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## CHAPTER 2.68 - CIVIL SERVICE~~CE~~ ORDINANCE 2.68

(AS REVISED BY ORDINANCE #32212533)

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ORDINANCE NO. 32212533

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS REPEALING ORDINANCE NO. 25331551 WHICH IS BEING CHAPTER 2.68 OF THE E CITY OF NORTH LAS VEGAS MUNICIPAL CODE AND ; TO ESTABLISHING REVISED TERMS AND CONDITIONS IN THE CIVIL SERVICE RULES ANDD REGULATIONS FOR EMPLOYMENT AND RECRUITMENT AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

**SECTION 1:** Ordinance No. 25331551 is hereby repealed.

**SECTION 2:** Chapter 2.68 of the North Las Vegas Municipal Code shall be amended as follows:

**2.68.10 Purpose**

A. It is the purpose of these rules to:

1. Give effect to the applicable provisions of Article IX of the City Charter establishing a civil service system to include:
  - a. Recruitment, examination and placement of employees;
  - b. Classification of positions and payplan;
  - c. Promotions, disciplinary actions and removal of employees;
  - d. Hearing appeals relating only to disputes arising from provisions of the civil service rules; and
  - e. Such other personnel matters as the Civil Service Board of Trustees~~board~~ may recommend.
2. Give effect to applicable provisions of Nevada Revised Statutes (NRS) Chapter 288, as amended from time to time, and those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation, which include include the right to:
  - a. Hire, direct, assign or transfer an employee, except as a form of discipline;
  - b. Reduce in force, reassign or lay off any employee because of lack of work and/or funds, subject to the procedures for reduction in work-  
force;
  - c. Determine in accordance with safety considerations:
    - i. Appropriate staffing levels and work performance standards;
    - ii. The content of the workday and workload factors, —without limitation;
    - iii. The quality and quantity of services to be offered to the public; and
    - iv. The means and methods of offering those services.

### 2.68.15 Applicability

- A. These rules shall be applicable to and govern the employment of all City employees (represented and confidential) except:
1. Elected ~~o~~Officers; i
  2. Members of appointed ~~edive~~ boards, commissions, i and committees; i
  3. Persons employed under contract to supply expert, professional or technical services on a fixed term contract; i
  4. Employees in appointed classifications; i
  5. Temporary employees and regular part-time employees; and
  6. ~~Administrative persons appointed by the City Manager~~
  6.
- B. Wherever applicable, ~~f~~Federal laws, rules, regulations, codes, and statutes, and ~~s~~State laws rules, regulations, codes, statutes, and City codes and ordinances shall supersede this ordinance. ~~T~~To include the Family and Medical Leave Act (FMLA), the Fair Labor Standards Act (FLSA), ~~t~~The Uniformed Services Employment and Reemployment Rights Act (USERRA), the Americans with Disabilities Act (ADA), and all ~~f~~Federal and ~~s~~State laws prohibiting discrimination shall supersede these rules, i when in conflict.
- C. The City Manager or designee may develop and disseminate policies ~~ey~~ and procedures regarding the ~~eis c~~Civil service rules ~~Service Ordinance~~ and its application to City operations. This provision also applies to all amendments, deletions, or changes to established policies and procedures. These policies and procedures must be consistent with the provisions of the City Charter ~~of the City of North Las Vegas~~.
- D. This ordinance shall be approved by the Civil Service Board of Trustees, following which the City Manager shall review and; ~~forwarded~~ to the City Council for adoption ~~s~~, and thereafter shall be available to all employees of the City.

### 2.68.020 Conflicts with Collective Bargaining Agreements

Ratified contracts between the City and employee organizations pursuant to NRS Chapter 288 shall be deemed controlling when in conflict with these civil service rules.

### 2.68.25 Policy of Non-Discrimination

- A. The City of North Las Vegas reaffirms its policy to consider each applicant for City ~~of North Las Vegas~~ employment on the basis of qualifications for the job, and without regard to race, color, religion, gender, marital status, age, sexual orientation or national origin. In addition, i the City will not discriminate against an employee or applicant with a disability (as provided under applicable state or federal laws); regarding any position for which the employee or applicant is qualified and able to perform the essential functions of the job, with or without a reasonable accommodation.

