activity, or any that contain belittling comments, slurs, or images based on any protected class membership. Subscriptions to newsletters, advertising, “clubs,” or other periodic email which is not necessary for the performance of the employee’s assigned duties.
24. Engaging in but not limited to; political activities, solicitation or fund raising, for-profit activities unless specific to the mission or duties of the **employer**, religious activities, proselytizing or soliciting contributions, conducting outside employment in any manner and engaging in illegal, fraudulent, defamatory, or malicious conduct.
25. Violating intellectual property rights (copyright), information ownership rights or system security measures.
26. Writing or participating in blogs that injure, disparage, and/or defame the **employer**, members of the public, and/or its employees’ reputations by name or implication.
27. Downloading, uploading, or otherwise transmitting without authorization of the IT Director: confidential or proprietary information or material, copyrighted material, illegal information or material, sexually explicit material, pirated software or data, and music or video off of file sharing applications
28. Obtaining unauthorized access to other systems or using another person’s password or account number without explicit authorization by the IT Department.
29. Improperly accessing, reading, copying, misappropriating, altering, misusing, or intentionally destroying the information/files of the employer and other users.
30. Loading unauthorized software or software not purchased or licensed by the employer.
31. Breaching or attempting to breach any security systems or otherwise maliciously tampering with any of the employer’s electronic systems including, but not limited to, introducing viruses.
32. Using the employer’s information technology for personal, non-business purposes in other than a limited or incidental way.
33. Opening, clicking-on, or downloading any suspicious or unusual electronic mail, attachment, or hyperlink.
34. Inserting a flash drive from an unknown source into the **employer’s**

computer/network.

35. Use of any encryption method not approved by the IT department or otherwise mandated by a state agency.
36. Engaging in modifying or reconfiguration of their Internet web browser connection options or email application account information without prior approval from the IT Department.
37. Each employee is to complete and sign an acknowledgment form after receiving this policy. Improper or prohibited use of the employer's property, systems, or services and any attempt to disable, defeat or circumvent any employer security facility, unless performed by the IT Director, will result in discipline, up to termination.

#### 2.17.5. *Permitted Activities.*

Use of employer computers and electronic communications resources are for program and business activities of employer. All use of such resources shall be conducted in a framework of honest, ethical and legal activities that conform to applicable license agreements, contracts, and policies regarding their intended use. Although incidental and occasional personal use of the organization's communications systems are permitted, users automatically waive any rights to privacy.

#### 2.17.6. *Protection of Computer Assets*

Users must not attempt to defeat or circumvent the security controls or safeguards that protect **employer's** computing, software, confidential information and other assets. Users are responsible for physical security of the hardware assets and any other **employer** assigned equipment. Users must take additional steps to protect **employer** assets and confidential information in situations outside the office (e.g. traveling, working from home or travel to customer sites, etc). Users must also ensure that any laptop or storage device used for **employer** business purposes is properly encrypted to protect information in case of loss or theft. All lost or stolen **employer** assets must be reported within 24 hours either by directly notifying your supervisor or emailing the IT Department.

#### 2.17.7. *Local and Remote Connections to the Network*

Users shall not introduce unauthorized devices and connections, such as rogue wireless access points, dialup modems, and internet connections to the internal **employer** corporate data network. These devices and connections may introduce significant risk to the **employer's** network or systems. Only designated **employer** personnel using IT approved software may select and establish device connections to the internal network and remote access methods (e.g. Remote Desktop, VDI, VPN and Exchange webmail) from outside the **employer** network.

#### 2.17.8. *Unauthorized Software and Services*

The **employer** purchases standard software packages to meet specific job function and needs. Users must not download, install or otherwise introduce software packages, including freely-available packages, without prior authorization from the IT Department. Users should not upgrade or reconfigure core components of **employer** workstation images, including

the operating system, unless prior approval has been granted. Users must not create or introduce malicious software on any **employer** system and should avoid using any unapproved software to conduct **employer** business. In many situations free and open source software can save money to the **employer** and provide functionality comparable to commercial software. In such situations, users must ensure the integrity of open source software and obtain prior approval from the IT Department prior to using them.

#### **2.17.9. Internal Electronic Records Request**

Electronic records requests are applicable to any electronic information stored by the **employer**. This includes, but is not limited to, emails, files and video security footage. In no instance shall anyone other than the IT Department be allowed to view or obtain electronic records stored by the **employer**. In order for Department heads or supervisors to request electronic records from the IT Department an “Internal Electronic Records Request Form” must be submitted for internal review.

### **2.18. Social Networking (Social Media) Policy**

#### **2.18.1. Policy**

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

#### **2.18.2. General Provisions**

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

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

### 2.18.3. *Social Media Post Disclaimer*

Social media postings by employees from employer email addresses should contain the following disclaimer stating that the opinions expressed are strictly their own and not necessarily those of employer, unless the posting is in the course of business duties:

- Any views or opinions presented in this message are solely those of the author and do not necessarily represent those of employer. Employees of employer are expressly required not to make defamatory statements and not to infringe or authorize any infringement of copyright or any other legal right by electronic communications.

Any such communication is contrary to employer policy and outside the scope of the employment of the individual concerned. Employer will not accept any liability in respect of such communication, and the employee responsible will be personally liable for any damages or other liability arising.

### 2.18.4. *Employer Monitoring*

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

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

### 2.18.5. *Reporting Violations*

The **employer** requests and strongly urges employees to report any actual or perceived violations of this policy to their immediate supervisor, manager, or Human Resources.

### 2.18.6. *Violations of Policy*

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

### 2.18.7. *Authorized Employer Social Networking*

The goal of authorized social networking is to become a part of the community conversation and promote web-based sharing and exchange of

employer information and feedback from members of the public. Authorized social networking is used to convey information about **employer** operations and services; promote and raise awareness of the organizational culture; search for potential new equipment and training tools; communicate with other employees, members of the public, and interested parties; issue or respond to breaking news or other matters of public interest; and discuss organizational-specific activities and events.

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

#### 2.18.8. *Rules and Guidelines*

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

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

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

All employees must identify themselves as employees of the **employer** when posting comments or responses on the **employer's** social networking site. If an employee is contacted to comment about the **employer** for publication, including any social media outlets, the request should be directed to his/her immediate supervisor who will then determine the response to be provided on behalf of the **employer**.

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

All employees of the **employer** are responsible for ensuring all social networking information complies with the **employer's** written policies. Management is authorized to remove any content posted on an **employer** social media site that does not meet the rules and guidelines of this policy, any other **employer** policy, or that may be illegal, prohibited, or offensive.

Removal of such content will be done at the discretion of the **employer** without permission or advance warning.

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

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

#### 2.18.9. *Personal Social Networking*

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

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

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

Employees are prohibited from using **employer** equipment, including computers, licensed software or other electronic equipment, or facilities on work time to conduct personal social networking activities. Employees are prohibited from using his/her work email address to register on social networking sites utilized for his/her personal use.

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

If employee chooses to identify him/herself as an employee of **employer**, note that some readers may view him/her as a spokesperson for the **employer**. Because of this possibility, employee is required to state his/her views expressed on the social networking site belongs to the employee

alone and is not reflective of the **employer** or of any person or organization affiliated or doing business with the **employer**.

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

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

Authorized employees posting to **employer**-owned social media accounts may not post photographs of other employees, volunteers, members of the public, vendors and suppliers, on the **employer** premises, nor can employees post photographs of persons engaged in **employer** business without prior authorization by their immediate supervisor, manager, or Human Resources.

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

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

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

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

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

## **2.19. Use of Tobacco**

The **employer** is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. As required in accordance NRS 202.2483 (Nevada Clean Indoor Air Act), smoking in any form, including electronic smoking devices and similar products, is prohibited within any building owned, leased, contracted for, and utilized by the **employer**. This prohibition extends to areas that are routinely or regularly used by employees, including but not limited to: work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting

rooms, lobbies, reception areas, and vehicles **employer** owns or uses. The **employer** may designate an outdoor smoking area for its employees. The **employer** shall not allow the use of smoking tobacco during staff and training meetings.

## **2.20. Outside Employment**

### **2.20.1. Policy**

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

### **2.20.2. Conflicting Employment**

Outside employment may be classified as in conflict with the **employer'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 employer's telephones, computers, supplies, or any other resources, facilities, or equipment.
6. Is represented as an activity of the employer or an activity endorsed, sanctioned, or recommended by the employer.
7. Takes advantage of the employee's employment with the employer, except to the extent that the work with the employer 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 employer.
9. Involves employment with a firm that has contracts or does business with the employer. Exceptions to this policy have been identified in Section 2.11, Code of Ethical Standards.
10. Negatively impacts the public's perception of the integrity or credibility of the employer.

### **2.20.3. Procedure**

1. An employee must request written approval from his/her supervisor or manager for outside employment, including self-employment. The proposed outside employment may not be construed as an extension of his/her duties or responsibilities with the employer.
2. In order to determine if there is a conflict with the employee's duties, the supervisor or manager may request information, such as:



- a. The outside employer's name;
  - b. Nature of the work performed by the outside employer;
  - c. Whether the activity of the outside employment require employee to disclose information obtained with employer and/or impair employee's independence or ethics;
  - d. Proposed work schedule;
  - e. Job location; and
  - f. Duties to be performed.
3. The outside employment can only be denied if the supervisor determines it will pose a conflict with their county employment. If the request is denied the employee may request and the employer will grant a review by the department head or designee whose decision will be final.
  4. The **employer** may withdraw approval of the outside employment if conflict is determined.
  5. Employees who engage in outside employment which is prohibited by this policy are subject to discipline, up to and including termination.
  6. Provisions of policies and procedures of the Sheriff's Department may provide additional restrictions or conditions for approval of outside employment and will remain in effect as they are currently written or as they may be modified.

## 2.21. Personal Appearance

### 2.21.1. *Policy*

1. Each employee is expected to dress and groom appropriately for the job, presenting a clean, safe, and neat appearance. An employee unsure about whether attire or grooming is appropriate should consult with his/her supervisor or manager.
2. Employees working in office areas should dress professionally. Appropriate attire includes, but is not limited to, slacks, khakis, Capri or crop pants (if they portray a business appearance), work appropriate jeans, knit blouses or tops, dress shirts, polo and cotton shirts, skirts and dresses, turtlenecks, sweaters, loafers, and sandals.
3. For those employees who do not have direct contact with the public, dress should still be neat and clean and pose no safety hazard to themselves or others.
4. Field employees are required to wear the assigned work uniform provided by the **employer**. If a work uniform has not been assigned, employees may wear jeans and T-shirts as well as shorts. Any employee who performs any work assignments in the field must wear closed-toe shoes. Long hair must be tied back to ensure the employee's personal safety. Loose clothing or dangling jewelry that poses a safety hazard to employees also is prohibited.
5. Under no circumstances may employees wear halter tops, strapless tops, spaghetti straps, cropped tops, clothing with offensive wording

(sexually-related references or inappropriate language) or that promotes the use of illegal drugs, prohibited substances or alcohol, clothing that shows undergarments (sheer), torn clothing, clothing with holes in it, or tight-fitting, revealing, or oversized clothing. All clothing must be clean, neat, and fit properly. Safe, neat, and clean shoes should be worn at all times.

6. For all employees, professional appearance means that the **employer** expects employees to maintain good hygiene and grooming while working. Facial hair is permitted as long as it is neat and well-trimmed. Earrings in the earlobe are acceptable; however, gauges, extenders, and/or O-rings must be removed while working. Rings/studs through the nose, eyebrow, tongue, or body parts other than the ear lobe that are visible to the public may not be worn while working. Tattoos that are offensive in nature (sexually-related references, inappropriate wording, and the promotion of illegal drugs or prohibited substances is prohibited) must be covered at all times. Employees are expected to be conservative in the wearing of makeup, scented products, and hairstyles.
7. If an employee requires a reasonable accommodation regarding his/her personal appearance for bona fide legal reasons, s/he should contact his/her supervisor or manager to discuss an exception to the personal appearance guidelines. Unless it would constitute an undue hardship or safety hazard, the **employer** will accommodate such requests.

#### 2.21.2. *Enforcement*

1. All employees should practice common sense rules of neatness, good taste, and comfort. Provocative clothing is prohibited. **Employer** reserves the right to determine appropriate dress at all times and in all circumstances.
2. When the **employer** believes an employee's dress or grooming does not comply with the personal appearance guidelines, the immediate supervisor will discuss the issue with the employee. If continued counseling fails to result in the desired response, the supervisor may initiate disciplinary action.
3. **Employer** may require employees to change clothes should it be determined that dress is not appropriate.

#### 2.22. **Children, Animals, and Visitors in the Workplace**

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

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

Supervisors may grant a temporary exception to the rule prohibiting children in the workplace, not to exceed one work day, to accommodate the employee. If an exception is granted, it is the responsibility of the employee to supervise and control

the movements of the child. It is not acceptable to request an accommodation to bring sick children into the workplace.

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

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

## **2.23. Reporting Convictions, Investigations, and Change of License**

### ***2.23.1. Reporting Convictions***

All employees and volunteers are required to immediately report convictions, guilty or nolo contendere (no contest) pleas, or deferred adjudications for felony, gross misdemeanor, and misdemeanors (excluding juvenile adjudication) or any lesser crime other than a minor traffic infraction to their supervisor or manager. Convictions shall not automatically impact the employees' employment or the volunteer's assignment.

The **employer** will make an assessment of the effect of the conviction to the essential duties of the position the employee holds or the duties the volunteer performs.

### ***2.23.2. Reporting Investigations***

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

### ***2.23.3. Reporting Change of License***

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

## **2.24. Whistleblower Protection (Required for County Employees per NRS 281.611)**

Employees are encouraged to review NRS 281.611 for Whistleblower Protection guidelines. Additional guidelines and procedures can be found in the Eureka County Code, Title 2, Chapter 90, Whistleblower Protection Policy. Per NRS 281.661 Employees will be required to sign an acknowledgement form within 30 days of hire and annually thereafter.

### ***2.24.1. Prohibition of Threats or Coercion***

An officer or employee shall not directly or indirectly use or attempt to use the officer's or employee's official authority or influence to intimidate, threaten, coerce, command, influence, or attempt to intimidate, threaten, coerce, command, or influence another officer or employee in an effort to interfere with or prevent the disclosure of information concerning improper governmental action or to pressure another officer or employee to take a

reprisal or retaliatory action. The provisions of this policy shall not be used to harass another officer or employee.

In accordance with NRS 281.631, an officer or employee is required to use his/her official authority or influence to remedy any reprisal or retaliatory action of which the officer or employee becomes aware. Use of “official authority or influence” may include taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary action.

Employees who believe a reprisal or retaliatory action against the officer or employee for disclosing information concerning improper governmental action as defined in NRS 281.611 may file a written appeal per NRS 281.641.

**Employer** will comply with its obligations per NRS 281.611-671, inclusive.

#### **2.24.2. *Disclosure of Untruthful Information***

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

### **2.25. Management Training for Department Heads and Supervisors**

Department Heads and supervisors are required to take and complete “The Essential Management Skills” training program within twenty-four (24) months of their hire date. This training program is also recommended for all elected officials as well. In the event that this course should change or be cancelled, Human Resources will research and find another appropriate management training program.

### **2.26. Workplace Safety**

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

Employees are expected to observe all posted rules, adhere to all safety instructions, and properly use all equipment. Employees are required to report any accidents or injuries including any breaches of safety to his/her supervisor as soon as possible. Disciplinary action, up to and including termination, may be imposed for violation of known safety policy and/or procedure.

Employees with ideas, concerns, or suggestions for improved safety within the workplace are encouraged to raise them with their supervisor or with another member of management. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports made in good faith may be made without fear of discrimination or retaliation.

### **2.27. Fraud Prevention and Reporting**

#### **2.27.1. *Policy***

Eureka County (the County) has established a fraud prevention and reporting

policy to enforce controls and to aid in the prevention and detection of fraud, theft, waste, or abuse against the County. The rights, responsibilities and penalties outlined in this policy are in addition to those expressly outlined in NRS 281.611-671 and 281A.500-550. Eureka County Commissioners designate the Comptroller and District Attorney as the Fraud Compliance Officers for the organization.

#### 2.27.2. *Scope*

This policy applies to any fraud, theft, waste, or abuse or suspected fraud, theft, waste, or abuse involving an employee (including management), a consultant, vendor, contractor, outside agency, or person doing business with the County or having any other relationship with the County.

1. The County does not tolerate any type of fraud, theft, waste or abuse. The County's policy is to promote consistent, legal, and ethical organizational behavior by:
  - a. establishing clear lines of communication for reporting suspected fraudulent behavior;
  - b. assigning responsibility for reporting and receiving reports of suspected fraudulent behavior;
  - c. providing guidelines to conduct investigations of suspected fraudulent behavior;
  - d. requiring all employees to attend fraud awareness training; and
  - e. clearly stating that the County prohibits retaliation against those who report suspicions of fraudulent behavior.
2. Failure to comply with this policy subjects an employee (including those in management) to disciplinary action consistent with the applicable County Personnel Policies. Failure to comply by a consultant, vendor, contractor, outside agency, or person doing business with the County or having any other relationship with the County could result in cancellation of the business or other relationship between the entity and the County.
3. The County is committed to pursuing criminal prosecution against the person or entity engaging in the fraudulent activity if the results of an investigation indicate the possibility of criminal activity.
4. For purposes of this policy only the term ***fraud*** or ***fraudulent*** includes theft, waste, and abuse as defined below. The term ***employee*** includes all categories of employees (regular and temporary, full and part time) and those in management positions. The term ***management*** includes elected officials, appointed department heads, supervisors and any other employee who has authority to prepare or approve another employee's performance evaluation.

#### 2.27.3. *Definitions of Fraud, Waste, and Abuse*

1. ***Fraud*** is defined as an intentional deception designed to obtain a benefit or advantage or to cause some benefit that is due to be denied. Examples of fraud include:
  - a. Forgery or alteration of a check, bank draft, or any other financial

documents;

- b. Theft of a check or other diversion of a taxpayer payment;
  - c. Misappropriation of funds, securities, supplies or other assets;
  - d. Profiteering as a result of insider knowledge of agency operations;
  - e. Disclosing to others the securities activities engaged in or contemplated by the County;
  - f. Impropriety in the handling or reporting of money or financial transactions;
2. **Waste** is the loss or misuse of County resources that results from deficient practices, system controls, or decisions.
  3. **Abuse** is the intentional, wrongful, or improper use of resources or misuse of one's position or authority that causes the loss or misuse of resources, such as tools, vehicles, computers, copy machines, etc.
  4. **Theft** is defined as the act of taking something from someone or some entity unlawfully with the intention of keeping it or converting it to personal use.