- B. The City of North Las Vegas is and shall remain an affirmative action & equal opportunity employer, and every effort will be made to ensure that appointments, promotions, reclassifications, transfers, compensation, training, reductions in force, terminations, or any other types of personnel actions are based on merit, fitness or other factors determined to be non-discriminatory.
- C. The City of North Las Vegas adheres to all federal, state and local laws and statutes as they relate to this ordinance.

#### **2.68.30 Gender, Number, and Tense**

- A. In accordance with NRS 0.030, except as otherwise expressly provided in a particular statute or required by the context:
  - 1. The masculine gender includes the feminine and neuter genders.
  - 2. The singular number includes the plural number, and the plural includes the singular.
  - 3. The present tense includes the future tense.
- B. The use of a masculine noun or pronoun in conferring a benefit or imposing a duty does not exclude a female person from that benefit or duty. The use of a feminine noun or pronoun in conferring a benefit or imposing a duty does not exclude a male person from that benefit or duty.

#### **2.68.35 Civil Service Board**

- A. Members of the Civil Service Board shall be appointed by the City Council and must be residents of the City of North Las Vegas.
- B. The Civil Service Board shall consist of five members who can serve up to a maximum of three consecutive terms. A partial term of less than one half of the full term shall not count toward the three terms. Members of the Civil Service Board may serve on more than one of the City's advisory boards at a time. The term of office for each Civil Service Board member shall be coterminous with the term of the member of the City Council who recommended their appointment. The Mayor and each member of the City Council shall be entitled to recommend one person for appointment to the Civil Service Board, subject to the approval of the City Council. Should the City Council not elect to approve the recommended person, the Mayor or the member of the City Council who made the recommendation shall be entitled to make successive recommendations until a recommended person is approved as a Civil Service Board member by the City Council. If the office of the recommending member of the City Council or the Mayor becomes vacant before the expiration of the term ~~—or—~~ for any reason, the term of the corresponding member of the Civil Service Board will end prematurely. Vacancies of Civil Service Board members occurring otherwise than through the expiration of term must be filled for the unexpired term by the Mayor or City Council member who made the recommendation for the board member's ~~recommendation~~. If the individual who recommended the appointment has

resigned, the ~~City Manager~~~~chief executive officer~~ shall make the unexpired term appointment.

- C. The Civil Service Board shall select a Chairman and a Vice Chairman at its first regular meeting in July of each year.
- D. The Chairman shall preside at all meetings of the Civil Service Board. ~~Three~~ members shall constitute a quorum for the transaction of business. When the Chairman is not present, the Vice Chairman or designated temporary chairman shall be empowered to perform all acts prescribed for the Chairman.
- E. Meetings of the Civil Service Board shall be held at a time and place to be determined by the ~~B~~board. Special meetings of the Civil Service Board shall be held upon call of the Chairman or upon call by two members of the Civil Service Board.
- F. A member of the Civil Service Board who fails to attend three consecutive regular Civil Service Board meetings may have their appointment reconsidered by the North Las Vegas City Council.

#### **2.68.040 Director of Human Resources**

- A. The City Manager shall appoint a Director of Human Resources who shall be responsible to the City Manager for the supervision and operation of the ~~City's~~ Human Resources Department and for the direction, coordination, and conduct of the ~~City's of North Las Vegas~~ Human Resources program.
- B. In addition to the duties and responsibilities set forth in the class specification, the Director of Human Resources shall be custodian of all personnel records, establish such procedures which provide for proper human resources management, maintain a roster of all ~~City~~ officers and employees ~~of the City of North Las Vegas~~ and establish and maintain other human resources records as required by law or as directed by the City Manager.
- C. The Director of Human Resources shall serve as the Secretary of the Civil Service Board and shall attend all ~~C~~ivil ~~S~~ervice ~~B~~oard meetings, and in collaboration with the City Clerk's office, ~~provide stenographic support to~~ prepare the meeting agendas, and keep accurate records and minutes of their business and official actions. The Director of Human Resources shall be the person upon whom all notices, requests for hearings, complaints and other official documents shall be served or filed.

#### **2.68.045 Notifications**

- A. Unless otherwise provided in this chapter, all actions affecting the employment status of an employee shall be in writing and sent via electronic mail, with read receipt, to the email on file, personally served or sent by certified mail with signature return receipt required, to the last known address of the employee, and to the Director of Human Resources, 2250 Las Vegas Blvd., N. Suite 600, North Las Vegas, Nevada 89030, or by personal service upon request of the Director of Human Resources.



- B. All employees are required to provide updated information to the Human Resources Department concerning changes to their residence, personal email address, and telephone number within forty-eight (48) hours of the change. Failure to inform the Human Resources Department of ~~their~~ residence, email and/or telephone number changes within required time period may result in disciplinary action. Employee's personal information will be maintained as confidential.

#### **2.68.50 Classification of Positions**

- A. Each position shall be designated to an appropriate classification specification prepared under the direction of the City Manager or designee. Each classification shall be described by a classification specification which shall include classification title, statement of duties, levels of authority, reporting relationships, levels of supervision received, FLSA status, essential functions, educational requirements, certifications/licenses, training and experience, knowledge, skills and abilities, working conditions, responsibilities, appropriate preferences, minimum qualifications and will not necessarily include all duties to be performed in a particular job.
- B. Current standards in the human resources field will be used to develop classification specifications.
- C. All changes in classification specifications shall become effective upon approval of the Director of Human Resources.
- D. Each position in the competitive service shall be designated by the Director of Human Resources to an appropriate classification.

#### **2.68.55 Establishment of Pay Plan**

- A. The City Manager or designee shall recommend a pay plan which shall consist of minimum and maximum rates of pay for each classification n. Recommended pay plans must be approved by City Council prior to implementation.
- B. The City Manager or designee shall set hourly wage rates for other unclassified employees whose employment is of a temporary, ~~seasonal~~, or ~~intermittent-part time~~ nature.
- C. The City Manager or designee shall also recommend such other benefits as may be necessary to compensate classified employees. Such benefits shall become effective upon approval by the City Council.
- D. These Civil Services rules shall govern the administration and application of the pay plan in accordance with the applicable statute, ordinance, or City policy.

#### **2.68.60 Wage Determinations**

- A. Employees will be paid within the approved salary range for a designated classification. Any change in salary determination will be made in accordance with ordinance and current City processes.
- B. Public Employee Retirement System (PERS) contributions will be adjusted in accordance with PERS rules ~~and~~ NRS 286 and any subsequent revisions.

#### **2.68 .065 Wage Payments and Effective Dates**

- A. Wages paid will be in accordance with the applicable laws and ordinances in effect.
- B. An employee who has depleted all leave time and has worked less than the established number of hours in a pay period will be paid in accordance with the hourly rate for the classification.
- C. Pay periods shall be on a bi-weekly basis or as determined by the City Manager or designee.
- D. Any increase or decrease in salary will be effective from date of approved action in accordance with applicable provisions of this chapter.
- E. An employee's effective date of separation shall be the last day of actual work, unless otherwise approved by the City Manager or designee.
- F. Payroll changes shall be requested by a ~~D~~department ~~D~~director, reviewed and recommended by the Human Resources Director and approved by the City Manager or designee.
- G. Title changes or reclassifications within the same pay range shall be placed at the same pay rate as held in prior classification.
- H. Promotions or reclassifications to a higher classification shall receive an increase in accordance with current policies, procedures and/or ordinances.
- I. Reductions in classification will be placed at no lower than the minimum of the new pay range based on experience and service and will be determined on a case by case basis and approved by City Manager or designee.
- J. For the purpose of calculating leave payoffs, the provisions the employee is governed by at time of separation will be the basis for that calculation. Date of service, for that purpose, shall be the adjusted hire date with the City.

There will be a conversion for those employees whose work schedules change from twenty-four (24) hour shifts, three days out of nine, to a work week of four consecutive days or from four consecutive days to a twenty-four (24) hour shift (three of nine). The conversion will be based on the relative ratio of the number of hours involved.

- K. Whenever an employee voluntarily separates their employment, compensation earned and unpaid at the time of voluntary separation (hours worked) will be paid within the regular payroll cycle, with any remaining accrual payouts to be processed within 30 days of separation.
- L. Overtime shall be paid to non-exempt employees after thirty-six (36) hours per week or per applicable collective bargaining agreement.
- M. Whenever an employee is involuntarily separated, compensation earned and unpaid, less any debts owed the City, at the time of such separation (hours worked) shall be paid within the regular payroll cycle, with any remaining accrual payouts to be processed within 30 days of separation. Whenever an employee resigns or quits their employment, compensation earned and unpaid at the time of resignation or quitting (hours worked) must be paid within the regular payroll cycle, with any remaining accrual payouts to be processed within 30 days of separation.