#### 2.27.4. ***Responsibility to Report Suspected Fraud***

1. Management is required to report suspected fraud, theft, waste or abuse or other dishonest conduct, including reports from employees or other individuals, to the Compliance Officer. If there is an allegation of fraud relating to the Compliance Officer or the District Attorney's Office, the report shall be made to the Chair of the County Commission.
2. Supervisors and managers do not have the authority to determine the merits of a report of suspected fraud - the Compliance Officer makes this determination with the assistance of the County District Attorney once an investigation is complete.
3. The identity of an employee or complainant who reports suspected fraud will be protected to the full extent allowed by law and consistent with the conduct of a thorough investigation. (See: *Responsibilities of Compliance Officer*.)
4. Suspected improprieties and/or misconduct concerning an employee's ethical conduct should also be reported to the Compliance Officer. Note that there are many instances of prohibited actions that do not rise to the level of fraud as defined but nonetheless may constitute inappropriate behavior, such as an improper relationship with a vendor.

#### 2.27.5. ***Guidelines for Handling a Report of Suspected Fraud, Theft, Waste or Abuse***

1. Whether the initial report is made to a supervisor or the Compliance Officer, the reporting individual should comply with the following instructions and guidelines:
  - a. Do not contact the suspected individual in an effort to determine facts or demand restitution.
  - b. Recognize that the Compliance Officer is the appropriate

individual designated and authorized by the County to conduct the investigation. Do not attempt to further investigate the allegations yourself. Such action would hamper the conduct of the legitimate investigation.

- c. Observe strict confidentiality. Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the Compliance Officer, a Criminal Investigator or the District Attorney.
- d. Retaliation will not be tolerated. The County will not tolerate any form of retaliation against individuals providing information concerning fraud or suspected fraud.
- e. Every effort will be made to protect the rights and the reputations of everyone involved, including the individual who in **good faith** alleges perceived misconduct as well as the alleged violator(s). (See: *Disciplinary Action* for the consequences of making an allegation of fraud in bad faith.)
- f. The identity of an employee or other individual who reports a suspected act of fraud will be protected as provided by this policy and to the extent possible to investigate the allegation. (See: *Responsibility to Report Suspected Fraud*.)

#### **2.27.6. Responsibility of Compliance Officer**

1. On receiving a report of suspected fraud, the Compliance Officer shall document the contact and conduct a preliminary investigation to determine the credibility of the report. If the report is credible, the Compliance Officer shall follow the investigation guidelines provided in this policy which may include the assignment to an outside agency. (See: *Guidelines for the Investigation of Suspected Fraud*.)
2. The Compliance Officer shall make every effort to protect the rights and the reputations of everyone involved in a report of suspected fraud, including the individual who in good faith alleges perceived misconduct, as well as the alleged violator(s). The Compliance Officer also shall make every effort to protect the identity of a person who in good faith reported the suspected fraud. However, disciplinary action may be taken as provided by this policy if an allegation of fraud is made in bad faith (see: *Disciplinary Action*).
3. On determining that a report is not credible or is not a report of fraud as defined in this policy, the Compliance Officer shall provide sufficient documentation to support this determination.
4. The Compliance Officer is responsible for the administration, revision, interpretation, and application of this policy but will seek the input of others involved with and responsible for the appropriate implementation of this policy.
5. Eureka County Commissioners designate the Comptroller and District Attorney as the Fraud Compliance Officers for the organization.

#### **2.27.7. Guidelines for the Investigation of Suspected Fraud**

1. The Compliance Officer is responsible for the oversight of the full investigation and documentation of suspected fraud. The Compliance Officer has primary responsibility for the investigation of reported wrongdoing and all suspected fraud and for coordinating investigative activities with the County's District Attorney, or designee and other outside agencies as deemed appropriate. Upon receiving information of suspected fraudulent activity, the Compliance Officer shall initiate an assessment of the information reported and if warranted, a complete investigation in a timely basis.
2. Each employee involved in an investigation of suspected fraud is required to fully cooperate and shall keep the content of the investigation strictly confidential to the full extent provided by law and to the extent possible to conduct a thorough investigation. Investigation results shall not be disclosed or discussed with anyone other than those who have a legitimate need to know.
3. Any required investigative activity shall be conducted without regard to the suspected wrongdoer's length of service, position/title, relationship to the County, personal relationships, or any other real or perceived mitigating circumstance.
4. The Compliance Officer shall maintain appropriate documentation regarding incidents of fraud. The Compliance Officer shall develop and maintain guidelines for access to and security of this documentation.
5. If an investigation substantiates fraudulent activities, the Compliance Officer will prepare an incident report to the District Attorney, HR Director and the Department Head of the department in which the fraud occurred. The Compliance Officer shall prepare the report as soon as possible after the investigation substantiates fraud has occurred and shall document the content of the investigation, the findings, and any disciplinary action taken as a result of the finding.
6. Any inquiries from the suspected individual, his or her attorney/representative, or any other inquirer shall be directed to the Compliance Officer. If necessary, the Compliance Officer will refer these inquiries to the District Attorney.

**2.27.8. *Disciplinary Action***

1. Failure to comply with any part of this policy is grounds for disciplinary action consistent with any applicable County Personnel Policies.
2. An employee who:
  - a. has engaged in any form of fraud, waste, or abuse; or
  - b. intentionally reports false or misleading informationis subject to disciplinary action, up to and including termination.
3. Any member of management who does not inform the Compliance Officer in a timely manner of each and every report of suspected fraud made by an employee or other person is subject to disciplinary action, up to and including termination.

**2.27.9. *Fraud Awareness and Training***



1. What is a fraud risk? – This occurs where there is the potential for fraud to occur, usually as a result of internal controls not being in place, not being followed or such controls being ineffective in preventing or detecting fraud.
2. Identifying fraud risk – The responsibility for recognizing the existence and/or the potential for the risk of fraud, and the implementation of an appropriate strategy to assess fraud risks ultimately lies with each supervisor and manager. However, it remains the fundamental responsibility of all personnel to be vigilant of the risk of fraud within the County and to report it as soon as they become aware of significant fraud risks or the potential for fraud risks.
3. Training – Each employee is required to attend at least one session of Fraud Awareness Training. An attendance sheet will be maintained documenting attendance and a record of compliance with this training requirement maintained by the HR Department. Periodic training will be provided to the employees. New employees are required to participate in this training within 6 months of hire.

#### **2.27.10. *Annual Report***

Incidents of suspected fraud determined by the Compliance Officer to have merit shall be reported to the Audit Committee on an annual basis. The annual report shall include: the source of the reported information; the initial assessment of the merit of the information or allegation; whether a full investigation was conducted and if so, the results of the investigation; the reasons a full investigation was not conducted, any disciplinary action resulting from the investigation; whether the report was referred to an outside entity and if so, the current status or final results of the referral.

# EMPLOYMENT

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

## **3.1 Scope**

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

When a vacancy occurs, a Department shall submit a request to fill vacancy documentation to Human Resources before the advertisement or posting of that recently vacated position may occur.

If a Department has a vacancy for a position that has been budgeted and will be replaced at the same or less classification level then this will not require Board of Commission approval. If a Department has a vacancy and the position will be filled at a higher classification level this will require Board of Commission approval before an offer can be made. All advanced step hires will require Board of Commission approval before any offers can be made.

When a new position is approved during the budget cycle the position cannot be opened or filled until the Department Head/Elected Official has an approved hiring freeze waiver justification from the Board of County Commissioners. The requestor must submit the hiring freeze waiver justification to Human Resources to present to the Commissioners for approval.

## **3.2 Source of Applicant**

Regular positions may be filled by applicants selected from existing eligible lists. If no eligible list exists, the **employer** may initiate a recruitment (open or promotional) to create an eligible list. Internal candidates may apply for any posted position. All applications will be submitted through the Eureka County online application portal. The internal candidate must fill out a new application. These forms will be reviewed by Human Resources to see if the candidate meets the minimum job requirements. All selected candidates will then be interviewed by the appropriate Department Head/Manager for a final hiring decision.

Promotional recruitments limit consideration of applicants to qualified employees currently working within a single department of the **employer** (departmental promotions) or to qualified employees currently working for the **employer** (**employer**-wide promotional). **Employer**-wide promotional recruitments are limited to regular or employees of the **employer** with at least 12 months of completed service before a promotion.

## **3.3 Job Announcements**

Prior to initiating recruitment, the **employer** will verify the essential job functions; identify knowledge, skills, and abilities needed, and determine what education, experience, and credentials will provide the desired knowledge, skills, and abilities. All job announcements will be posted for a minimum of 14 calendar days.

### ***3.3.1 Open Recruitments***

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

1. Title and pay range of the class of the vacancy; and
2. An updated job description, the nature of the work to be performed, including the essential job functions; and
3. Minimum as well as any preferred qualifications, including education and/or experience, knowledge, skills, and abilities, or other special criteria associated with the position; and
4. License or certifications required; and
5. Manner of applying (where, and how), filing period and deadlines, (a minimum of 14 calendar days); and
6. A declaration that the **employer** is an Equal Employment Opportunity (EEO) **employer**, and Americans with Disabilities (ADA) accommodations are available.

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

### ***3.3.2 Promotional Recruitments***

Notice of promotional recruitments will be posted in the **employer's** work locations, online application portal, at the Eureka County Administration Facility, and in such other places as the **employer** feels appropriate. All promotional announcements will be posted a minimum of 14 calendar days. . The announcement will include the criteria outlined above in sub-section 3.3.1, items 1-6.

Promotion recruitment cannot occur until the Department Head/Elected Official has received permission from the Board of County Commissioners. It is the requestor's responsibility to submit detailed documentation using the promotion request form. If an approved promotion request is not occupied within 90 days, the promotion will expire until a renewal promotion request for an additional 90 days is approved. Regular employees will be released from work, on paid status, to take a promotional examination and participate in an interview held during their scheduled work time. Casual/temporary/seasonal workers will not be paid for time taken to participate in a promotional examination or interview.

## **3.4 General Requirements for Filing of Applications**

### ***3.4.1 Application Forms***

1. In addition to the completed application form, the **employer** may also require resumes, completed supplemental questionnaires, and other evidence of education, training, experience, or other lawful requirements, including licenses and certifications. Applications and materials submitted become the property of the **employer**.
2. The following provisions apply to all applicants *except* an applicant for a position that is a peace officer, firefighter or has physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System of the National Crime Information System:

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

- Whether any criminal offense charged against an applicant or committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied; and
  - The nature and severity of each criminal offense charged against the applicant or committed by the applicant; and
  - The age of the applicant at the time of the commission of each criminal offense; and
  - The period between the commission of each criminal offense and the date of the application for employment; and
  - Any information or documentation demonstrating the applicant's rehabilitation.
3. The following procedures apply to applicants for a position that is a peace officer, firefighter, or has physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System of the National Crime Information System. Applications for employment must be made in writing on prescribed forms.
    - Applicants must complete a separate application form for each vacancy unless the job announcement indicates otherwise.
    - The **employer** may also require resumes, completed supplemental questionnaires, and other evidence of education,

training, experience, or other lawful requirements, including licenses and certifications.

- Applications and materials submitted become the property of the **employer**.
4. In addition, applicants for a position that is a peace officer will need to attest to the following on the application form to be considered for employment:
- The applicant is not disqualified from service as a peace officer;
  - The applicant has not been discharged, disciplined, or asked to resign from employment with law enforcement agency for certain conduct; and
  - The applicant has not resigned from employment or otherwise separated from employment with a law enforcement agency while an investigation concerning certain alleged conduct was pending.

#### **3.4.2 Signatures**

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

### **3.5 Application Filing Periods**

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

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

### **3.6 Eligibility of Applicants**

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

1. The application does not indicate the applicant possesses the qualifications required for the position.
2. The application is not fully and/or truthfully completed.
3. The applicant has prior convictions that relate to the position for which s/he is being considered as a peace officer, firefighter, a position for an agency which provides child welfare services or residential mental health treatment to children; or position which entails physical access to computer and/or equipment used to access the Nevada Criminal Justice Information System or the National Crime information Center as provided for in Nevada Statute, as applicable or other positions

exempted by state or federal law.

4. The applicant has been discharged from or resigned in lieu of dismissal from any prior employment for any cause which would constitute a reason for dismissal from employment with the **employer**.
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 **employer** who, absent a compelling reason, quit without notice.
7. Applicant's failure to possess a valid license, certificate, permit, etc. If a prospective applicant for a position cannot obtain the required license, certificate, permit, or occupational certification required for the job, s/he will not be given any further employment consideration. Any job offer, offer of promotion, or offer of transfer previously made will be withdrawn.
8. The applicant is a former employee whose performance evaluations indicated below acceptable performance and/or behavioral problems, such as insubordination, leave abuse, or excessive tardiness.

### **3.7 Limitation of Applicant Pool to Most Qualified**

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

### **3.8 Examination Process**

#### ***3.8.1 Administration of Examinations***

All examinations for initial employment, whether formal or informal, are conducted under the direction of the **employer**. Examinations shall be conducted when there is a need to establish an eligible list or in any circumstances the **employer** deems appropriate. The techniques used in the examination process shall be consistent, impartial, practical and relate to the qualifications and suitability of applicants to perform the job duties and responsibilities of the position.

#### ***3.8.2 Factors Evaluated***

Examinations may be used to evaluate applicants' qualifications and suitability for the position. Factors evaluated through the examination process may include, but are not limited to, the knowledge, ability, skill, achievement, physical and mental fitness, and job-related personal characteristics such as customer service skills.

#### ***3.8.3 Minimum Standards***

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

### **3.9 Eligible Lists**

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

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

### **3.10 Referral of Applicants for Hire**

**When the hiring department requests that a vacancy be filled the HR manager will provide the hiring 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 employer's established layoff policy. Eligible applicants will be referred for consideration on the basis of the results of competitive examination scores or, in the case of reinstatement lists, according to the employer's layoff policy.**

#### **3.11 Interviewing Applicants**

Once applications have been evaluated and a determination of whether to interview has been made, applicants may be notified as to their status.

Each applicant applying for the same position will be asked the same job-related questions and rated using the same evaluation form to measure the extent to which each applicant possesses the necessary knowledge, skills, and abilities required for the position. Whenever necessary, follow-up questions should be asked to clarify the response of the applicant. Questions which are unlawful or on inappropriate subjects must be avoided.

Applicants who are selected for an interview will be provided the pay range of the position for which s/he applied.

### **3.12 Selection**

Employment decisions must be based solely on merit. Consistent with applicable federal, state, and local laws and regulations employment decisions may not be influenced by any protected class membership or the applicant's wage or salary history. The **employer** will not request user names and passwords for personal social media accounts. The hiring manager has ultimate responsibility for selection of the applicant for hire; however, s/he should take into consideration the input of the other members of the interview team. The hiring manager is responsible for ensuring the selected applicant meets the required level of education, experience, certification, license, etc. The hiring manager will document the basis of their decision to select a particular applicant; i.e., why s/he is the most qualified and the best fit for the position. The hiring manager should also document why the other applicants were not selected. The Applicant Interview Evaluation Form is a good tool for this. The hiring manager will submit the documentation regarding why the selected applicant was chosen and notify the Human Resources and Comptroller's Office of the selection.

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

### **3.13 Correction of Administrative Errors**

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

### **3.14 Reference Checks**

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

#### *3.14.1 Acquiring References*

Reference and background checks are conducted to assist the **employer** in assessing an applicant's fitness for employment with the **employer**. Only Human Resources may acquire employment references. The Sheriffs' Office will do their own reference and background checks in accordance with NRS 239B. All background and reference information must have the receipt of this information confirmed by Human Resources. This information will be kept with Human Resources. Any authorized employee of the **employer** who attempts to acquire reference information on an applicant must comply with the following:

1. Obtain an **employer** employment application that is signed and dated by the applicant. The applicant must have completed all relevant sections of the application.
2. Obtain authorization from the applicant by means of his/her signature directly on the application and/or separate release form for the release of information from former employers, military, educational institutions, other institutions, personal references, and other individuals listed on the application. Authorization for release of such information by the applicant shall include a release from liability of any company, institution, or individual providing such information. If an applicant refuses to sign such a release, s/he will be eliminated from further consideration for employment with the **employer**.
3. Inform the applicant that the **employer** will conduct a background/reference check and that evaluating the applicant's suitability for employment includes contacting employment and other references, educational institutions, and personal and professional associates to verify information provided.
4. Develop questions that are related to the essential functions of the position and are non-discriminatory. Questions related to an applicant's training, knowledge, skills, production, timeliness, quality of work, and ability to work with others are examples of appropriate



inquiries. Discriminatory or non-work-related questions such as family or marital status, disabilities, age and related areas are not appropriate.

5. Identify the appropriate individual(s) to question regarding the applicant's work performance, knowledge, skills, and abilities related to the essential functions of the position.
6. Adequately document the conversation and record refusals to provide information.
7. Maintain strict confidentiality of all background/reference information. Only employees, supervisors, or management officials of the **employer** who have a demonstrable work-related need-to-know should be accorded access to such information.

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

#### **3.14.2 Providing References**

All requests for employment information shall be referred to Human Resources. Only those personnel designated by the **employer** are authorized to release employment information to third parties.

The **employer** will not give out an employee's address or telephone number without proper authority (i.e., a written release signed by the employee, a court order, or a subpoena). This subsection does not allow letters of recommendation.

The **employer** has a neutral reference policy as well as a confidential information policy. Only the following personnel information and employment records that the **employer** 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 **employer's** legal counsel.
6. Employment information and documented incidents regarding the character, honesty, and potential for violence of the **employer's** employees may be provided to governmental employers, including, but not limited to, any federal, state, county, municipality or city employers, or any other private (non-governmental) **employer** where the employee's character, honesty, sexual misconduct, and potential for

violence are relevant issues. Examples include, but are not limited to, jobs which involve public safety, entrustment for the care or safety of children, the elderly or health care patients, or positions having access to money and/or valuables. Information in this section may be provided after consultation with **employer's** legal counsel. The **employer** must provide information requested by public safety agencies in accordance with NRS 239B.