#### **2.68.70 Longevity**

- A. Employees covered by the civil service rules and regulations that were hired on or before June 30, 1997 will receive longevity pay. Commencing seven (7) years after the hire date or adjusted service date of an employee, the employee shall receive an additional three and one-half percent (3.5%) of their salary as longevity pay and receive an additional one-half percent (1/2%) each year thereafter until reaching a maximum of ten percent (10%). All paid service time shall be credited for longevity purposes. The service date shall be adjusted for full time service in direct proportion to the time worked for the City. Only actual paid service time shall be credited for longevity purposes.
- B. Employees hired on or after July 1, 1997 are not eligible for longevity pay.
- C. Employees who are promoted from classified service to a covered position and who are receiving longevity pay above ten percent (10%) shall continue to receive that rate but shall be capped at that percentage.

#### **2.68.75 Service Date/Promotion Date**

- A. The service date for a new hire or rehire employee and for seniority shall be the actual date placed on payroll.
- B. If a temporary employee on the City's payroll becomes a regular employee in the same classification held as a temporary employee, the service date shall be the actual date placed on payroll as a regular employee.

- C. If an employee is rehired after a reduction in force, they shall be given credit for all time actually worked for the purpose of computing longevity pay and annual leave accrual and shall have an adjusted service date which includes all time actually worked.
- D. Promotion ~~d~~Date is the actual date the employee assumes the duties of the classification into which ~~they are~~he is promoted.

#### **2.68.080 Payment of Compensation Due to Deceased Employee**

Upon the death of an employee, one hundred percent (100%) of their sick leave and other compensation due the employee after the deduction of all lawfully withheld sums shall be paid to their designated beneficiary or into the estate of the employee in the absence of such designation. The employee is responsible for designating beneficiary information on appropriate City forms.

#### **2.68.85 Recruitment Policies**

- A. The recruitment policies and procedures for the City of North Las Vegas shall ensure that the City remains an affirmative action and equal opportunity employer.
- B. All applicants for positions as a police officer, corrections officer, marshal or bailiff shall meet the "Minimum Standard of Recruitment" as set forth by the Nevada Administrative Code and administered by the Nevada Peace Officers Standards and Training Committee.
- C. All applicants for any position in the City shall meet the minimum requirements of the job for which the application is submitted. A prime consideration in the selection of personnel shall be the competence and suitability of the persons under consideration and the degree to which they meet or exceed the immediate needs of the City.
- D. The Director of Human Resources or designee has the right to reasonably limit the number of applications accepted for a job.
- E. A job announcement will be posted in accordance with the City's affirmative action plan, current collective bargaining agreement, contracts or ordinances. Job announcements shall be posted in the Human Resources Department and on the City's website, and appropriate notification to City departments and unions, as applicable, whether by email, intranet, internet or any other appropriate venue shall be made. Notice of an open competitive announcement will be published as deemed appropriate by Human Resources.

#### **2.68.90 Applications**

- A. An individual must submit an official City application for a posted job announcement. Applications will be accepted for a posted job announcement only. An application will be considered an active application for the duration of the recruitment unless otherwise defined by a collective bargaining

agreement, ordinance or policy. An applicant must provide Human Resources with updated information concerning their application.

B. An applicant for any position within the City:

1. Must be a citizen of the United States of America, or
2. Must have the legal right to work in the United States of America.

C. The Director of Human Resources or designee may reject an application:

1. Not on the City application form.
2. Not completely filled out or e-signed.
3. Not filed within the period specified in the job announcement.
4. Not submitted for a current job announcement.
5. Contains a false statement of any material facts or the practice or attempt to practice any deception or fraud on the facts of the application including but not limited to disqualification questions and supplemental questions within the job announcement.
6. Which indicates the inability to perform the essential functions of the position for which the application is submitted, with or without a reasonable accommodation.
7. Which indicates termination or resignation from other employment because of failure, omission, violation of duty and/or job related crime or misconduct, which is substantially related to the qualifications, functions, or duties of the job for which application is made.
8. For which the applicant is unable to successfully complete a background investigation.
9. If an applicant fails any part of the background investigation process, to include the pre-employment medical/psychological profile evaluation or any other appropriate measure, the applicant may not reapply for that position for a period of one year from the date the applicant was disqualified. The City may consider circumstances pertaining to the background failure, the time that has passed, and City policy before making a hiring decision. An applicant will be notified of the disqualification.
  - a. If the applicant fails any part of the selection process e.g., written assessment, physical fitness assessment, oral board / interview / assessment, within a current testing cycle, the applicant may reapply during the next testing cycle provided that the failure was not the result of the background investigation process. An applicant will be notified of the disqualification.
10. If the candidate does not have a legal right to work in the United States.
11. If, on the face of the application, it is clear that the candidate does not meet the minimum qualifications of the posted position.
12. If a candidate was previously terminated for-cause. The City may consider circumstances surrounding the for-cause termination and how much time has passed before making a hiring decision.

## **2.68.95 Temporary Appointments**

A. Temporary employees are defined as employees who work for a specific limited period of time on a full time or part time basis, not to exceed 935 hours per fiscal year. Temporary employees who have worked six consecutive months in a calendar year will not be re-hired for temporary employment until there has been a break in service of three consecutive months. Temporary employees must meet the minimum requirements for the job are selected from an eligibility list and are not eligible for City benefits.

B. Regular part time employees are defined as employees who work for a non-specified period of time in a calendar year and are scheduled to work no more than one-half time, or less than 28 hours a week, according to the established full time work schedule and will not exceed 935 hours in a fiscal year. Part time employees who have worked six consecutive months in a calendar year will not be scheduled for work until three consecutive months of unscheduled work time has occurred. Part-time employees must meet the minimum requirements for the job and are not eligible for City benefits.

C. Temporary or regular part time employees must successfully compete for a regular full time position before a probationary appointment may be made.

The City Manager or designee is authorized to make temporary appointments to establish positions for a period not to exceed ninety (90) calendar days unless a specific waiver/agreement supersedes. These positions shall not be filled by successive temporary appointments. Positions which by their nature are not intended to be classified positions in the competitive service are not subject to such time limitations.

## **2.68.100 Competitive Selection Process**

A. Selection and hiring of candidates shall be determined by competitive examination, such as written and/or oral examination, as provided by these rules. The assessment process will be conducted and administered at the discretion of the City. The City reserves the right to modify the selection process and assessment process in accordance with acceptable legal, ethical and professional standards.

B. Competitive eligibility lists may be established.

C. All open competitive processes shall be practical in their character and shall relate ~~and to those matters, which shall~~ fairly consider the competencies and suitability of the applicants to perform the duties of the job for which they are applying.

D. The preparation and actual conduct of every selection process shall be under the direction of the Human Resources Department and shall be conducted in accordance with processes established by the Human Resources Department, and in coordination with the department(s) for which the selection is being conducted in order to identify the best qualified applicant for the job.

- E. Eligibility lists will be established in accordance with current collective bargaining agreements, ordinances and Human Resources policies and procedures under the direction of the Director of Human Resources or designee.
- F. Questions concerning race, color, religion, sex, national origin, political affiliation, union affiliation, marital status, age or disability will not be placed on the application or asked during any part of the selection process unless required to meet bona fide occupational qualifications.

#### **2.68.105 Eligibility Lists (Represented Positions Only)**

- A. Eligibility lists will be established in accordance with the current applicable collective bargaining agreement, contract or ordinance. Any eligibility list established and not addressed by a collective bargaining agreement, contract or ordinance will be established at the discretion of Human Resources. Eligibility lists shall be certified by the Director of Human Resources (or designee). The Director of Human Resources (or designee) may abolish an eligibility list for legitimate business purposes, which may include, but are not limited to, an insufficient number of qualified candidates, or a job description or salary for a position has significantly changed since the position was posted.
- B. Reduction in Force.
  - 1. An eligibility list resulting from a reduction in force shall remain in effect for one year from date of approval by the Director of Human Resources or designee unless otherwise directed by a collective bargaining agreement, contract or ordinance.
  - 2. In the event two or more employees in the same classification are separated on the same date, their names shall be placed on the reduction in force list in seniority order unless otherwise directed by a collective bargaining agreement, contract or ordinance.
  - 3. A person whose name is on a reduction in force list shall be interviewed and may be selected prior to the establishment of a promotional or open competitive eligibility list unless otherwise directed by a collective bargaining agreement, contract or ordinance.
- C. Rehire.
  - 1. An employee who resigns in good standing may request in writing placement on a rehire list for the position held at the time of resignation within six months after such resignation.
  - 2. An employee who is assigned to a police officer academy, corrections officer academy, or marshal's academy and fails any academic or practical exercise which results in their dismissal from that academy after the completion of seven weeks, may request in writing to be placed in the next available academy.
    - a. An employee may only exercise this option once.