7. Records which are required for employees in safety-sensitive positions, as defined in 49 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.

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

### **3.15 Background Checks**

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

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

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

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

\*NRS 179A requires organizations which provide care or care placement services to children, elderly persons, or persons with disabilities to conduct background checks through the Central Repository for Nevada Records of Criminal History to determine fitness of employees, volunteers, and persons applying to be an employee or volunteer who have supervised or unsupervised access to children, elderly persons, or persons with disabilities.

#### ***3.15.1 Consumer Reporting Agencies Reports***

The types of reports that may be requested from consumer reporting agencies under this policy include, but are not limited to: credit reports, criminal records checks, court records checks, driving records, and/or summaries of educational and employment records and histories. These

reports or checks are also called “consumer reports.” The information contained in these reports may be obtained by a consumer reporting agency from public record sources or through personal interviews with the applicant’s or employee’s coworkers, neighbors, friends, associates, current or former employers, or other personal acquaintances. These are sometimes referred to as “investigative consumer reports.” Any information contained in such reports may be taken into consideration in evaluating an applicant’s or employee’s suitability for employment, promotion, reassignment, or retention.

### ***3.15.2 Consumer Reporting Agencies Requirements***

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

1. Applicants for employment will be required to complete a notice and authorization form concerning consumer and investigative consumer reports. In the event of an external third-party investigation, existing employees will be required to complete a notice and authorization form concerning consumer and investigative consumer reports, provided the employee has not previously completed such form.
2. The **employer** will certify to the consumer reporting agency that:
  - a. The notice and authorization requirement has been met;
  - b. The information received is only used for employment purposes;
  - c. The information will not be used to violate any Equal Employment Opportunity (EEO) legislation;
  - d. Pre-adverse action requirements will be followed;
  - e. Any additional investigative consumer report disclosures, if applicable, have or will be issued within three days; and
  - f. Upon request from the applicant or employee, the **employer** will comply with applicable additional disclosure requests including, but not limited to, information as to the nature and scope of an investigative consumer report.
3. The **employer** will provide a copy of the consumer report and a summary of the individual’s rights under the FCRA to the applicant or employee prior to making a final adverse or negative employment decision that, in whole or in part, is influenced by a consumer report or an investigative consumer report.
4. After the **employer** has complied with item 3 above and waited a “reasonable” period of time, the **employer** may take the adverse or negative action. After taking such action, the **employer** must provide to the applicant or employee a notice of adverse action which also contains the following:
  - a. The name, address, and telephone number of the consumer reporting agency;
  - b. A statement that the consumer reporting agency did not make the adverse action decisions and will be unable to inform the

applicant or employee of the specific reason(s) for the adverse action;

- c. A statement that the applicant or employee is entitled to obtain an additional free copy of the “consumer report”; and
- d. A statement that the applicant or employee has a right to dispute the accuracy or completeness of any information in the report.

### 3.16 Offers of Employment

#### 3.16.1 Policy

The following provisions apply to all applicants except for a position that is a peace officer, firefighter or has physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information System.

1. Unless, pursuant to a specific provision of state or federal law, the criminal history of an applicant for employment may be considered only after the earliest of:
  - The final interview conducted in person, or
  - A conditional offer of employment has been made.
2. The **employer** may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.
3. The **employer** may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has criminal charges pending against him/her that were filed within the previous six months or has been convicted of a criminal offense only after considering:
  - Whether any criminal offense committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;
  - The nature and severity of each criminal offense committed by the applicant;
  - The age of the applicant at the time of the commission of each criminal offense;
  - The period between the commission of each criminal offense and the date of the application for employment; and
  - Any information or documentation demonstrating the applicant’s rehabilitation.
4. The **employer** shall not consider any of the following criminal records in connection with an application for employment:

- An arrest of the applicant which did not result in a conviction;
  - A record of conviction which was dismissed, expunged or sealed; or
  - An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.
5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must:
- Be made in writing;
  - Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and
  - Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the Human Resource representative.

### **3.16.2 Job Offer Letters**

1. The following procedures apply to all applicants except an applicant for a position that is a peace officer, firefighter, or has physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information System.
- After an applicant has been selected for employment or promotion, the department head will extend the following: A “conditional offer of employment pending background checks” if criminal background checks are required.
  - A “bona fide conditional offer letter” (if medical exam is required); this letter will condition the offer on passing medical examinations.
  - A “formal job offer letter” once all applicable criminal and medical checks and exams have been passed; this letter will include the terms and conditions of employment.

Prior to selecting the applicant as a finalist or extending the letter, the department head may:

- Contact the applicant by telephone to determine whether there is continued interest in employment and to indicate that a request to hire has been made, but must state that only a notification in writing can be considered an official job offer.
- Notify the applicant of any provisions of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

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

2. The following procedures apply to an applicant for a position that is a

peace officer or firefighter:

After an applicant has been selected for employment or promotion, the department head will extend (when applicable), a “formal job offer letter” once all applicable criminal and medical checks and exams have been passed; this letter will include the terms and conditions of employment.

Prior to selecting the applicant as a finalist or extending letter, the department head may:

- Contact the applicant by telephone to determine whether there is continued interest in employment and to indicate that a request to hire has been made, but must state that only a notification in writing can be considered an official job offer.
- Notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

**Note:** The provision of NAC 289.110 applies for an applicant for a position of peace officers.

3. The following procedures apply to an applicant for a position that has physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information System.

After an applicant has been selected for employment or promotion, the department head will extend the following:

- A “notification of background checks” is non-medical checks are required (i.e. background, criminal, DMV, consumer report, drug test.
- A “bona fide conditional offer letter” (if medical exam is required); this letter will condition the offer on passing medical examinations.
- A “formal job offer letter” once all applicable criminal and medical checks and exams have been passed; this letter will include the terms and conditions of employment.

Prior to notifications/letter being extended, the department head may contact the applicant by telephone to determine whether there is continued interest in employment and to indicate that a request to hire has been made, but must state that only a notification in writing can be considered an official job offer.

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

### ***3.16.3 Pre-employment Drug Screening***

1. The **employer** may require successful applicants to consent to a pre-employment screen test for drugs/prohibited substances. The **employer** will advise the applicant that the presence of one or more drug metabolites may be cause for rejection from further consideration for employment, and that offers of employment are contingent upon a negative drug test result. The applicant may be asked to authorize the

**employer**, as a condition of employment, to conduct through the **employer's** designated laboratory testing facility, a drug screen test. Refusal to authorize and participate in a drug screen shall eliminate the applicant from further consideration for the position.

2. The **employer** may direct applicants to an appropriate collection facility. The drug test must be undertaken as soon after notification as possible, and in no circumstances later than 48 hours after notice to the applicant.
3. The **employer** will advise applicants of the opportunity to submit medical documentation to support a legitimate use for a specific drug. Such information will be reviewed only by medical consultants determining whether the applicant is lawfully using an otherwise illegal drug.
4. The employer will not extend a formal job offer letter to any applicant with a verified positive test result, and such applicant will not be considered for any vacancy of the employer for a period of 12 months. The employer shall disqualify the applicant on the basis of failure to pass the applicable test(s).

#### **3.16.4 Other Conditions**

All offers of initial employment are conditioned upon the applicant furnishing satisfactory evidence of identity and legal authority to work in the United States. Each applicant must attest to his/her identity and legal authority to work in the United States in accordance with the applicable federal statute by completing and signing INS Form I-9 (Employment Eligibility Verification).

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

Department Heads or supervisors shall inform the IT Department ten days prior to a new hire's employment start date to ensure necessary network and software access required for the position has been established.

### **3.17 Orientation**

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

1. Has completed all new hire paperwork including payroll and benefit forms;
2. Will receive or be provided access to the **employer's** personnel policies;

3. Has been introduced to other employees; and
4. Has had the opportunity to have questions addressed.

### **3.18 Introductory Period**

All new and rehired employees, except elected officials, casual, temporary, or seasonal employees, and those identified as “at-will,” will serve a six (6) month introductory period beginning with the day the employee initially reports for work. The employee will go through a review process at the three (3) month and six (6) month timetable of this introductory period. Current employees who are promoted or transferred will also be required to serve a six (6) month introductory period. During this “introductory period,” the employee and the **employer** have the opportunity to evaluate one another and determine whether the employment relationship should be continued. At its sole discretion, the **employer** may extend this introductory period up to six (6) months when the **employer** has had a sufficient opportunity to assess the employee’s ability to perform the job functions or such extension is determined appropriate. During the introductory period the employment relationship is at-will and can be terminated by the employee or by the **employer** at any time during the introductory period or during the extension of the introductory period, with or without cause or advance notice.

For law enforcement personnel, the introductory period is established as one year, with the extension period also established as one (1) year. This introductory period may be prorated for employees working less than full-time.

Prior to completion of the introductory period following initial appointment to a regular county position or promotion to a position in a job class with a higher salary range, the supervisor will conduct at least two performance evaluations and complete a performance management evaluation form to ascertain the advisability of continued employment. There will be no step increase for the three (3) and six (6) month evaluations.

During the introduction period or the initial twelve (12) months of employment, no employee is eligible for a promotion.

### **3.19 Failure to Appear for Work**

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

### **3.20 Transfers**

A transfer is a lateral move to a job in the same pay range as the employee’s present position. An employee who wants to transfer to another available position must be qualified for the identified position and should first talk with Human Resources and his/her supervisor or manager.

#### ***3.20.1 Employee-Requested Transfer***

If the transfer is to another department, the employee should contact Human Resources and the hiring supervisor or 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 supervisor will also consider the employee’s past



performance, qualifications, abilities, and job experience as key factors in evaluating transfer requests. Approval of the transfer is at the sole discretion of the **employer**.

### ***3.20.2 Agency-Directed Transfer***

A Department Head may, after giving 10 working days' notice, transfer an employee to another position in the same class or a comparable class for the purpose of providing continued services to the citizens of the **employer** or other appropriate cause. A transfer pursuant to this section must not be made to harass or discipline an employee. A regular employee who is required to transfer to a geographical location more than 30 miles from their current work location, and who declines the transfer, has layoff rights as provided in policy 9.2. Layoffs.

## **3.21 Promotions**

The **employer** encourages employees to apply for promotional opportunities for which they are qualified. Promotions will be based on the ability, qualifications, and potential of all applicants for the positions. Employees interested in announced positions must follow the application instructions outlined in the job announcement. Selection decision will be consistent with the **employer's** hiring policy.

Notice of promotional recruitments will be posted on the Eureka County online application portal, Eureka County Administration Facility and such places as the employer feels appropriate. All promotional announcements will be posted a minimum of 14 calendar days.

Promotion recruitment cannot occur until the Department Head/Elected Official has received permission from the Board of County Commissioners. It is the requestor's responsibility to submit detailed documentation using the promotion request form. If an approved promotion request is not occupied within 90 days, the promotion will expire until a renewal promotion request for an additional 90 days is approved.

Only employees in the department who have worked for Eureka County for 12 months and are not in the introductory period will be eligible for promotions.

## **3.22 Rehire**

Regular employees, or employees serving an introductory period following promotion who subsequently resign, may be rehired without undergoing any recruitment within one year of the effective date of their resignation. 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 **employer** and no former employee shall have any right to or expectation of such rehire.

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

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

## **3.23 Casual/Temporary/Seasonal Employment**

### ***3.23.1 Purpose***

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

### ***3.23.2 Authorization to Hire Casual/Temporary/Seasonal Workers***

A casual/temporary/seasonal worker may be hired for work which will require 19, or fewer, hours per week if the **employer** has appropriated sufficient funds in the budget to pay the worker. The **employer** may, with Board of County Commissioner approval, find that its best interests are served by assigning work to a casual/temporary/seasonal worker for up to 29 hours per week, not to exceed 1039 hours in a year.

### ***3.23.3 Duration of Casual/Temporary/Seasonal Employment***

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

### ***3.23.4 Employment in a Regular Position***

The **employer** may hire a casual/temporary/seasonal worker into a regular position only after the applicant has been found to be qualified as a result of completing an authorized recruitment and selection process for that position. The employee's service date will be determined according to the date of hire in the regular position with no credit given toward completion of an introductory period or the accrual of benefits for the time an employee was hired for casual/temporary/seasonal work.

## **3.24 License/Occupational Certification**

### ***3.24.1 Purpose***

The **employer** mandates that, if required by the current job, all employees obtain and maintain a valid license, certificate, permit, or other occupational certification issued by the state, county, city, or other applicable authority. Where required, the employee is responsible for providing a copy of his/her driver's license or other required license or certificate.

### ***3.24.2 Employee Responsibilities***

1. All employees who must possess a valid license, including a driver's license, certificate, permit, or other occupational certification as required by their position, and must adhere to the provisions of NRS 425 including those provisions relating to paternity determination and child support.
2. In the event the employee receives notice of revocation or non-renewal of a license, certificate, permit, or occupational certification as a result

of a violation of NRS 425, s/he shall immediately notify his/her supervisor. The employee shall not perform any task for which the license, certificate, permit, or other occupational certification is required after the license, certificate, permit, or occupational certification has been non-renewed or revoked. By statute, the employee has 30 days to satisfy one of the items listed below:

- a. Comply with the court order, subpoena, or warrant;
- b. Satisfy any arrears payments due; or
- c. Submit to the District Attorney or other public agency a written request for a hearing.

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

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

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

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

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

#### ***3.24.4 Driving Records***

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

### **3.25 Volunteer Program**

#### ***3.25.1 Purpose***

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

### **3.25.2 Scope**

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

### **3.25.3 Planning**

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

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

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

As with employees, the **employer'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 **employer** prohibits discrimination, harassment, or retaliation directed at volunteers on the basis of any protected class membership.

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

Volunteer applicants engaged in activities for the **employer** on a regular basis shall complete the **employer'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. A volunteer personnel file will be held in a secured location by the Comptroller's Office. A separate medical file will be held in a secured location by the Comptroller's Office.

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

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

Volunteer applicants for emergency services shall be required to take physical examinations in accordance with state and federal requirements.

\*NRS 179A requires organizations which provide care or care placement services to children, elderly persons, or persons with disabilities to conduct background checks through the Central Repository for Nevada Records of Criminal History to determine fitness of employees, volunteers, and persons applying to be an employee or volunteer who have supervised or unsupervised access to children, elderly persons, or persons with disabilities.

### ***3.25.5 Managing Volunteers***

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

Day-to-day oversight of volunteers shall be conducted as with employees. Adequate equipment and supplies, as well as a safe working environment, will be provided for volunteers. All volunteers are to return all employer equipment (radios, pagers, etc.) upon leaving the volunteer program.

The **employer** will maintain detailed and accurate records of volunteer activities including a roster of active volunteers. The date, time, and duration of each volunteer activity session must be recorded, along with the work performed on a County approved timecard. The **employer** will remove volunteers from the roster whenever volunteers are inactive for more than 30 days.

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

Annual performance evaluations may also be completed on volunteers.

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

# POSITION CLASSIFICATION PLAN

## 4.1 Policy

### 4.1.1 Purpose

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

### 4.1.2 Classification

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

### 4.1.3 Maintenance and Revision

The Human Resources or Comptroller’s Office will periodically review the classification plan and recommend to the Board of County Commissioners the revision, addition, or abolishment of classes.

### 4.1.4 New Positions

When a new position is to be created, the supervisor will recommend to the Board of County Commissioners an appropriate class for the new position. When preparing a request for a new position, the requesting party shall consult the Human Resources or Comptroller’s Office to determine the appropriate classification for the duties to be assigned to the new position.

#### **4.1.5 *Reclassification***

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

#### **4.1.6 *Reallocation***

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

### **4.2 Procedure**

#### **4.2.1 *Requests for Classification Review***

1. Submission Process
  - a. Requests for classification review are made by the employee to the department head who will submit a request for classification review to Human Resources who will review

the request and, if appropriate, send it with a written memorandum explaining the reasons the request meets the criteria for a classification study to the Commissioners. At a minimum, the request shall include the specific duty and responsibility changes, and a verification that the changes are to be permanent. Human Resources will review the request and indicate if the request meets the required criteria and whether or not a study will be conducted.

- b. An employee may request the classification review be forwarded to Human Resources even if the department head does not concur. The employee will request in writing s/he wants Human Resources to review the denied request. The reasons for disagreeing with the employee's request shall accompany any request forwarded to Human Resources.

## 2. Criteria for Determining the Need for Classification Review

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

### 4.2.2 *Effective Date*

#### 1. Reclassification/Reallocation

The effective date of a reclassification or a class reallocation shall be the first day of the pay period following the **employer's** approval of the action. If the position is reclassified or reallocated upward, the anniversary date for future step increases shall be established as the first day of the pay period following 12 months in the new classification, and will not include the period for which retroactive pay is granted, if any. (See also Work Out-of-Class, Section 5.13.) If the position is reclassified/reallocated at the same level or at a lower level the anniversary date will remain unchanged.

#### 2. Working Out of Class

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



# COMPENSATION PLAN

## 5.1 Pay Periods and Paydays

Employees are paid biweekly on Fridays. If a holiday falls on a payday employee will be paid on the preceding work day.

## 5.2 Workweek Defined

The workweek begins at 12:01 a.m., on Sunday and ends seven days (168 hours) later at midnight on the next Saturday. For law enforcement personnel, the work period is 86 hours within a 14- day period. The standard work period begins at 12:01 a.m. on Sunday and ends 14 days later at midnight on Saturday.

## 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. Required preparation for rest and meal periods, as well as the end of the work day, is considered work time. Rest and meal periods include the time spent going to and from the place where the break is taken.

### 5.3.2 Work Schedules

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

1. Employees working a five-day, 40-hour week (designated 5/40) shall work eight hours per day for five days in any workweek and shall receive two days off.
2. Employees working a four-day, 40-hour week (designated 4/40) shall work 10 hours per day for four days in any workweek and shall receive three days off.
3. Law enforcement employees may work 12 hour shifts and will receive overtime after 86 hours in a 14-day period.

### 5.3.3 Rest Periods

Employees will be granted one 10-minute break or rest period during each work period of four or more hours. Employees may not take rest periods at the beginning or at the end of the work period. Rest periods may not be scheduled or taken consecutively or in conjunction with meal periods. (This policy does not apply to public safety dispatchers, and law enforcement personnel. Refer to departmental policy or applicable collective bargaining agreement.)