- b. An employee will not be eligible for rehire should the dismissal be for discipline.
    - c. Should an employee enter the police academy through the modified entry program and fail any academic or practical exercise which results in their dismissal, the employee may, at the discretion of the Chief of Police or designee, return to their last position if a vacancy exists.
  - 3. In the event the requests of two or more employees in the same classification are approved, their names shall be placed in accordance with the date their request was received by the Human Resources Department.
  - 4. The rehire eligibility list may remain in effect for up to six months.
  - 5. A person whose name is on a rehire list may be interviewed and may be selected prior to the establishment of a promotional/open competitive eligibility list.
- D. Promotion (Represented Positions Only).
- 1. City employees who meet the minimum requirements of the position posted are eligible to compete for a promotional posting by submitting a completed application and/or an updated resume within the time frame specified on the promotional posting announcement. A promotional examination may be held.
  - 2. A promotional eligibility list shall remain in effect for one year from date of approval unless extended for one additional year, superseded by a new list or voided in accordance with subsection (D)(4).
  - 3. At the conclusion of a promotional examination, the entire list shall be approved by the Director of Human Resources or designee, and if one appointment is to be made, it shall be made from among the top five names; if two appointments are to be made, they shall be made from among the top seven names.
  - 4. In the event there are four or fewer candidates on a promotional eligibility list, the Department Director may make a selection from this list. If no selection is made from this list, an open competitive examination will be held for non-City employees and the promotional eligibility list shall be considered void. Temporary employees may test for placement on the open competitive eligibility list.
  - 5. If a person resigns from City employment at a time when their name is on a promotional list, their name will be removed from that list. The resignation of an employee will automatically remove their name from all promotional lists.



E. Lateral Peace Officer.

1. Minimum Requirements.

- a. Applicant shall have a minimum of two years of continuous service with a law enforcement agency in the performance of duties directly related to the applicable Category I, II or III peace officer standards at time of application.
- b. Applicant shall possess a valid Category I (Police Officer), ~~or~~ Category II (Marshal), or Category III (Corrections) Nevada Peace Officer Standards and Training (POST) certificate or valid equivalent certification from another state. Category I lateral applicants are also permitted to be included on the Category II lateral list for Marshal, provided they meet the minimum requirement of serving two years continuous service at the appropriate level. Category III (Corrections Officer) certification must be Nevada POST certification or, if from a reciprocity state, satisfies the requirements set forth by NAC 289.200 only. Nevada POST does not recognize Category II certification from another state.

2. Process.

- a. Prior to appointment, the lateral applicant must meet the requirements outlined in subsection ~~DE~~.1.a and b of this section, and successfully complete the requirements of this subsection 2, Section 2.68.110, a thorough background investigation check, and any other appropriate measures deemed necessary.
- b. An applicant for lateral peace officer will submit a completed City application to Human Resources within the required time frame and in accordance with Section 2.68.090. A copy of the applicant's Nevada POST Category I (Police Officer), Category II (Marshal) or other equivalent state certification must be submitted with the application. Category III (Corrections Officer) certification must be Nevada POST certification or, if from a reciprocity state, satisfies the requirements set forth by NAC 289.200 only and must be submitted with the application.
- ~~c.d.~~ After review of the application for meeting minimum requirements of the position, the applicant will be placed on the appropriate lateral eligibility list. Applicants will be notified by the Human Resources Department of their final status. The eligibility list will be formulated under the direction of the Director of Human Resources or designee.
- ~~d.e.~~ All applicants on the lateral eligibility list for a position may be considered by the Chief of Police, Chief Marshal or designee for position vacancies as they occur. After a careful review of the application/supplemental packet the Human Resources Department will be advised of those applicants to proceed in the process.
- ~~e.f.~~ As a condition of employment, lateral entry applicants who possess certification from a state other than Nevada for Category I, Category II, or Category III will be required to pass the Nevada POST equivalency

examination within one hundred eighty (180) days of appointment. Failure to successfully complete the eighteen (18) month probationary requirement or failure to pass the Nevada POST equivalency within ~~one hundred eighty (180)~~ ninety (90) days of appointment will result in immediate termination.