### 5.3.4 Meal Periods

Employees who work six or more hours in a work day are allowed an uninterrupted, unpaid meal period of 30 minutes or longer at or about mid-point of their work day. Supervisors or managers will be responsible to ensure that wherever and whenever possible, employees will be permitted the meal period uninterrupted by work-related duties. If an employee's meal period is interrupted by a work-related matter, the employee will be paid for the meal period.

### ***5.3.5 Meal Periods for the Sheriff's Office, Emergency Medical Technicians and Other Emergency Services***

Due to the sensitive and on-call nature of certain employees in these emergency departments, the required meal period may not be taken in the normal way. An example of this may be when someone is assigned to the jail and can't leave their post under any circumstances. In these special cases the employee will not be required to take a lunch period and will be paid for the hours worked or may be authorized to take a lunch period at a different time during the shift. The exception to this will be administrative or any other non-emergency personnel. These employees must follow the guidelines in 5.3.4.

### ***5.3.6 Work Assignments***

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

## **5.4 Time Reporting**

### ***5.4.1 Purpose of Time Reporting***

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

### ***5.4.2 Hours Worked***

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

1. Time worked before or after the normally assigned shift, or any other irregular hours, even if the employee volunteers his/her time.  
GUIDELINE: Periods of six minutes or less are not considered overtime unless they occur regularly. (This provision does not apply to employees who are performing volunteer work which is unrelated to their normal job functions).
2. Rest periods of 20 minutes or less.
3. Travel time that occurs during an employee's normally scheduled work hours, including regular days off, holidays, etc.
4. Except as provided below, hours spent at lectures, meetings, and training activities, unless attendance is completely voluntary and outside of normal work hours and is not job-related and no other work

is performed.

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

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

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

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

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

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

#### ***5.4.5 Responsibility for Time Reporting***

Employees are responsible for accurately completing their own timesheets. Supervisors shall **not** alter or adjust the hours that an employee reports on his/her timesheet. If the supervisor believes the employee has completed his/her timesheet in error, the supervisor shall discuss the issue with the employee. All employees are required every pay period to submit their electronic timesheets in a timely manner to the Comptroller's Office. Failure to do this on a regular and timely basis can result in discipline up to and including termination.

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

#### ***5.4.6 Timesheets***

Every timesheet will be reviewed by the Comptroller's Office. If timesheet falsification is suspected, the employee will be paid the hours asked for on the timesheet with the understanding that an investigation will be done on the timesheet by the supervisor and the Comptroller's Office. If it is found that timesheet falsification has taken place one or more of the following options will be taken:

- a. The timesheet will be resubmitted with the correct hours by the employee.
- b. The overpayment of wages will be returned by the employee.
- c. Discipline up to and including termination may occur.

## 5.5 Overtime

### 5.5.1 *Non-Exempt Employees*

1. Except as provided below, employees in positions designated as "non-exempt" will be eligible for overtime compensation as follows:

Employees will receive overtime compensation for hours worked in excess of eight hours in one day with the following exceptions:

- Employees who work more than eight, but not more than 10 hours in a day, will receive overtime compensation for hours worked in excess of 40 hours in one work week.
  - Employees who choose and are approved for a variable workday as provided in NRS 281.100(3)(b)(2) will receive overtime compensation for hours worked in excess of 40 hours in the workweek.
  - Employees whose hours are established by collective bargaining agreements will receive overtime accordingly.
  - Per NRS 281.100 and the Fair Labor Standard Act (FLSA), employees working as police officers, jailers, sheriff's deputies may work longer workweeks or workdays. Employers of police officers, jailers or sheriff's deputies may establish a work period of up to 171 hours within a 28-day period. For police, jailers, sheriff's deputies these work periods must be established as regularly occurring and by an affirmative statement by the Commissioners that such a work period is being established.
2. All overtime hours must be specifically authorized in advance by the employee's supervisor/manager. Overtime will be compensated at time and one half the employee's regular rate of pay. An employee's regular rate includes all payments made by the **employer** to the employee. Examples of payments to be included are: on-call pay, shift differential, hazard duty pay, and longevity pay. Paid overtime will be included in the same paycheck covering the pay period in which the overtime was reported and earned unless the correct overtime amount cannot be determined until after the regular pay period. Employees who earn overtime may, with the approval of the supervisor/manager, elect to receive compensatory time off in lieu of overtime pay. Compensatory time will be earned at the rate of one and one-half hours off for each

overtime hour worked. Employees who elect compensatory time off may accrue up to 120 hours. When an employee has exceeded the maximum number of hours specified, the excess hours will be paid out as overtime. Employees will be allowed to earn and use compensatory time in the same work week. Employees will be allowed to use compensatory time within a reasonable period of request unless it unduly disrupts the operations of **employer**. At any time, the **employer** may pay an employee for compensatory time earned and not used at his/her regular rate of pay, or schedule use at its discretion.

3. Time paid but not worked, such as sick leave, holidays, funeral leave, comp time and annual leave, will count toward hours worked for the purpose of computing overtime hours. If an employee uses leave and is called back to work the same day, the leave will be adjusted by the amount of hours the employee worked. Overtime will not be paid on the same day an employee uses leave.
4. Law enforcement personnel are governed by different overtime requirements. Refer to the Fair Labor Standards Act (FLSA). Public safety employees in the Sheriff's Office and casual employees may not accumulate any hours of compensatory time.

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

### ***5.5.2 Exempt Employees***

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

Consistent with the FLSA and NRS, employees in exempt positions are not required to be paid for overtime. The focal point is the job to be done, not the number of hours worked. However:

- a. 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 in order for exempt employees to complete their assigned work from time to time, it will be necessary that they work beyond the normal work days and business hours of the employer. If, however, an exempt employee is working well beyond a 40-hour work week on a regular recurring basis, the **employer** may examine staffing levels and the employee's work habits and procedures.
- b. The time off does not constitute additional compensation to exempt employees on an hour-for-hour basis for hours

worked in excess of 40 hours per week. Accordingly, exempt employees will not “accrue a balance” of additional leave hours.

Exempt employees utilizing intermittent leave under the Family Medical Leave Act (FMLA) may have their pay deducted, including from sick or annual leave balances, for partial day or hour-by-hour absences.

Employers that have a bona fide annual and sick leave policy may make deductions from pay in full day increments when an exempt employee does not qualify to use leave, does not have accrued leave, or chooses not to use paid leave and is absent from work for one or more full days. Deductions from sick or annual leave balances may be made in full day increments.

Deductions will also be made to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. The **employer** will pro rate an employee’s salary based upon the days worked during the initial and terminal pay period of employment.

Exempt employees will be reviewed annually for the purpose of an increase. This increase will be done at the same time for all exempt employees. A substandard review can have an effect on the yearly increase.

## 5.6 “Safe Harbor”

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

## 5.7 Rates of Pay

### 5.7.1 *Compensation Plan*

Each regular position will be assigned to a class and salary range in the compensation plan. Assignment to a salary range will be based on the relative level and complexity of the duties, responsibilities, and authority of the job. There are currently 30 steps in the **employer’s** salary scale per salary range. At the option of the Board of County Commissioners, the steps may be increased by using the same financial formula between steps. Each year the Board of County Commissioners may or may not set a change to the pay rates of every pay step in accordance with the budget and the financial health of the **employer**. The **employer** shall determine the salary ranges based on these considerations:

- a. Rates paid by the **employer** for comparable work;

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

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

In the Sheriff's Department the Undersheriff will be paid a percentage of the Sheriff's salary. The Undersheriff will receive ninety percent (90%) of the Sheriff's salary. These salaries are excluded from the regular cost of living and merit increases that are given to regular county employees.

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

#### ***5.7.2 Hiring Rate of Pay***

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

Anytime any advanced step hired position is vacated by resignation or otherwise, the starting salary for that unfilled position reverts back to the beginning step and range applicable for that position, and for any advanced step, the Department must follow the advanced step hiring process in the Eureka County Personnel Policy.

#### ***5.7.3 Advanced Step Hire***

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

- a. The applicant's qualifications indicate s/he will perform at a level commensurate with the requested step;
- b. Other applicants with similar qualifications not requiring an advanced level salary are unavailable;
- c. Funds are available in the hiring department's budget to pay the higher rate
- d. Advanced hire rate will not exceed the step commensurate with current employees of comparable education, experience and skill levels.

#### ***5.7.4 Salary on Promotion, Transfer, Demotion, Reclassification, and***

### ***Reallocation***

1. A regular employee who is promoted to a higher classification will move to that step in the range for the new class which provides a 5% pay increase, not to exceed the top step in the range for the new class. A promoted employee's salary shall not be less than the starting pay of the salary range for the new position.
2. Reclassification to a class with a higher salary range is treated as a promotion for salary purposes.
3. An employee who transfers to a position at the same salary range will retain their current range and step.
4. Employees who apply, interview or are offered a promotion or transfer will be provided the pay range for the new position upon request.
5. An employee who demotes to a position with a lower salary range will be placed at a step in the lower salary range which includes a 5% decrease from their current salary. If the employee's salary exceeds the top salary of the lower pay range the employee will be Y-Rated (see 5.13). Reclassification to a class with a lower salary range will be treated as a demotion for salary purposes.
6. The effective date for all promotions and demotions will be the beginning of the next pay period.
7. Reallocation of an existing class:
  - a. To a higher salary range is NOT a promotion. An employee in a class that is reallocated to a higher salary range shall be placed in the higher grade at a step closest to his/her current salary that does not provide a decrease, or step 1 of the new grade if the current salary does not fall within the grade range.
  - b. To a lower salary range shall be placed at the step closest to the employee's current salary that does not provide a decrease. If the employee's salary exceeds the top salary of the lower pay range the employee will be Y-Rated (see 5.12).

## **5.8 Special Pay Situations for Law Enforcement, Emergency Medical Service and Public Works**

### ***5.8.1 Holiday Pay for Law Enforcement and Emergency Medical Service***

1. If a holiday falls on a Sheriff's Office and Emergency Medical Service employee's day off, s/he shall receive up to 10 hours of holiday leave pay.
2. When the employee works on a holiday, s/he shall be paid time and one-half for each hour worked over the PERS full-time equivalent hours, plus the holiday leave for each holiday worked. (Example: Sherriff Office employee is scheduled to work twelve hours on the holiday. The employee will be paid for 10 hours of holiday leave plus any hours at time and one-half holiday pay over the PERS full time equivalent hours.)



### **5.8.2 Call-Back Pay**

1. Call-back pay defined: Any time that the employee is called back to work on an unscheduled basis (e.g. called back to work without having been notified before completion of his/her last normal working day). PERS rules on callback pay will be applied based on PERS hire date.
2. Minimum call-back pay: An employee called to work who works any portion up to 29 minutes, shall receive pay for one hour. If an employee works 30 minutes or beyond this minimum period, s/he will receive at least two hours pay. For payment purposes, time will start when the employee is contacted by phone, radio or in person. The one (1) hour and two (2) hour minimum payment will be calculated at straight time or overtime pay, whichever is applicable.

### **5.8.3 Shift Differential**

For purposes of this section the shifts are described as follows:

- a. First Shift (Graveyard): Any shift whose major portion of the scheduled work hours is between the hours of midnight and 8 a.m.
- b. Second Shift (Day): Any shift whose major portion of the scheduled work hours is between the hours of 8 a.m. and 4 p.m.
- c. Third Shift (Swing): Any shift whose major portion of scheduled work hours is between the hours of 4 p.m. and midnight.

Shift differential shall be defined as time worked on any shift other than second shift. For each hour, or major fraction thereof, each employee performing shift work shall be paid at the rate of an additional \$.50 for first shift and an additional \$.25 for third shift for all regular hours worked. Shift differential is not paid on any overtime hours.

### **5.8.4 Stand-By Time**

Stand-by time is that time designated by the shift supervisor. Stand-by time is normally four hours immediately following the employee's shift or four hours prior to the employee's shift. Stand-by time will be paid in the amount of \$2.00 per hour, to compensate employees for being readily available for work.

1. Requirements:
  - a. An employee is in stand-by status when s/he is:
    - i. Directed to remain available for work during specified hours;
    - ii. Prepared to work if the need arises, although the need for him/her to work may not arise;
    - iii. Able to report for work within 15 minutes;
    - iv. Directed by his/her supervisor to carry a paging device or cell phone or provide a telephone number where s/he may be contacted; and allowed to use the

time s/he is waiting for notification to work for personal pursuits.

- v. Each employee who agrees to serve on stand-by shall sign a statement agreeing to the requirements for stand-by status.
- b. When an employee returns to work after receiving notice to report to work, s/he ceases to be on stand-by status and qualifies for straight time or overtime pay, whichever is applicable, for actual time worked. Upon completion of work, s/he returns to stand-by status for the remainder of the time s/he has been directed to be in stand-by status.

#### ***5.8.5 Field Training Officer (FTO) and Communications Training Officer (CTO) Pay***

Field Training Officer and Communications Training Officer pay will be paid for that time designated by the shift supervisor that a Sheriff's Office employee is working or has worked as a FTO or CTO, and is set at an additional 5% of base rate, calculated on a pay per hour basis. FTO or CTO pay is not paid on any overtime hours.

#### ***5.8.6 Remote Station Duty Pay for Law Enforcement***

Remote station duty pay will be paid to employees permanently stationed and residing in the North end of Eureka County who perform law enforcement duties. Employees will be paid \$161.54 bi-weekly for the preceding payroll . The remote station duty amount will not exceed \$161.54 per paycheck and shall be pro-rated based on the start date and end date of employment with the **employer**. Only persons employed by the **employer** and stationed in the North end on or before June 30, 2020, are eligible for this benefit.

### **5.9 Step Increases**

#### ***5.9.1 Step Advancements Authorized***

1. An employee who is currently not paid at the top step of the salary range for his/her class is normally eligible for a step advancement on his/her **anniversary date**. Raises in salary resulting from step advancements are based on satisfactory performance, and are not automatic. Step advancement will range from none to one. A step advancement may be granted only upon a finding by the **employer** that the employee meets all of the performance requirements of the position and complies with all of the **employer's** rules, regulations, and policies. An employee who is evaluated with an average score of two or less will not receive an increase, an average score of 2.1 to a maximum of 3 will be eligible for a step advancement and shall move to the next higher step within the range. All evaluations will be reviewed by Human Resources before being presented to the employee. When the review is completed it will be filed in the employee's personnel file.
2. Except when Y-rated, an employee will not be paid a regular rate of pay above the top step of the salary range for his/her classification.

3. Step adjustments may be made to a supervisor to maintain an appropriate differential, not to exceed two steps, between the base rate of pay of a supervisor and the base rate of pay of an employee who is in the direct line of authority of the supervisor. An adjustment may be granted pursuant to this provision if, before the adjustment, the base rate of pay of the employee is the same or greater than the base rate of pay of the supervisor.
4. Salary step advancements are administered by the supervisor/manager, subject to the confirmation of Human Resources that there is adequate documentation that all requirements have been met and that there has been a performance evaluation form properly completed and signed by both the supervisor and employee.
5. An updated payroll status change form must be submitted to the Comptroller's Office by the employee's anniversary date for any increase or decrease to the employee's pay.

#### ***5.9.2 Anniversary Date/Step Advancement***

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

### **5.10 Withholding of Step Advancements**

#### ***5.10.1 Job Performance***

When the **employer** has determined that the job performance of an employee is less than satisfactory, the step advancement shall be withheld. The employee's introductory period may be extended up to six months. The employee's performance shall be documented and a copy of the documentation provided to the employee. An action plan to improve must be prepared by the manager and employee when there is a less than satisfactory job performance.

#### ***5.10.2 Unpaid Leaves of Absence***

An employee's eligibility for consideration for step advancement shall be delayed by temporary layoffs or unpaid leaves of absence in excess of 30 working days during the 12-month period following the employee's last step advancement. The employee's anniversary date shall be adjusted by the total number of days of unpaid leave.

#### ***5.10.3 Granting of Withheld Advancements***

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

for step advancement on the next anniversary date.

#### **5.11 Flat Rate Salaries**

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

#### **5.12 Casual/Temporary/Seasonal Worker Compensation**

##### ***5.12.1 Rates of Pay***

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

The **employer** may choose to adjust the rates of pay annually consistent with general salary increases granted regular employees.

##### ***5.12.2 Step Advancements***

On their anniversary date, the **employer** may advance casual/temporary/seasonal workers to the next step in the approved pay range for the work assigned. The **employer** shall consider the qualifications and performance of the worker, the length of time the casual/temporary/seasonal worker has been assigned to the work, the rates paid to regular employees assigned similar work, and the funds available when determining whether to grant a step advancement.

##### ***5.12.3 Implementing Pay Increases***

To authorize a pay increase, the supervisor/manager will certify that a casual hire's performance is acceptable and request the increase in a job evaluation to Human Resources. All pay increase are effective the beginning of the next pay period following the anniversary date.

#### **5.13 Y-Rate**

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

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

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

#### **5.14 Work Out-of-Class**

#### **5.14.1 Policy**

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

#### **5.14.2 Assignments**

1. Employees may be temporarily assigned the duties and responsibilities of a budgeted, higher level position provided the position is currently vacant, **or** the employee normally filling the position is on authorized leave, **or** has been temporarily relieved of all regular duties to complete a special project approved by the **employer**, **or** because of temporarily increased workload requirements.
2. The same employee shall not be assigned to the higher level duties for more than six consecutive months unless specifically approved by the supervisor/manager, who may extend the assignment for not more than an additional six months.
3. Once the employee working out-of-class returns to their regularly assigned duties they shall move back to the step and range previously assigned to them prior to the working-out-of class assignment.
4. If an employee working out-of-class is formally promoted to the higher- level position, they shall not receive an additional 5% pay increase.

#### **5.14.3 Employee Eligibility**

1. Employees must be formally assigned and actually performing the duties of the higher job class.
2. The salary range for the higher paid class must be at least 5% above the range for the employee's current job class.
3. Beginning on the 7th consecutive workday of performing the duties of the higher-level position, employees will be paid at a rate 5% above their current rate of pay, or at the entry rate of the higher job class, whichever is greater, but not to exceed the top step of the higher classification.
4. The provisions of this section shall not be used to authorize additional pay to: provide additional compensation pending action on a request for reclassification of a position or approval of a recommendation to reclassify a position; or to reward employees neither for outstanding service, employees in an introductory period, nor for any purpose other than those stated.

### **5.15 Longevity Pay**

This plan is to encourage continuity of service and is established for employees with three continuous years as a member of the Public Employee's Retirement

System as an employee of the employer. Service credit time with any other employer does not count towards the employer's longevity pay.

***5.15.1 Longevity Pay Calculation***

The longevity pay will be calculated at 1% per annum of his/her base salary, not to exceed 30% in addition to any grade and/or step increases to which the employee may be entitled. The longevity rate will be calculated once per year on the pay period following the anniversary of the employee's hiring date and paid bi-weekly. The calculation will be based on 1% of each individual year of the employee's wage and then added together to attain the total longevity rate. Longevity pay will no longer increase after 30 years of continuous employment with Eureka County. Longevity pay is not paid on any overtime hours. Elected Officials will earn longevity pay based on guidelines listed in NRS 245.

***5.15.2 Part-Time Employees Prorated Calculation***

For qualifying part-time employees, the longevity rate will be prorated at the end of three continuous years. The longevity for part-time employees will be prorated to full-time employment based on 2080 hours per year.

***5.15.3 Continuous Service Credit***

Continuous service credit time will not be broken due to involuntary layoff, approved personal, family or medical leave, or approved military leave. Any other break of service will nullify any longevity pay benefits until an employee earns the proper service credit time again.

# LEAVE PLANS

## 6.1 Holidays

### 6.1.1 *Holidays Designated*

The following holidays are recognized by the **employer**:

New Year's Day – January 1

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

President's Day – Third Monday in February

Memorial Day – Last Monday in May

Juneteenth – June 19

Independence Day – July 4

Labor Day – First Monday in September

Nevada Day – Last Friday in October

Veterans Day – November 11

Thanksgiving Day – Fourth Thursday in November

Family Day – Friday following the fourth Thursday in November

Christmas Day – December 25

Any day declared a legal holiday by the President of the United States may be observed. The **employer** will observe a holiday, which occurs on a Saturday or a Sunday, on the day before or after the holiday.

Except as otherwise provided by NRS 293.560 and 293C.527, all state, county and city offices, courts, public schools and the Nevada System of Higher Education must close on the legal holidays enumerated in the above section unless in the case of appointed holidays all or a part thereof are specifically exempted.

### 6.1.2 *Holiday Pay*

1. Recognized holidays are typically non-work days. Each regular employee in a full-time, non-exempt position who is on paid status on his/her regularly scheduled work day before and after a holiday will be paid eight hours of pay at his/her rate of pay for each recognized holiday. In addition to the eight hours of regular pay, every non-exempt employee scheduled for eight hours of work, will receive an additional two hours of holiday time that must be taken within 30 calendar days of the holiday. These two hours must be taken as time off and scheduled and approved by the manager/supervisor. Employees in regular part-time, non-exempt positions, who are on paid status on the day before and after a holiday will be paid pro-rated hours for each recognized holiday at his/her rate of pay based on their normal work schedule. Holiday pay that is pro-rated will be based on hours that are budgeted for each position. This is determined by the number of hours approved in the final budget. Casual, seasonal, temporary

employees will not be paid unless they work on the holiday, in which case it will be paid at their overtime rate.

2. Employees who work a 4/10 schedule, as stated in Section 5.5.1., receive ten hours of holiday pay. An adjusted work schedule must be approved in advance.

### **6.1.3 Weekend Holidays**

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

### **6.1.4 Work on Holidays**

Non-exempt, regular, full time employees who work on a designated holiday shall be paid for the holiday leave plus one and one-half times their regular rate of pay for any time worked over the PERS full-time equivalent hours.

## **6.2 Annual Leave**

### **6.2.1 Annual Leave Accrual**

1. All full-time employees will earn annual leave beginning from their initial date of hire as follows (Part-time employees who regularly work 20 hours or more per week will earn annual leave on a pro-rata basis): On the first day of the pay period following the completion of working the equivalent of 180 calendar days of continuous county service, all appointed officers and regular employees, who are employed full time, shall be allowed 60 hours credit for annual leave. Thereafter, for each calendar month of service the employees shall be allowed 10 hours of annual leave; the employees who have completed 10 years of total county service shall be allowed 12 hours of annual leave; the employees who have completed 15 years of county service shall be allowed 14 hours of annual leave. For the purpose of computing credit for annual leave, each employee shall be considered to work not more than 40 hours each week.
2. Except as noted, all accrual rates are expressed in terms of fractions of an hour earned for each regularly scheduled hour worked or on paid leave. Annual leave is not accrued for any other hours.
3. Annual leave is earned and credited to the employee twice a month. The amount of annual leave accrual is based upon years of service adjusted, as specified, for leaves of absence without pay. Eligible employment includes all paid time in a regularly budgeted full or part time position.

### **6.2.2 Eligibility Maximum Accrual**



Accrued annual leave may not exceed 240 hours on June 30 of each year.

### **6.2.3 Use of Annual Leave**

Annual leave is provided to employees for the purpose of rest and relaxation from their duties and for attending to personal business. Employees may not use annual leave before it is accrued. Employees shall provide at least 15 days' notice when requesting annual leave in excess of three days requested off. In emergency situations the 15 days' notice will be waived. Annual leave may be requested in writing with a leave request form if required by the supervisor. Regular part-time employees will use leave based on their scheduled work hours. Employees will also be required to use annual leave concurrently with FMLA leave.

### **6.2.4 Annual Leave Pay at Termination**

Upon termination, an employee will be paid for all accrued annual leave at the employee's last regular rate of pay up to 240 hours. For all eligible employees, the pay will be based on the employee and employer PERS (E & E) rate.

## **6.3 Sick Leave**

### **6.3.1 Policy**

#### **1. Accrual**

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

- a. All regular full-time employees will earn sick leave beginning from their initial date of hire as follows: On the first day of the pay period following the completion of working the equivalent of 180 calendar days of continuous County service, all appointed officers and regular employees, who are employed full-time, shall be allowed 60 hours credit for sick leave. Thereafter, for each calendar month of service the employee works, he/she shall be allowed 10 hours of sick leave. Sick leave is not accrued for any other hours.
- b. Sick leave hours are earned and credited to the employee twice a month.
- c. Regular part-time employees who regularly work 20 hours or more per week will earn sick leave on a pro-rata basis. Regular part-time employees will use leave based on their scheduled work hours.

#### **2. Catastrophic Leave Program**

Employer recognizes employees may have a family medical emergency or be affected by a major disaster, resulting in a need for additional time off in excess of their available paid leave time (sick, annual, and/or compensatory time off). To address this need, all eligible employees will be allowed to donate (sick or annual) leave from their unused balance to the Catastrophic Leave Program to assist

employees in need of paid leave in accordance with this policy. This policy is strictly voluntary and complies with US Tax Code.

- Eligibility

Employees must have worked for the employer in a full- or part-time regular position for a minimum of six months and successfully passed the introductory period to be eligible to donate and/or receive donated leave from the Catastrophic Leave Program.

- Guidelines

Employees who would like to make a request to receive donated leave from the Catastrophic Leave Program must have a situation that meets the following criteria:

*Medical emergency:* A medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty or the employee needs additional time off for bereavement in the event of the death of a parent, spouse, or child, and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child, or parent.

*Major disaster:* A disaster declared by the president under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by the president pursuant to 5 U.S.C. §6391 for federal government agencies. An employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee or to a family member of the employee that requires the employee to be absent from work.

- Donation of Paid Leave

- a. Any employee with over 120 hours of sick leave may donate up to 20 sick leave hours per year (provided the employee retains at least 120 hours for their own use) to a catastrophic leave program to be administered by the Comptroller's Office upon application by employees in need of additional sick leave hours. Additional donations beyond the 20 hours per year may be granted through action by the Commissioners.
- b. Employees must exhaust their accumulated sick, annual, and compensatory leave time to be eligible. Catastrophic leave program hours may only be applied to leave actually taken.
- c. The maximum amount of time an employee may draw from the individual catastrophic leave donations is 120 hours per event. Additional time may be granted through action by the Commissioners.
- d. When sick leave is donated it is to be converted to current dollars based upon the current rate of pay of the donator. When sick leave is withdrawn, it will be based upon the current rate of pay of the recipient.

- e. All requests and donations for sick leave from the catastrophic leave program must be confirmed by Human Resources after approval for the time off by the manager/supervisor.
- f. Donated Catastrophic Leave Program hours will be discontinued:
  - If the leave recipient separates from employer employment.
  - If the leave recipient, or the family member, no longer suffers from the emergency medical condition or major disaster for which the Catastrophic Leave Program hours were provided.
  - Fraudulent use of the Catastrophic Leave Program will result in immediate discontinuation of Catastrophic Leave benefits and may lead to disciplinary action, up to and including termination.

The recipient will be notified in writing whenever the donated Catastrophic Leave Program leave will be or has been terminated or rescinded. Adjustments will be made to the recipient's compensation and leave records, as appropriate, for any period during which the Leave Donation Program leave has been terminated or rescinded.

### 3. Use of Sick Leave

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

- a. His/her own physical illness or injury.
- b. His/her own exposure to contagious diseases or when attendance at work is prevented by public health requirements.
- c. The need to provide medical care for an ill or injured dependent or relative within the second degree of consanguinity, legal guardianship or affinity. Medical care includes accompanying a dependent or relative within the second degree of consanguinity, legal guardianship or affinity to medical appointments.
- d. Medical or dental appointments for the employee; provided that the employee makes a reasonable effort to schedule such appointments at times which have the least interference with the work day.
- e. Any disability.

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

Employees will also be required to use sick leave concurrently with FMLA leave.

4. Abuse of Sick Leave

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

5. Illness During Annual Leave

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

6. Placing an Employee on Sick Leave

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

7. Return to Work

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

8. Sick Leave at Separation

Upon separation from employment due to resignation, retirement, disability, or death, or continuation as an elected official serving in Eureka County, an eligible employee shall receive a one-time recognition payment based upon the amount of unused sick leave remaining in the employee's sick leave account. The amount to be paid out is equal to 75% of the employee's sick leave hours paid at their PERS employee/employer hourly wage, provided that the employee has at least five years of service. Years of service as an elected official shall be counted, but no additional sick leave accrues while serving. If the separation is due to the death of the employee, the compensation due will be paid to the beneficiary(s) designated in the PERS system by the employee.

**6.3.2 Procedure**

1. Leave Approval

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

2. Notification

Any employee who is ill or unable to report to work for any reason shall notify his/her immediate supervisor no later than 15 minutes before or following the employee's normal work reporting time. In the event of a continuing illness, the employee shall continue to notify his/her immediate supervisor daily or at appropriate intervals agreed on by the supervisor of his/her condition. The **employer** may deny sick leave requests which are not in compliance with this policy. Failure to call in at the proper times can be considered a no call no show which can result in discipline up to and including termination.

### 3. Health Care Provider's Certification

The **employer** shall require an employee who has been absent for more than three days in a pay period to provide a health care provider's certification or appropriate documentation (appropriate documents include proof of a health care visit on the applicable date or dates) that the illness/injury incapacitated the employee from performing his/her duties, was necessary for the employee to make full and timely recovery, or was appropriate to avoid the spread of a contagious disease. The certification will also verify the employee's fitness for return to work. Whenever an employee qualifies for FMLA leave, the employee is required to submit to the **employer** the "Certification of Health Care Provider" form referenced in the FMLA policy.

## 6.4 Family and Medical Leave

### 6.4.1 Policy

Public employers are covered under the Family and Medical Leave Act (FMLA), and will comply with the requirements of the FMLA and advise employees if they meet all the FMLA eligibility requirements. **Employer** must provide employees *Form WHD-381 Employee Rights and Responsibilities Under the Family and Medical Leave Act* and are also required to post and keep posted this notice in a conspicuous place that can readily be seen by employees and applicants alike, even if no employees are eligible.

#### 1. Eligibility

Employees who have been employed by the **employer** for a total of 12 months and worked for the **employer** at least 1,250 hours during the preceding 12-month period and are employed at a work site where 50 or more employees work for the **employer** within 75 surface miles of that work site are eligible for FMLA leave. When the 1,250 hours are calculated, the hours an employee was on leave, even if that leave was paid, do not count toward the 1,250 hours worked. However, an employee who has a military service obligation must be credited with the hours of service that would have been performed, but for the period of military service. The required 12 months of employment does not have to be consecutive. There may be a break in service as long as it does not exceed seven years. There is an exception to the seven-year condition for USERRA-covered military service or written agreements. All employees meeting the above qualifications qualify for FMLA, regardless of their seasonal, temporary, etc., status.

## 2. Compensation During Leave

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

## 3. Intermittent or Reduced Schedule Leave

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

### **6.4.2 Duration of and Reasons for Leave**

#### 1. Duration of Leave

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

#### 2. Reasons for Leave

FMLA may be granted for the following reasons:

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

### 3. Conditions for Leave

#### a. Serious Health Condition

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

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

#### b. Exigency Leave:

- Short-term notice deployment (deployment in seven or less calendar days)
- Military events and activities
- Childcare and school activities
- Family support or assistance programs
- Financial and legal arrangements
- Counseling
- Servicemember's rest and recuperation leave (limited to 15 calendar days for each instance)
- Post-deployment activities
- Parental leave for the spouse, son, daughter, or parent of a

military member to care for the military member's parent who is incapable of self-care. The leave may be used for arranging for alternate care, providing care, admitting or transferring the patient to a care facility, or attending a meeting with care facility staff.

- Additional activities arising out of active duty that the **employer** and employee agree upon.

c. Covered Active Duty:

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

4. Limitation of Leave

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

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

**6.4.3 Military Caregiver Leave**

1. Policy

An eligible employee, as defined in 6.3.1.1. above, may be granted a total of 26 weeks of unpaid FMLA leave (which can run concurrent with paid leave) during a 12-month period to provide caregiver leave for a seriously ill or injured covered servicemember or veteran who is the employee's spouse, son, daughter, parent, or next of kin. This period is always measured forward from the date an employee takes FMLA leave to care for the covered servicemember or veteran and ends 12 months after that date.

2. Limitations of Leave

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



#### 6.4.4 Notice of Leave

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

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

#### 6.4.5 Certification of Leave

##### 1. Certification Forms

###### a. Serious health condition

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

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

###### b. Exigency leave

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

military member is on covered active duty or call to covered active duty status.

c. Caregiver leave

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

2. Incomplete or Insufficient Certification (cure period)

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

3. Clarification or Authentication of Certification

**Employer** may contact the employee's health care provider for the purpose of clarification or authentication after giving the employee an opportunity to clarify specific discrepancies. Only the Human Resources, Comptroller's Office and/or the District Attorney may contact the health care provider.

4. Second or Third Opinions

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

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

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

## 5. Recertification

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

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

Re-certifications are not permitted for leave to care for a covered servicemember.

## 6. Annual Medical Certification

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

### 6.4.6 *Designation Notice*

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

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

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

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

### 6.4.7 *Benefits Coverage During Leave*

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

If the employee fails to return to work after the expiration of the FMLA leave, the employee may be required to reimburse the **employer** for payment of health insurance premiums during the leave, unless the reason

the employee cannot return is due to circumstances beyond the employee's control. The definition of "beyond the employee's control" includes a large variety of situations such as: the employee being subject to layoff; continuation, recurrence, or the onset of an FMLA-qualifying event; or the employee's spouse's unexpected worksite relocation of more than 75 miles from the current worksite.

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

#### **6.4.8 Outside Employment**

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

#### **6.4.9 Periodic Reporting**

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

#### **6.4.10 Change in Duration of Leave**

##### **1. Return Prior to Expiration**

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

##### **2. Request an Extension of Leave**

An employee who requests an extension of FMLA leave due to the continuation of a qualifying exigency, care for servicemember, continuation, recurrence, or onset of his/her own serious health condition, or of the serious health condition of the employee's spouse, child, or parent, must submit a request for an extension, in writing, to the **employer**. This written request should be made as soon as the employee realizes that s/he will not be able to return at the expiration of the leave period. Any additional time requested beyond the FMLA 12-week period (or 26-week period for caregiver leave) will not be

considered as FMLA. Rather, such time, if approved by the **employer**, will be characterized as either paid or unpaid leave, thereby ending the **employer's** reinstatement obligations.

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

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

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

#### ***6.4.11 Failure to Return from Leave***

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

#### ***6.4.12 Abuse of FMLA***

An employee who fraudulently obtains FMLA leave from **employer** is not protected by the FMLA's job restoration or maintenance of health benefits provisions. In addition, **employer** may take all appropriate disciplinary action against such employee due to such fraud.

### **6.5 Leave of Absence Without Pay**

#### ***6.5.1 Policy***

The **employer** may approve leaves of absence without pay for up to six months. Leaves of absence may be granted for exceptional circumstances and conditions, such as education or prolonged illness, when the approval of such leave is consistent with the **employer'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 months at the sole discretion of the

**employer.** Exceptions for leave beyond six months may be provided as required by law. The **employer** will require the use of all accrued paid leave prior to granting leave without pay.

### **6.5.2 Procedure**

#### 1. Approval – Less Than 30 Days

Leaves of absence without pay not exceeding 30 days may be granted by the department head and confirmed by Human Resources with substantiating documentation.

#### 2. Approval – More Than 30 Days

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

#### 3. Purpose

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

#### 4. Employer Termination of Leave

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

#### 5. Insurance

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

#### 6. Return from Leave

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

#### 7. Introductory Period

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

## 8. Medical Reason for Leave

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

## 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 60 days during any 12-month period. (See special provisions for Military Leave in Sections 6.8 and 6.9 below.)

## 10. Benefit Accrual

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

## 11. Outside Employment

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

## 6.6 Court Leave

### 6.6.1 Policy

The **employer** will grant court leave to allow employees to serve as juror or a witness in a court proceeding provided the employee is not a party to the action. Employees shall provide their supervisors with relevant documents verifying the need for court leave as soon as the need becomes known.

### 6.6.2 Compensation

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

1. The employee's base rate of pay shall be limited to compensation for court and travel time which occurs during the employee's regularly scheduled hours of work. Court leave will not result in payment of overtime or be considered as hours worked for purposes of determining eligibility for overtime, unless the court leave is related to the employee's job responsibilities.
2. Upon completion of jury/court/witness service for which the employee received his/her regular pay, the employee will immediately forward any compensation received from the court or other party to the

**employer** upon receipt. Reimbursements received for out-of-pocket expenses such as meals, mileage, and lodging may be kept by employees, unless the **employer** has reimbursed the employee for such expenses or such expenses were paid by the **employer**.