~~f.g.~~ All applicants must take and pass a POST-related physical fitness test.

~~g-h.~~ It is understood that should an applicant's ~~name~~ be certified for consideration for a lateral position but no longer meets the minimum requirements of that job, the applicant's ~~s~~ name shall automatically be removed from the appropriate lateral eligibility list.

~~h-i.~~ An applicant's name will remain on the appropriate lateral eligibility list for a period ~~of~~ not to exceed two years from the date approved unless removed for cause or failure to meet the minimum requirements. No reinstatement of any applicant will be considered after that period of time.

#### F. Modified Entry.

##### 1. Minimum Requirements.

- a. Applicants who have completed an academy at their own expense or by sponsorship of an organization, which is certified by the State of Nevada Peace Officer Standards and Training (POST), may be eligible to apply within sixty (60) days of academy graduation.
- b. Applicant shall have a minimum of two years of continuous service with a law enforcement agency within the State of Nevada, in the performance of duties directly related to the applicable Category I and Category II ~~Peace Officer Standards and Training (POST)~~ certification at time of application.
- c. Applicant shall possess a valid Category III (Correction Officer) ~~Nevada Peace Officer Standards and Training (POST)~~ certificate at the time of application.

##### 2. Process.

- a. Prior to appointment, applicant must meet the requirements as outlined and successfully complete the requirements of Section 2.68.115, a thorough background investigation check, and any other appropriate measures.
- b. An applicant for modified entry will submit a completed application to the Human Resources Department in accordance with Section 2.68.090. A copy of the applicant's Nevada valid POST certificate must be submitted with the application.
- c. The applicant will be placed on the appropriate modified entry eligibility list by Human Resources. The Police Department will verify that

certifications are valid and appropriate.

- e. All applicants on the modified eligibility list for a position may be considered by the Chief of Police. After a careful review of the application/supplemental packet, the Human Resources Department will be advised of those applicants to proceed in the process. All applicants must take and pass a POST-related physical fitness test.
- f. As a condition of employment, modified entry applicants will be required to successfully complete the appropriate academy and the eighteen (18) month probationary period.
- g. It is understood that should an applicant's name be certified for consideration for a position and the Human Resources Department's records indicate that the applicant no longer meets the minimum requirements, the applicant shall automatically be removed from the eligibility list.

#### G. Lateral Firefighter.

##### 1. Minimum Requirements.

- a. Lateral applicants must possess a valid Nevada State Fire Marshals Fire Fighter I ~~c~~Certification or valid equivalent certification from another ~~S~~state, meeting Fire Fighter I qualifications as described in National Fire Protection Association (NFPA) 1001. Applicants must also possess a current and valid Nevada State Emergency Medical Technology ~~c~~Certification as an EMT-Basic or higher or current valid National Registry ~~c~~Certification as an EMT- Basic or higher at time of application.
- b. Lateral applicants shall have a minimum of two years full time continuous service within the past three years with a recognized Fire Department as determined by the Fire Chief or designee. Paid-call or volunteer lateral applicants from a recognized fire department as determined by the Fire Chief or designee must have a minimum of four years continuous service.
- c. Lateral applicants must possess a valid current Hazardous Materials Operations Level ~~c~~Certificate issued by a recognized certifying entity as determined by the Fire Chief or designee at the time of application.

##### 2. Process.

- a. An applicant for lateral Firefighter will submit a completed application to the Human Resources Department. A copy of the applicant's valid Nevada State Firefighter I ~~c~~Certificate or other equivalent state certification, current valid Nevada State EMT—Basic or higher Certification or current valid National Registry ~~c~~Certification as an EMT-Basic or higher, and valid current Hazardous Materials Operations Level ~~c~~Certificate issued by a recognized certifying entity must be submitted with the application. All certificates reflecting additional training in areas described in the Firefighter classification

specification should be submitted with the application, i.e., technical rescue, fire prevention. Copies of college level transcripts or degrees issued by a regionally accredited college or university should also be attached. Completed application including all required documentation must be submitted to the Human Resources Department within the time frame stated in the job announcement.