3. An employee shall not receive pay for the work time missed if s/he is required to miss work because of court appearances in a matter to which the employee is a party or to serve as a witness for a party who has filed an action against the **employer**. However, the employee may choose to use his/her annual leave.

### **6.6.3 Late Start/Early Release**

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

## **6.7 Bereavement Leave**

A full-time employee who must be absent from work to attend the funeral of a family member who is within the third degree of consanguinity or affinity may use up to a maximum of 24 hours of bereavement leave per calendar year, a part-time employee may use up to a maximum of 15 hours of bereavement leave per calendar year. Bereavement leave longer than three days may be charged to accumulated sick leave, up to a maximum of 5 additional days per calendar year, with the advance approval of the **employer**. Supervisors or managers may require evidence of attendance at the funeral. Casual, seasonal, temporary employees are not eligible for bereavement leave.

## **6.8 Military Leave under Federal Law**

### **6.8.1 Policy**

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

### **6.8.2 Notice and Notification**

1. The **employer** must provide employees with notice of their rights under the Uniformed Services Employment and Reemployment Rights Act



(USERRA). This requirement may be met by posting the notice where the **employer** customarily places notices for employees.

2. The **employer** may require written (orders) or verbal notice of service obligation, but must waive the requirement if notice is impossible or unreasonable.

### 6.8.3 *Salary and Benefits*

#### 1. Leave Without Pay

- a. The **employer** will treat the employee the same as any other employee on leave without pay.
- b. The employee may choose to use annual leave and compensatory time off, if any, before going on leave without pay.

#### 2. Health Insurance

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

#### 3. Seniority

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

#### 4. Retirement

Time served will be counted as work time for purposes of retirement. The **employer** must make contribution payments to the retirement plan as if the employee had not left, provided the employee returns to work.

The **employer** contribution will be based on the rate of pay the employee would have been paid had s/he not been called to military service (e.g., a grade-and-step pay system). An exception to this requirement is when the higher pay is based on additional knowledge, skill, or ability that can only be gained by work experience.

5. Death or Disability

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

6. Other Leave

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

**6.8.4 Reemployment**

1. An employee has certain report-to-work obligations following military service. Eligible returning service members must be promptly reemployed, which in most cases means within two weeks of reporting. The employee's report-to-work obligations are:

- a. Service of one to 30 days: The beginning of the next regularly-scheduled work period on the first full day following completion of service, and expiration of an eight-hour rest period following safe transportation home.
- b. Service of 31 to 180 days: Application for reinstatement must be submitted not later than 14 days after completion of military duty.
- c. Service of 181 or more days: Application for reinstatement must be submitted not later than 90 days after completion of military duty.
- d. The deadline for reinstatement may be extended for up to two years for persons who are convalescing due to a disability incurred or aggravated during military service, and the **employer** must make reasonable accommodations for the disability.

2. Reemployment rights apply to veterans whose cumulative period of uniformed service does not exceed five years while employed by the same **employer**. Time spent in National Guard and reservist training does not count towards the five-year period.

**6.8.5 Discharge**

If time served is greater than 30 days, but less than 181 days, an employee may not be discharged within 180 days of reemployment, except for just cause. If time served is greater than 180 days, an employee may not be discharged for one year, except for just cause.

**6.9 Military Leave under Nevada Statute**

### **6.9.1 Policy**

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

### **6.9.2 Procedure**

1. Upon employee's or public officer's request, **employer** must relieve employee or public officer of duties with pay to serve under orders for training or deployment for a period of not more than the number of hours equivalent to 15 working days in a 12 month period.
2. The **employer** is not required to pay the public officer's or employee's salary after 15 working days (or hours equivalent).
3. Public officer's or employee's accrued vacation time may not be deducted during the leave. If public officer or employee requests additional time beyond 15 working days, public officer or employee may choose to use annual leave and compensatory time off, if any, before going on leave without pay. The employer will treat the public officer or employee the same as any other employee on leave without pay.
4. The 12-month period designated by **employer** in number 1 above is January 1 to December 31.

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

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

## **6.10 Emergency Conditions/Disaster Leave**

### **6.10.1 Emergency Volunteer Service**

An employee who is a participant in any volunteer emergency service (e.g., fire protection, ambulance service, or search and rescue) shall not schedule him/herself for on-call duty during work hours. In the event an employee is required to respond to an emergency during normal working hours, s/he shall remain in full employment status and shall receive total regular compensation while performing the volunteer service for the period that s/he would have been working for the **employer**.

### **6.10.2 Emergency Road Conditions**

1. Any non-exempt employee who is unable to report to work due to road closures or hazardous road conditions caused by ice, snow, floodwaters, washouts, or slides shall not receive regular salary. Employees are advised to use their best judgment in making a decision of whether or not to report to work under such conditions. Should an employee decide to remain at his/her residence, all reasonable attempts should be

made to notify his/her immediate supervisor. Any employee wishing to receive payment for time missed due to hazardous road conditions may do so by using either accrued annual leave or accrued compensatory time.

2. Any non-exempt employee who reports to work late due to road closures or hazardous road conditions will be compensated only for the actual hours worked. In the event the employee wishes to receive a full day's pay, s/he may use annual leave or accrued compensatory 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 **employer** on the basis of documentation or confirmation of the hazardous conditions by either a law enforcement agency or the appropriate public works agency having jurisdiction over the roadways in question.

### ***6.10.3 Disaster Area Declaration***

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

## **6.11 Leave for Parents of Children Enrolled in School**

### ***6.11.1 Policy***

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

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

The time for the leave must be mutually agreed upon by the employee and the **employer**. The employee must request the leave in writing at least five

school days prior to the date on which the leave is to be taken. The employee may also be required to furnish documentation demonstrating that s/he was present at the school activity for which the leave was provided.

#### ***6.11.2 Prohibition Against Retaliation***

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

### **6.12 Leave for Nursing Mothers**

#### ***6.12.1 Policy***

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

If complying with this policy will cause an undue hardship for the employer considering the size, financial resources, nature, and structure of the public body, the employer may meet with the employee to agree upon a reasonable alternative

#### ***6.12.2 Prohibition Against Retaliation***

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

# BENEFITS

## 7.1 Health Insurance Coverage

### 7.1.1 Eligibility

Eligible employees as defined in the group health insurance plan are eligible to enroll in an employer paid group health, dental, vision and life insurance plan effective the first of the month following 60 days of employment. Dependents of employees, as defined in the current plan document, are also eligible for coverage under the insurance plan at the rates identified in 7.1.4 below. Employees must authorize a payroll deduction of any share of the health coverage premium which is to be paid by the employee.

### 7.1.2 Benefits

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

### 7.1.3 Plan Changes

The **employer** will, from time to time, evaluate the health coverage plan that is offered and make adjustments as the **employer** deems necessary or appropriate in the level of coverage and the amount of premium cost to be paid by the **employer**. Affected employees will be notified of any plan changes.

### 7.1.4 Department Heads and Elected Officials

Elected Officials and Department Heads that report directly to the Board of County Commissioners will receive health insurance for themselves as well as their dependents paid by the employer.

### 7.1.5 Employee Costs for Health Insurance for Dependents

Employees will pay 30% of the health insurance premium for dependents.

## 7.2 Life Insurance Coverage

### 7.2.1 Eligibility

Eligible employees, as defined in the life insurance plan, are covered by an **employer**-paid term life insurance and accidental death and dismemberment insurance plan effective the first of the month following 60 days of employment.

### 7.2.2 Policy

The specific terms and conditions of coverage are specified in the plan document issued by the insurance company and are available from the Comptroller's Office.

### 7.2.3 Coverage

Eligible employees are covered by a life insurance policy in the amount of \$30,000, dependent life insurance is available on an employee-contribution basis.

### 7.3 Retirement

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

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

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

### 7.4 Health and Life Insurance Premium Subsidy for Retirees

The employer cost percentage may change when new premiums are reported and go into effect, and the employer plan subsidy may be modified to reflect the change. The following formula may be used to determine the subsidy for retirees enrolled in the employer plan:

The formula is based on a percentage of the amount established in the current year by the State for non-state retirees participating in PEBP. A minimum subsidy of \$150 per month currently applies to retirees who retired from the employer on or before July 1, 2004, with at least five years of service. Employees who retire after July 1, 2004 and enroll in the employer plan will receive a subsidy according to a chart available from and maintained at the Comptroller's Office. Years of service is determined by Eureka County employer service credit only, according to PERS service credit and calculated in the same manner as PEBP. A person with 20 or more years of service credit receives the employer plan subsidy for 20 years of service credit only. The employer may make reasonable efforts never to reduce or eliminate the subsidy amounts, unless financial circumstances dictate a reduction or elimination of the subsidy. Only retirees are eligible for this subsidy; not spouses or dependents.

Any premium subsidy shall be determined by the Board of County Commissioners as necessary or appropriate.

### 7.5 Retiree Health Insurance Premium Fund

#### 7.5.1 Policy

The retiree health insurance premium fund shall remain under the direct control of the Board of County Commissioners, who shall consider the direction provided by the Comptroller's Office for this fund and the benefits available from it, but the benefits payable from it are terminable at any time at the Board's discretion.

Benefits from the retiree health insurance premium fund are only available to persons currently receiving a subsidy and persons who retire into PERS directly from service with the Eureka County employer. Only persons employed by the employer on or before July 1, 2009, are eligible for this benefit. Persons employed after July 1, 2009, or who leave employment and then later return after July 1, 2009, will never be eligible for the retiree health insurance subsidy.

Retirees who have opted out of the County's Group Health Care Plan prior to July 1, 2019 and choose to reinstate into the County's Group Health Insurance Care Plan (pursuant to NRS 287.0205) will not be eligible for retiree health insurance subsidy.

### **7.5.2 Retiree Health Reimbursement Plan**

A Health Reimbursement Account (HRA) will be offered to retirees who opt to waive the County's group health care plan, medical care and meet either of the following criteria:

1. Option One:
  - Meet the subsidy eligibility requirements per criteria set forth in section 7.5.1; and
  - Are/or become Medicare eligible.
  
2. Option Two:
  - Meet the subsidy eligibility requirements per criteria set forth in section 7.5.1; and
  - Will be enrolled in their own individual health care coverage plan or enroll in another employer's sponsored health care coverage plan (not Eureka County's plan).

Retirees who meet one of these criteria will have the option to enroll in the HRA plan and still be subsidy eligible. The subsidy amount available to them through the HRA will be the same as the subsidy amount available to eligible retirees were they to remain on the County's Group Health Insurance Care Plan.

Subsidies from the HRA will be issued as reimbursements for premiums only related to the types of coverage outlined above.

To receive a reimbursement, retirees must provide proof of enrollment, cost, and/or payment annually to the Comptroller's office. Subsidy reimbursement amounts will not exceed eligibility criteria set forth in Section 7.4 of the Eureka County Personnel Policy, nor exceed the cost of a retiree's Medicare policies, regardless of the retiree's eligible subsidy amount.

Retirees enrolled in the HRA will have the option to keep the County's dental and/or vision plans.

The Retiree Health Reimbursement Plan shall remain under the direct control of the Board of County Commissioners, who shall consider the direction provided by the Comptroller's Office for this fund and the benefits available from it, but the benefits payable from it are terminable at the Board's discretion.

### **7.6 Retiree Health Insurance Premium Fund Buyout**

1. Persons eligible for the retiree health insurance subsidy may opt out of the subsidy and may receive a one-time purchase of retirement credit matched by the employee. Once a person opts out, they will never again be eligible for the retiree health insurance subsidy or retirement credit purchase. If the subsidy is eliminated by the Board, the purchase of retirement credit option will no longer be available. This buyout provision may be instituted, and may be eliminated, at any time by the Board.
  
2. The opt out purchase of retirement credit is based on years of continuous service with the employer and is only available to persons



who qualify for the retiree health insurance premium subsidy:

- a. An eligible employee with at least 10 years of continuous service is eligible for a half (.5) year match to equal one year of service credit.
- b. An employee with at least 15 years of continuous service is eligible for a three-quarter (.75) year match to equal one and one half years of service credit.
- c. An eligible employee with at least 20 years of continuous service is eligible for a one (1.0) year match to equal two years of service credit.
- d. An eligible employee with 25 years of continuous service or more is eligible for a one and one half (1.5) years match to equal three years of service credit.

## 7.7 Workers' Compensation

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

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

1. When an employee is eligible at the same time for benefits for temporary total disability under NRS 616A to 616D, inclusive, or NRS 617, and for any leave benefit s/he may have, by giving notice to the supervisor, manager or Human Resources, the employee may elect to continue to receive his/her normal salary instead of the benefits under those statutes until his/her accrued sick leave, comp time, annual leave, or approved catastrophic leave (if any), in this order, is exhausted. The **employer** will notify the Workers' Compensation Administrator of the election. The **employer** will continue to pay the employee his/her normal pay, but charge against the employee's accrued leave time as taken during the pay period an amount which represents the difference between his/her normal pay and the amount of any benefit for temporary total disability received, exclusive of reimbursement or payment of medical or hospital expenses under NRS 616A to 616D, inclusive, or NRS 617 for that pay period.
2. When the employee's accrued leave time is exhausted, payment of his/her normal pay under subsection 1 must be discontinued and the **employer** will promptly notify the Workers' Compensation Administrator so that it may begin paying the benefits to which the employee is entitled directly to the employee.
3. An employee who declines to make the election provided in subsection 1 may use all or any part of the leave benefit normally payable to

him/her while directly receiving benefits for temporary total disability under NRS 616A to 616D, inclusive, or NRS 617, but the amount of leave benefit paid to the employee for any pay period must not exceed the difference between his/her normal pay and the amount of any benefit received, exclusive of reimbursement or payment of medical or hospital expenses under those statutes for that pay period.

4. If the amount of the employee's leave benefit is reduced, pursuant to subsection 3, below the amount normally payable, the amount of leave time charged against the employee as taken during that pay period must be reduced in the same proportion.
5. An employee may decline to use any part of the leave benefit normally payable to him/her while receiving benefits under NRS 616A to 616D, inclusive, or NRS 617. During that period of time, the employee will be considered on leave of absence without pay.

## **7.8 Transitional Duty**

### ***7.8.1 Policy***

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

### ***7.8.2 Salary***

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

### ***7.8.3 Duration and Conditions of Transitional Duty***

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

## **7.9 Deferred Compensation**

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

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

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

Prior to retirement, participants may withdraw the balance of their deferred compensation account only upon termination of employment. In the event of an unforeseeable emergency, the employee may withdraw a portion of the account

needed to pay for the emergency. The IRS defines the conditions for and requires **employer** approval of early withdrawal on a hardship basis. The Comptroller's Office will review and approve all requests for early withdrawal.

**7.10 Exclusion of Benefits**

The **employer** may deny any post-employment benefits offered to its retirees or employees if the retiree or employee is involuntarily terminated for misconduct or convicted of any work related misconduct provided the law permits such denial.

## TRAVEL EXPENSES and PURCHASING CARDS

### 8.1 Policy

1. Employees and official representatives will be reimbursed for reasonable travel expenses which are required for the performance of their assigned duties and which are appropriately authorized. This policy is to ensure that transportation, lodging and meals for **employer** representatives on official business are obtained at the most economical cost.
2. To obtain reimbursement, employees and official representatives must submit an expense report on a proper claim form and substantiate the amounts claimed as required below. If an employee is being reimbursed for attending a meeting, class or conference which requires a registration form they shall attach the registration form to the expense report.
3. On the claim form the employees and official representatives shall write a summary of the purpose of the trip and the dates and time of departure, arrival and return. The claim form shall be approved by the employee's or official representative's department head or elected official. The request for payment of travel expenses shall correspond to the budgeted travel of the county office or department.
4. All out of state travel shall be approved in advance by the Board of County Commissioners, except for travel expenses of witnesses summoned from other states. Reimbursement for out of state travel not approved in advance by the Board of County Commissioners, except as set forth in this policy, may be denied. In certain instances the Sheriff may approve out of state travel due to time constraints (i.e., investigations or extraditions) without prior authorization of the Board of County Commissioners. When this occurs, the Sheriff must immediately inform the Board of County Commissioners of any out of state travel.
5. Reimbursement shall be made only for expenses actually incurred, paid, and authorized under this policy and procedure.

### 8.2 Allowances

#### 8.2.1 *Transportation*

Employer vehicles are provided primarily for business purposes. However, occasional personal use may be approved in writing in advance for well-considered exceptions. Such exceptions must be for incidental purposes along the route taken in conducting **employer** business. Transportation must be by the most economical means, considering total cost, time spent in transit, and availability of vehicles supplied by the **employer**. **Employer** vehicles will be made available to qualified county employee and appointed board members only. If the employee or official representative uses a personal vehicle, mileage will be reimbursed at the current and approved rate. The per-mile rate can be changed by the Board of County Commissioners at any time. If an employee or official representative 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. All such persons using an **employer** vehicle or reimbursed for mileage consent to the **employer's** investigation and review of their Department of Motor Vehicles records and license on a yearly basis.

Purchasing cards may be used for emergency towing and car repair expenses on **employer** owned vehicles. Purchasing cards may be used for the purchase of airline tickets for **employer** purposes only. It is prohibited to use any **employer** purchasing or fuel card for fueling a personal vehicle.

### **8.2.2 Lodging**

Moderate cost lodging should be pre-arranged at a location nearest to the meeting/training site as possible. Reimbursement will be based on the cost of a single room if available. **Employer** purchasing cards can be used to arrange and purchase lodging for **employer** purposes only. Regardless of the type of payment, a receipt is required for reimbursement of incurred lodging expenses. These receipts must be turned into the Comptroller's Office within 14 days of the end of the related trip and attached to the corresponding travel claim form.

If the employee or official representative chooses to stay at a more expensive lodging facility, representatives will be expected to pay the difference between a reasonable rate and the more expensive rate.

An employee or official representative attending conferences or meetings held at a specific hotel may stay at that hotel, even though more reasonable lodging may be available nearby. Such circumstances should be noted on the travel claim form.

### **8.2.3 Meals**

1. An employee or official representative is entitled to receive his/her meal expenses in the transaction of public business of the **employer**. The cost of meals shall be reimbursed at the current and approved rate. The meal allowances may be changed by the Board of County Commissioners at any time.
2. If the cost of meals purchased exceeds these allowances, the employee or official representative may apply to the Board of County Commissioners for a variance on the allowances by submitting such request with the original receipts and an explanation for the expenditures on the approved travel claim form.
3. Except as provided in item 6 below, an employee or official representative shall be entitled to reimbursement for the cost of breakfast only if s/he is required to leave his/her normal work location prior to 6:00 a.m., and return to such location after 10:00 a.m.
4. Except as provided in item 6 below, an employee or official representative shall be entitled to reimbursement for the cost of lunch only if s/he is required to leave his/her normal work location prior to 10:30 a.m., and return to such location after 2:30 p.m.
5. Except as provided in item 6 below, an employee or official

representative shall be entitled to reimbursement for the cost of dinner only if s/he is required to leave his/her normal work location prior to 4:00 p.m., and return to such location after 8:00 p.m.

6. No reimbursement shall be allowed for any meal which is provided or made available to an employee or official representative 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.
7. Meal expense may be paid by **employer** purchasing cards for official business meetings only but the expense limits are the same as above. No employee or official representative using **employer** purchasing cards for meal expenses will receive any other meal reimbursements. Meals paid with purchasing cards must include a receipt with the names of the individuals covered by the charge and an itemized detail of meals purchased.
8. There may be exceptions in the meals allowed for the start and finish times for the Sheriff's Office, Juvenile Probation and emergency medical technicians due to the unusual travel times that emergencies require.

#### **8.2.4 Other Expenses**

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

#### **8.2.5 Unallowable Expenses**

1. The **employer** 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 **employer**.
2. The **employer** discourages combining personal travel with business travel due to the public's perception regarding use of **employer** funds. Employees must clearly disclose any personal travel and/or annual leave to be taken in conjunction with **employer** travel. An employee's or county representative's family may accompany the employee on **employer** business, provided travel is not in an **employer** vehicle. The **employer** will not, however, pay any additional expenses so incurred.
3. All personal phone charges, video rentals, or other personal items must be paid by the employee or official representative.

### **8.3 Processing**

#### **8.3.1 Claims**

All claims with required receipts for travel expenses are to be submitted to the Comptroller's Office for approval by the Board of County Commissioners within 30 working days following the trip. Any claim submitted to the Comptroller's Office after 30 days following the trip will be denied unless the Board of County Commissioners grants a waiver.

## EMPLOYEE SEPARATION

### 9.1 Resignation

#### 9.1.1 Notice

Employees are requested to provide at least two weeks' notice, in writing, to their supervisor or manager of their intent to resign their employment. If the employee wishes to obtain letter(s) of recommendation, any request must be made prior to termination. At the sole discretion of the **employer**, an employee may not withdraw a verbal or written resignation prior to its effective date. An employee's failure to give appropriate notice when resigning may constitute cause for denying re-employment with the **employer**.

#### 9.1.2 Return of Employer Property

When resigning or being terminated, an employee must return all **employer** property including clothing, keys, credit/purchasing cards, employee ID, tools, equipment, radios, pagers, cellular phones and other items of value prior to the last day of employment. The **employer** shall define, implement and maintain processes and measures to handle termination of employees in a controlled manner including, but not limited to, notification of the last working day to appropriate departments, using checklists and other tools to terminate access to systems and information, return of access tokens, assets and information held by the employee. All computers in the possession of employees shall be returned to the IT Department. Access to information shall be revoked on a timely manner based upon the user's termination date. Department heads or supervisors shall notify the IT Department prior to employee separation and provide the separation date.

#### 9.1.3 Job Abandonment

The **employer** may consider employees who are absent from work without approved leave for a period of three consecutive work days to have abandoned their position and, thus, to have resigned. An employee who has completed his/her introductory period and contacts the employer within three workdays of the first absence may be provided an opportunity to explain his/her absences prior to employer finalizing the separation. The employer is required to follow due process procedures for termination if the employee has completed their introductory period.

#### 9.1.4 Final Paycheck

The **employer** shall issue a paycheck by the next payday following the effective date of resignation if sufficient notice was given by the employee and may issue a paycheck sooner when the employee resigns in good standing. Whenever an **employer** discharges an employee, the wages and compensation earned and unpaid at the time of such discharge shall become due and payable no later than the next business day.

### 9.2 Layoffs

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

application of this policy conflicts with a collective bargaining agreement that is in effect between a recognized employee organization and the **employer**, the provisions of the collective bargaining agreements shall govern.

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

The order of layoff among positions in the same class within a department will be as follows: employees serving in casual positions will be considered first, employees serving an introductory period will be considered second, and those working part time with benefits will be considered third, and then all other employees will be considered.

#### ***9.2.1 Alternatives to Layoff***

Whenever a layoff is anticipated, the **employer** will notify employees whose jobs may be affected by the situation and explain all available options to them. The **employer** will make reasonable efforts to integrate affected employees into other available positions. The **employer** may also utilize options in lieu of layoffs where feasible such as part-time work schedules, reduction in work hours, job sharing, or reductions in class or pay. Another alternative to layoffs would be employee furloughs. At the sole discretion of the Board of County Commissioners, they may use the option of mandating days off without pay or the opportunity of using any accrued sick or annual leave.

#### ***9.2.2 Transfer and Layoff***

A department head may, after giving 10 working days' notice, transfer an employee to another position in the same or comparable class for the purpose of providing continued services to the citizens of Eureka County or other appropriate cause. A transfer must not be made to harass or discipline an employee. An employee who is required to transfer to a geographical location more than thirty miles from their current work location, and who declines the transfer, has layoff rights as provided in this policy.

#### ***9.2.3 Order of Layoffs***

In deciding which employees shall be laid off and which retained, the **employer** shall consider the essential function to the general public, whether it is required by State or Federal law or safety related. In addition, job-related factors such as job knowledge, skill, and ability to do the required work; previous work experience, including ability to perform other jobs which the employee may be called upon to perform as a result of the layoff; attendance, safety, and disciplinary records; performance evaluations while with the **employer**; and efficiency of operations. Where two employees are equally qualified based on the application of these factors, the **employer** shall retain the employee with the most time served since the current hire date. Human Resources and the Board of County Commissioners must review all layoff actions prior to them taking place.

#### ***9.2.4 Designation of Employees to be Laid Off***

In the event of a layoff, the department head shall provide Human Resources with a list designating the class, position, and names of



employees to be laid off. The department head shall be responsible for providing the rationale for selecting particular employees within the same job class for layoff. Human Resources shall review the list for conformance to **employer** policy.

#### **9.2.5 Layoff Notice**

Upon confirmation of the layoff list, Human Resources shall provide each affected employee with a written notice of layoff. Such written notice of the layoff shall be hand-delivered or sent by certified mail, return receipt requested, to the current address on record or via email utilizing the read receipt function. Layoffs will be effective, and an employee who receives a layoff notice will no longer report to work, on the second workday of the next full month following receipt of the layoff notice. Each such employee shall receive a payment, less taxes and withholding, equivalent to the employee's pay as if she/he had worked the full month and not just one day following receipt of the layoff notice.

#### **9.2.6 Reinstatement**

Persons who have been laid off shall be placed on one or more reinstatement lists. All employees laid off from positions in the same class shall be placed on a single reinstatement list without regard to department. 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 occurs in the same job class for which a reinstatement list exists, the department head 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 considered for reinstatement first. The department head may select the most appropriately qualified employee based upon the same considerations described under *Order of Layoffs*. 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 additional introductory period, provided the required introductory period had been served 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 year from the date of layoff. Persons on this list who are hired in positions in the same or (should they apply for and be selected for a vacancy) higher class from which they were laid off shall, upon such hire, be removed from the reinstatement list. An employee who refuses reinstatement to the same class from which the layoff occurred shall be removed from the reinstatement list. Persons reinstated to a position in a lower class from which they were laid off or called to work as a casual worker shall remain on the reinstatement list for the designated period of time the reinstatement list is active. Persons who refuse reinstatement to a position in a lower class from which the layoff occurred shall remain on the reinstatement list for the designated period of time the reinstatement list is

active.

### **9.2.9** *Exit Interviews*

In all terminations, whether voluntary or involuntary, Human Resources will make available to the employee an exit interview. The purpose of these interviews is to find out what the **employer** can do to help its retention rate. An exit interview will not be done if the employee refuses to have it.

# PERFORMANCE MANAGEMENT

## 10.1 Statement

The employer's performance management system is designed to be a formal, objective, consistent, and ongoing process to assess the on-the-job effectiveness of each employee by communicating to the employee his/her status and the objectives and standards of performance which s/he is expected to achieve. The employer views performance management as an ongoing process that focuses on the future and continued improvement. Managers and supervisors are required to evaluate regular and casual employees who fall under their direction.

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

### *10.1.2 Ongoing Communication Regarding Performance*

It is the policy of the **employer** and the responsibility of each supervisor to routinely provide employees with accurate, constructive feedback regarding job performance expectations, accomplishments, deficiencies, and opportunities for growth. Recognizing that periodic formal performance evaluations cannot take the place of ongoing communication and feedback, the **employer** encourages frequent, ongoing discussions of job performance and expectations between employees and supervisors. Performance evaluations, whether formal or informal, do not create a contract or other right to continued employment.

### *10.1.3 Frequency of Performance Evaluations*

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

1. For new employees, no later than three (3) months after initial hire, at six (6) months after hire and at twelve (12) months after hire. Three and six month evaluations will not receive a step increase. Three (3) month evaluations are recommended but not required. Six (6) and twelve (12) month evaluations are required.
2. Six months following transfer to a new position within the same class.
3. When there is a significant change (either improvement or deterioration) in performance or behavior affecting the job.
4. Within three months following an evaluation documenting that the

employee's performance needs substantial improvement. (The **employer** encourages frequent, ongoing meetings between the employee and supervisor.)

5. At any other more frequent interval as the supervisor deems appropriate. In addition, informal performance communications (feedback) should occur routinely and regularly throughout an evaluation cycle.

#### ***10.1.4 Written Record***

Performance evaluations should not be considered as discipline. Formal evaluations will be in writing, utilizing the approved performance evaluation form. All information on the form shall be consistent with the information communicated verbally during the performance evaluation meeting with the employee. In addition to the performance evaluation form, a Eureka County Employee Review Information form will be supplied by Human Resources Office to assist the supervisor with the evaluation. Employees will be allowed an opportunity to comment on the evaluation, sign the forms, and receive a copy. A copy of the evaluation, along with any written comments by the employee, will be placed in the employee's personnel file.

#### ***10.1.5 Personnel Actions Resulting from Performance Evaluations***

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

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

#### ***10.1.6 Employee Involvement***

Supervisors will conduct evaluations in a private meeting with the employee. The **employer** strongly encourages employee participation in the performance evaluation process. Opportunities for participation include the following:

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

## **10.2 Procedure**

### ***10.2.1 Steps in the Performance Evaluation Process***

As part of the performance evaluation process, supervisors will:

1. Establish and communicate a written performance plan at the beginning

of the evaluation period which states expectations the employee must meet.

2. Review notes taken on the employee's performance since the last formal evaluation and the employee's self-evaluation, if provided.
3. Complete a performance evaluation form comparing the employee's actual performance with the established performance expectations and standards.
4. Have the evaluation reviewed by Human Resources before it is presented to the employee.
5. Schedule a meeting with the employee.
6. During the evaluation meeting:
  - a. Use specific examples to provide a candid, objective, constructive, and complete description of how the employee performed during the evaluation period. Discuss both the "what's" and "how's" of the employee's performance, strategies for improvement, and the employee's own goals for personal growth.
  - b. Jointly establish new performance expectations and goals for the next performance evaluation period.
  - c. Obtain appropriate signatures and employee comments.
  - d. Review any areas of disagreement. If the employee does not agree with all or part of the performance evaluation, s/he should be referred to the next level manager.
7. Continue to monitor performance, providing feedback, as well as coaching and counseling, throughout the evaluation cycle.

### **10.3 Review Panel Procedures**

1. A non-introductory employee who disagrees with the findings or expectations stated in the performance review may request a review panel to consider information and seek a resolution of the disagreements. Access to the review panel procedure is limited to employees who have successfully completed the probationary period for the position in which the performance was demonstrated.
2. The review panel process may be initiated by the employee being reviewed. The review panel will consist of three persons: one selected by the employee, one selected by the department head, and a third selected by the first two panelists from a list established by Human Resources and approved by the Board of County Commissioners. All individuals selected to be a part of the review panel must be employees of the County.
3. The following are the steps in this review process:
  - a. An employee who wishes an additional review must submit written comments to Human Resources and state that a meeting is requested. The request shall explain the disagreement, state the resolution wanted, and identify the

individual s/he has selected as a panelist. The request must be made as soon as is practical after the employee receives the written copy of the performance review, but not later than five working days after the employee has been given the final version of the performance review worksheet.

- b. Human Resources will provide the department head or elected official a copy of the request for review and request that the department head or elected official name a person to serve on the review panel. The department head or elected official will provide the name of the panelist to Human Resources within five working days. If the employee, elected official, or department head fails to choose a panelist, then within three days, Human Resources shall choose that panelist. The two panelists will then select the third panelist from the list established by Human Resources. All individuals selected to be a part of the review panel must be regular, full-time employees of the County. If an individual selected served or could have served as a witness in the behavior/conduct leading up to the intended disciplinary action, or otherwise has a conflict related to the situation, an alternative individual who does not come under the authority of the other panelists or affected employee will be selected in collaboration with the **employer's** legal counsel and/or his/her designee which may include outside legal counsel retained by the **employer**. The alternative individual will be a person who is a functional equivalent and who does not otherwise have a conflict, whether perceived or actual. The selection of the alternative individual is final and appeals will not be allowed.
- c. The selected representative from the list established by Human Resources will schedule a meeting within two weeks with the employee and department head or elected official.
- d. At the meeting the employee and the department head or elected official will explain their positions. The panel will consider the information presented and attempt to resolve the differences between the parties. If no resolution is found, the panel will make a decision as to the appropriate rating of the employee's performance for the rating period. The panel may arrive at its decision either by consensus or by a majority vote. The panel shall issue its decision in writing.
- e. The decision of the panel shall be final and shall become a part of the employee's personnel file. Eligibility for merit increases and other performance recognition shall be based on the decision of the panel.

## DISCIPLINARY ACTIONS AND APPEALS

### 11.1 Discipline and Appeal

#### *11.1.1 Justification for Discipline*

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

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

information, intentionally falsifying records, employment applications, or other documents.

12. Violating or failing to comply with federal, state, or local law or the employer's policies, rules, regulations, and/or procedures. This includes all employees, department heads and supervisors.
13. Unsatisfactory work performance.

#### ***11.1.2 Forms of Disciplinary Action***

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

1. Verbal warning (document time, date, and subject)
2. Written reprimand
3. Suspension \*
4. Pay reduction \*
5. Demotion
6. Termination (Reference: Section 11.1.4. NRS 245.065, Public Hearing for Dismissed Employees of Counties and NRS 62G.060 for Juvenile Court employees)

Employees' signed copies of the above items 1-6 must be placed in employees' master personnel file, and a copy provided to employees. All disciplinary action will require a review and signature by Human Resources prior to being given to the employee. If Human Resources and the employee's supervisor cannot agree on the form and extent of disciplinary action, a qualified, independent third party who is not employed by Eureka County will be selected by Human Resources to review the disciplinary action and make the determination of the appropriate disciplinary action.

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

- a. Pay reductions imposed as a penalty may only be made in cases of violations of safety rules of major significance, including those rules related to the prevention of serious danger in the workplace or to other employees. An example would be violating a rule that prohibits smoking around flammable material. Deductions can be made in any amount.
- b. Unpaid suspensions may be imposed for infractions of workplace conduct rules, such as rules prohibiting sexual harassment, workplace violence, drug or alcohol use, or for violating state or federal laws. The suspension must be for serious misconduct, not for performance issues. Suspensions must be in full-day increments and must be imposed pursuant to a written policy applicable to all employees.
- c. Suspensions for performance issues must be made in full-week increments.

#### ***11.1.3 Due Process***



Prior to taking disciplinary action involving suspension, reduction in pay, demotion, or termination against any regular employee, the **employer** will take action intended to ensure that the employee is afforded due process. Due process in regard to employment-related disciplinary action includes, among other actions, making certain the employee is provided notice of the reason for the disciplinary action and is given the opportunity to provide a response to the proposed disciplinary action prior to an appropriate supervisor making a final decision regarding the disciplinary action. Employees who are covered by a collective bargaining unit may exercise their rights under either this policy or applicable collective bargaining contracts, but not both.

#### 1. Written Notice

In situations where the proposed disciplinary action involves a suspension, a reduction in pay, a demotion, and/or termination, written notice of the proposed disciplinary action will be hand-delivered or sent certified mail to the employee. The notice will include the following information:

- a. The nature of the disciplinary action proposed;
- b. The effective date of the proposed disciplinary action;
- c. A statement of the proposed disciplinary action with documentation, statements, and/or other evidence supporting the proposed disciplinary action;
- d. A statement advising the employee of his/her right to file a written response, or to submit a written request for a pre-disciplinary conference with the department head, within five calendar days of receipt of the notice of proposed disciplinary action; and
- e. 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 after requesting such, will constitute a forfeiture of the employee's rights to any further appeal. (Reference: Public Hearing for Dismissed Employees of Counties section)

#### 2. Employee Review

If the employee requests, s/he will be given the opportunity, as soon as practical, to review the documents or other evidence, (except for confidential and privileged documents) If the employee requests, the **employer** will provide a copy of the documents used to support the proposed disciplinary action.

#### 3. Conference Prior to Implementation

When the employee requests a conference after receipt of the proposed disciplinary process, but prior to any disciplinary action being imposed, the department head will schedule a meeting with the employee and his/her representative (if the employee requests a representative be present) in a timely manner to review the reason for and basis of the proposed disciplinary action. At this conference, the employee will

also be provided with an opportunity to present relevant information which may impact the nature or severity of the proposed disciplinary action.

#### 4. Implementation of Discipline

No later than five work days from receipt of the employee's written response or conclusion of the pre-disciplinary conference, the department head will issue a written decision to the affected employee. The written decision will inform the employee that:

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

#### 5. Appeal

- d. The affected employee may appeal suspensions, demotions, pay reductions, or termination to Human Resources by filing a written appeal within five calendar days of receipt of written notification. The written appeal must state the basis of the appeal and contain a specific admission or denial of each of the material statements in the decision as well as designate an individual to serve on the review panel. If an employee fails to file a written appeal conforming to these requirements within the prescribed time limit, s/he is deemed to have waived the right to appeal. (Reference: Public Hearing for Dismissed Employees of Counties section) A review panel will be convened to hear and rule on the appealed discipline.
- e. The review panel will consist of three persons: one selected by the employee, one selected by the department head, and a third selected by the first two panelists from a list established by Human Resources and approved by the Board of County Commissioners. All individuals selected to be a part of the review panel must be regular, full-time employees of the County. If an individual selected served or could have served as a witness in the behavior/conduct leading up to the intended disciplinary action, or otherwise has a conflict related to the situation, an alternative individual who does not come under the authority of the other panelists or affected employee will be selected in collaboration with the **employer's** legal counsel and/or his/her designee which may include outside legal counsel retained by the **employer**. The alternative individual will be a person who is a functional equivalent and who does not otherwise have a conflict, whether perceived or actual. The selection of the alternative individual is final and appeals will not be allowed.
- f. The selected representative from the list established by Human Resources will schedule a meeting within two weeks with the employee and department head or elected official.

- g. At such hearing, the employee will have the right to be represented by an attorney or other representative retained by the employee, to present evidence and argument in response to the disciplinary action, and to question and cross-examine adverse witnesses. The hearing may be conducted informally without conforming to the formal rules of evidence and such informality of the hearing process shall not invalidate the decision rendered. The panel will consider the information presented and attempt to resolve the differences between the parties. If no resolution is found, within five working days, the panel will make a decision to: 1) uphold the discipline, 2) modify the discipline, with an explanation, or 3) rescind the discipline, with an explanation. The panel may arrive at its decision either by consensus or by a majority vote. The panel shall issue its decision in writing within 5 working days.
- h. The decision of the panel shall be final and may only be appealed as provided in a collective bargaining agreement if applicable and/or as provided by law.

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

Statutes for counties (NRS 245.065) provide for a public hearing for a dismissed employee other than a department head, county manager or county administrator who has been employed for 12 months or more. Such dismissed employee is not required to utilize an established pre-disciplinary conference and appeal process before requesting a public hearing. The employee may request a written statement specifically setting forth the reasons for dismissal within 15 days of the date of dismissal and the employer shall furnish the statement within 15 days after the request is received. The employee must request in writing the public hearing within 30 days of receipt of written notification of dismissal. The public hearing will occur within 15 days of receipt of such request.

***11.1.5 Administrative Leave During Disciplinary Proceeding***

By notifying the employee in writing, the **employer** may place an employee on administrative leave, with pay, pending an investigation of alleged misconduct or performance deficiencies, prior to or during a disciplinary proceeding, or during the review of the employee's response to a proposed disciplinary action. The notice of administrative leave will include a statement that the leave is not a disciplinary action. Human Resources shall coach, consult, guide and advise on all investigations for all employees placed on administrative leave.

***11.2. Peace Officers Charged with Crime or Separate from Employment During Investigation***

The employer will immediately notify the Peace Officers' Standards and Training (POST) Commission if a peace officer employed by the employer:

- Is charged with certain crimes outlined in NAC 289.290; or
- Resigns from employment or otherwise separated from

employment with the agency while an investigation concerning alleged misconduct is pending, and

- Provide the Commission a written summary of the outcome of the investigation as soon as practicable after completing the investigation.

## DISPUTE RESOLUTION

### 12.1 Definition of Dispute

Subject to the exclusions listed below, a dispute is any disagreement between the **employer** and an employee pertaining to the application of the **employer's** personnel policies, or an allegation by an employee that the **employer** has failed to provide a condition of employment established by the **employer**. The term “**dispute**,” as used herein, shall exclude the following:

1. Disciplinary action.
2. Complaints for which the **employer** provides an alternate dispute resolution process.
3. Termination of an introductory employee.
4. Termination of an at-will employee.

### 12.2 Prohibition Against Retaliation

The **employer** shall not restrain, coerce, retaliate, interfere with, or discriminate against any employee based on the employee's use of the dispute resolution process.

### 12.3 Time Limits

1. The time limits set forth herein are essential to the dispute resolution process and shall be strictly observed. The time limits may be extended by written agreement, signed by the employee and the **employer**.
2. If, at any stage of the dispute resolution process, the employee is dissatisfied with the decision rendered, the employee shall be responsible for submitting the dispute to the next designated level within the delineated time limits. If the employee fails to submit the dispute to the next designated level within the time limits imposed, the dispute resolution process shall be considered terminated, the dispute shall be considered settled on the basis of the last decision, and the dispute shall not qualify for further appeal or reconsideration.
3. If the appropriate **employer** representative fails to respond within the time limits specified, the employee has the right to proceed to the next step within the prescribed time limits. Any such failure by an **employer** representative shall not constitute an admission of the validity of the dispute.

### 12.4 Dispute Resolution Process

#### *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 10 work 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 months from the date of the initial occurrence causing the dispute, regardless of the date the action became known to the employee (except as otherwise provided by law).

2. The immediate supervisor shall verbally respond to the employee within 10 work days of the informal discussion between the employee and supervisor. Additionally, the immediate supervisor must document the verbal response.

#### ***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 the dispute, in writing, to the department head within five work days after receipt of the immediate supervisor's verbal response. The employee shall file one copy with Human Resources. If the written notice of dispute is not presented within the time limits provided herein, it shall be waived. The written notice of dispute shall:
  - a. Fully describe the dispute and how the employee was adversely affected.
  - b. Set forth the section(s) of the written policy or rule allegedly violated and state the specific nature of the violation.
  - c. Indicate the date(s) of the incident(s).
  - d. Specify the remedy or solution to the dispute sought by the employee.
  - e. Identify the employee and be signed by the employee.
  - f. Identify 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 **employer** and the employee. However, corrections in citations can be made at any time by the employee or the employee's representative.
3. The department head shall meet with the employee to discuss the dispute and shall deliver a written decision to the employee within ten (10) work days of the meeting outlining the reasons behind the decision.
4. Any dispute resolved at this step shall be subject to the review and confirmation of Human Resources before the resolution is effective. Such review will occur within 14 work days and the confirmation shall be final and binding.

## DEFINITION OF TERMS

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

**ADA Coordinator:** Person designated by the employer to investigate and facilitate the prompt and equitable resolution of complaints filed by qualified persons with disabilities.

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

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

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

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

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

**Anniversary Date:** The date the employee is hired, appointed, promoted, reclassified or reallocated upward. The anniversary date may be adjusted as specifically provided elsewhere in the personnel policies. (Federal regulations govern the anniversary date of employees returning from military leave.)

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

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

**Appointment:** The offer of and acceptance by a person to a position in accordance with the provisions of these personnel policies.

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

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

**Board:** The governing body of the **employer**.

**Casual Worker/Hire:** An employee hired on an as-needed basis, either as a replacement for employees who are out on short- and long-term absences or to meet **employer's** additional staffing needs during peak business periods. A casual worker has neither a property right nor an expectation of continued employment with the employer and is not covered by the provisions of the hiring, discipline, layoff, or dispute resolution sections of these personnel policies.

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

leave and caregiver leave applies to a child of any age.

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

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

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

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

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

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

**Conflicting Employment:** Outside employment that interferes with the employee's ability to perform his/her assigned job.

**Consumer Reports:** Any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for: (A) credit or insurance to be used primarily for personal, family, or household purposes; (B) employment purposes; or (C) any other purpose authorized under section 604 of the FCRA. See 15 U.S.C. 1681a(d)(1).

**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 law.

**Corrective Action:** Action taken to improve unacceptable behavior or performance; correction action may include coaching sessions, counseling sessions, training and disciplinary actions including verbal, written reprimands, suspensions, demotions, pay reductions and discharge.

**Date of Hire/Hire Date:** The actual date an employee first renders paid service in a regular position.

**Day:** Calendar days unless work days are specified.

**Demotion:** Involuntary movement of an employee from one job class to another job class having a lower maximum base rate of pay, as a result of disciplinary action.

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

**Diluted Specimens:** A urine specimens with a high concentration of water and has creatinine and specific gravity values that are lower than expected for human urine as determined by the U.S. Department of Health and Human Services.

**Disability-Related Inquiry:** A question (or series of questions) likely to elicit information about a disability. Generally, disability-related inquiries are restricted by the ADA during



the hiring process.

**Discharge:** Termination, separation, dismissal, or removal from employment for cause.

**Discipline/Disciplinary Action:** A formal form of corrective action to improve unacceptable behavior or performance; discipline may include verbal warning, written reprimands, suspension, involuntary demotion, reduction in pay, or discharge.

**Discrimination:** Employment decisions or actions which are inappropriately taken because of the applicant's or employee's protected class membership.

**Dispute:** Any disagreement between the **employer** and an employee pertaining to the application of the **employer's** personnel policies, or an allegation by an employee that the **employer** has failed to provide a condition of employment established by the **employer's** compensation plan

**Domestic Partner:** Persons who are registered have a domestic partnership pursuant to NRS 122A.200 or have a legal union validly formed in another jurisdiction that is substantially equivalent.

**Drug Test:** A test to determine the presence of illegal drugs/prohibited substances or their metabolites that includes specimen collection and testing by a Department of Health and Human Services (DHHS)-certified laboratory.

**Eligible List:** A list of names of persons who have satisfactorily completed an examination for a position and are qualified for employment.

**Employee:** A person employed in a budgeted position on a full- or part-time basis. For purposes of those sections of these policies covering discipline, layoff, and dispute resolution, **excludes** elected officials, department heads, at-will employees, casual/temporary/seasonal workers, and others specified by the Board of County Commissioners; elected officials are further excluded from policies for which there are specific provisions in federal, state and local laws, charters, resolutions and ordinances.

***Regular Full-time Employee:*** A person who has successfully completed an introductory period in a regular budgeted position with a normally scheduled workweek of at least 40 hours.

***Regular Part-Time Employee:*** A person who has successfully completed an introductory period in a regular budgeted position which requires a minimum number of hours per week, (typically 20 hours), but less than full-time employment.

***Introductory Employee:*** A person who serves in an at-will status for a specified period of time during which s/he is evaluated by the **employer** to ensure that s/he has demonstrated fitness for a position by actually performing the duties of the position.

***Exempt Employee:*** An employee who is exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act.

***Non-Exempt Employee:*** An employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

**Employer Premises:** All **employer** property and facilities, the surrounding grounds and parking lots, leased space, **employer** motor-driven equipment/vehicles, offices, desks, cabinets, closets, and any other property owned by **employer**.

**Equal Employment Opportunity (EEO) Officer:** The staff member assigned by the Board of Commissioners the responsibility and authority to post notices; provide training; and receive, investigate, and resolve complaints of alleged discrimination/harassment.

**Essential Function:** A fundamental job duty of the position held or desired. A function is

essential if the job exists to perform that function, a limited number of other employees are available to perform the function, or the function requires special skill or expertise.

**Examination/Test:** Any measure, combination of measures, or procedures used as a basis for any employment decision, including, traditional paper and pencil tests, performance tests, assessment centers, introductory periods, and evaluation of physical, educational, and work experience qualifications through interviews and scored application forms.

**Full-Time:** Work which requires hours of work as established by the **employer** as full-time. A full-time employee is regularly scheduled to work a normal work week of 40 hours. Note: For the purpose of determining eligibility for benefits and layoff, collective bargaining agreements may provide alternate definitions of full time.

**Furlough:** Mandatory time off without the use of annual, sick leave, or other pay. To be used as an option before any type of layoff. Must be approved by the Board of County Commissioners.

**Grade:** The designation of a salary range for a class.

**Human Resources:** The designation by the Board of Commissioner to either an independent contractor, County office or County employee to administer and perform duties associated with Human Resource functions on behalf of Eureka County.

**Illegal Drugs:** Any controlled substance or drug under Federal or Nevada law, which is illegal to sell, possess, cultivate, transfer, use, purchase, or distribute. Illegal drugs include 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.

**Incomplete or Insufficient Certification:** For purposes of FMLA, a medical certification is considered incomplete if the employer receives a certification, but one or more of the applicable entries have not been completed. A medical certification is considered insufficient if the **employer** receives a complete certification, but the information provided is vague, ambiguous, or non-responsive.

**In Loco Parentis:** For purpose of the FMLA, a relationship in which a person has put him/herself in the situation of a parent by assuming and discharging the obligations of a parent to a child, with whom s/he has no legal or biological connection, including day-to-day responsibilities to care for or financially support a child.

**Introductory Period:** A trial or working test which an employee serves in an at-will status used to determine if an employee's performance meets the expectations of the position for which s/he was hired and if continued employment is warranted.

**Invalid Specimens:** An invalid specimen is one that contains an unidentified adulterant, contains an unidentified interfering substance, has an abnormal physical characteristic, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing testing or obtaining a valid drug test result.

**Key Employee:** A salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite.

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

**Leave Without Pay:** Authorized leave in a non-paid status.

**Legal Drugs:** Prescription drugs and over-the-counter drugs that have been legally obtained and are being used in the manner, combination, and quantity for which they were prescribed or manufactured.

**Major Life Activities:** For the purpose of the ADA functions such as, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, concentrating, thinking, communicating, reading, sitting, reaching, interacting with others, working and the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, genitourinary, cardiovascular, hemic, lymphatic, musculoskeletal, respiratory, circulatory, endocrine and reproductive functions.

**Manager:** Any employee, or an elected official, who has been authorized by the Board to select, train, schedule, and evaluate the work of other employees, and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees. This person may also serve as the department head.

**Medical Examination:** A procedure or test usually given by a health care professional or in a medical setting that seeks information about an individual's physical or mental impairments or health.

**Next of Kin:** For purposes of FMLA, the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

**Parent:** For purposes of FMLA, includes a biological, adoptive, step or foster father or mother, or any other individual who stood In Loco Parentis to the employee or covered servicemember. This term does not include parents "in -law."

**PEBP:** The State of Nevada Public Employees Benefit Program.

**PERS:** The State of Nevada Public Employees Retirement System.

**PERS Full Time Equivalent:** The number of hours selected by the employer which is reported to PERS as the base full-time equivalent hours in determining PERS full time classification. Regular employees are 40 hours per week and law enforcement are 84 hours per bi-weekly period.

**Personnel Action:** Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting an employee's employment status.

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

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

**Prohibited Substances:** Medical and recreational marijuana; prescription drugs not legally obtained, not being used in the manner, combination or quantity prescribed or by the individual for whom prescribed; over-the-counter medications used contrary to manufacturer instructions; or consumer products not meant for human consumption.

**Promotion:** The movement of an employee from one class to another class having a higher maximum base rate of pay, usually as a result of some type of examination.

**Protected Class/Protected Class Membership:** Individuals or groups of individuals protected from employment discrimination, harassment and retaliation by federal and/or state laws. Protected classes include race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Nevada National Guard, and any other class that becomes protected by federal and/or state law.

**Protective Hairstyle:** Includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks, and twists.

**Race:** Traits associated with race, including, without limitation, hair texture, and protective hairstyles.

**Rate of Pay/Pay Rate:** An employee's salary as shown in the **employer's** compensation plan.

**Reallocation:** A change in the classification and salary range of a class to a higher or lower salary range.

**Reasonable Accommodation:**

- a modification or adjustment to a job application process that enables a qualified applicant with a disability or a qualified female applicant with a condition relating to pregnancy, childbirth or a related medical condition to be considered for the position such qualified applicant desires; or
- a modification or adjustment to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability, a female employee with a condition relating to pregnancy, childbirth or a related medical condition, or an employee who is or has a family or household member who is a victim of an act which constitutes domestic violence, to perform the essential functions of that position; or
- a modification or adjustment that enables a qualified individual, with a disability or a female employee who has a condition relating to pregnancy, childbirth or a related medical condition, to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees.
- a modification or adjustment to a work environment that will allow employees to practice his/her own religion.

**Reclassification:** The change of a position to a different job class which results from changes in duties and responsibilities.

**Reduction in Pay:** Disciplinary action by an **employer** moving an employee to a lower pay level in the same class and same salary range.

**Regular Employee:** See "Regular Full-Time Employee" and "Regular Part-Time Employee" listed under "Employee"

**Regular Position:** An authorized position which appears in the authorized position list contained in the **employer's** budget documents or its amendments approved by the Board of County Commissioners.

**Reinstatement:** The restoration of a laid-off employee without examination 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.

**Reporting Officer:** The staff member assigned the responsibility and authority to post notices; provide training, and receive, investigate, and resolve complaints of alleged discrimination/harassment.

**Reprimand:** A written notice to an employee stating specific performance and/or behavioral deficiencies and the improvements in behavior and/or performance which the employee must make, and that further disciplinary action will follow if the employee does not make the required improvements. (A performance evaluation form shall not be considered a reprimand.)

**Resignation:** A notice by an employee that s/he intends to separate from the **employer's** service.

**Salary Range:** The minimum and maximum salary set for each classification, grade, or level as designated by the position compensation plans. (Also see Grade.)

**Seasonal Employee:** See Casual Worker.

**Son or Daughter:** See "Child"

**Spouse:** A husband or wife of a person, regardless of gender.

**Step:** A specific rate of pay within the salary range established for a class. (Also see Rate of Pay.)

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

**Substituted Specimens:** A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine as determined by the U.S. Department of Health and Human Services because it is a replacement or false specimen.

**Supervisor:** Any employee, or an elected official, who has been authorized by the Board to select, train, schedule, and evaluate the work of other employees, and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees. This person may also serve as the department head or manager.

**Suspension:** The temporary separation from service of an employee for disciplinary reasons.

**Temporary Employee:** See Casual Worker.

**Termination:** See Discharge.

**Transfer:** A lateral change of an employee from one position to another position in the same class or to a different class in the same salary range.

**Transitional Duty:** A temporary assignment of an employee who is unable to perform one or more essential function of their job but has been cleared by a health care provider to perform other duties for the employer.

**Volunteer:** An individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. An individual is not considered a volunteer if the individual is otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.

**Warning:** Verbal notice or counseling of an employee specifying required changes in work performance or on-the-job behavior.