- b. Lateral applicants meeting the minimum qualifications will be invited to complete testing and evaluation processes as indicated on the job announcement. These processes may include, but are not limited to, written exam, oral exam, physical fitness assessment, physical agility assessment, basic firefighting skills assessment, and EMS skills assessment.
- c. Successful applicants will be placed on a lateral eligibility list by Human Resources for consideration in filling open firefighter positions as determined by the Fire Chief.
- d. Applicants who do not possess an EMT Certification from the Southern Nevada Health District will have one hundred eighty (180) days from date of appointment to meet the requirements of reciprocity of the Southern Nevada Health District. Failure to complete these requirements will result in immediate termination.
- e. It is understood that should an applicant's name be considered for a position and the Human Resources Department's records indicate that the applicant no longer meets the minimum requirements, the applicant shall automatically be removed from the list and will no longer be eligible for consideration.
- f. An applicant's name will remain on the lateral entry eligibility list for a period not to exceed two years from the date approved unless removed for cause.
- g. Failure to successfully pass the lateral training academy or other education and training requirements established by the Fire Department, and the one year probationary requirement will result in immediate termination.

#### H. Open Competitive.

- 1. The open competitive process will be followed after the terms of the appropriate collective bargaining agreement or contract are met.
- 2. When a job announcement is posted open competitive, anyone is eligible to apply for any position for which minimum requirements are met. The exception would not allow those candidates who applied and proceeded through an internal posting/assessment process.
- 3. Assessment measures as deemed appropriate by the Human Resources Department will be quantifiable. Where applicable, a minimum passing score of 70% must be achieved. Open competitive eligibility lists will be

established in accordance with established Human Resources procedures, processes and the applicable collective bargaining agreement.

4. Names of qualified applicants will be placed on the appropriate eligibility list. Qualified applicants may be further assessed based on the results of the screening and evaluation process.

- a. For the positions of Police Officer, Corrections Officer and Firefighter, the open competitive lists may be continuous. Each time an examination is given, the names of candidates passing the examination shall be added to the existing open competitive list, ranked by the candidates' final score on the examination taken.
- b. Each examination announcement for a continuous list shall state the time period during which the names of the candidates successfully passing the examination will remain on the continuous list.
- c. The time period will be referred to as the "eligibility period." The eligibility period of a continuous open competitive list shall not exceed twelve (12) months. A candidate's name shall be removed from a continuous list at the end of the eligibility period.

Police Officer and Fire Recruitments

Group I	100% to 90%
Group II	89% to 80%
Group III	79% to 70%

5. Interviewees shall be notified of the date, time, and location of departmental interview. Failure to report for the interview shall result in disqualification of the applicant and removal of their name from further consideration for the position in that department. The grounds outlined in Section 2.68.090 for disqualification of an applicant, although not all inclusive, may be considered by the Director of Human Resources as sufficient cause for removal from an eligibility list. Whenever an applicant is disqualified, the applicant will be notified of such disqualification.

- I. The Director of Human Resources or designee shall have the authority to correct any eligibility list where it can be shown an error has occurred.

J. Removal from Eligibility List.

1. The name of any person appearing on an approved eligibility list may be removed for the following reasons:
  - a. Failure to respond to notice or to report for a departmental interview.
  - b. If such person for any reason has become incapacitated for appointment.
  - c. If it has been determined that there were sufficient grounds to disqualify the applicant.
  - d. If the applicant does not successfully complete the requirements of Section 2.68.115.

- e. Any person removed from an approved eligibility list shall be notified.
  - f. When the applicant is selected from one eligibility list the applicant's name shall be removed from all other open competitive eligibility lists and shall then be covered by the applicable bargaining agreement/contract or ordinance.
- K. When a person selected for an appointment declines the appointment, their name shall be removed from the approved eligibility list unless the Director of Human Resources or designee approves their written request to keep their name on the eligibility list for consideration at a future time. If a person is unable to report for a scheduled interview, their name will remain on the appropriate eligibility list for future consideration during the list's activity.

**2.68.11**      **2.68.110 Seniority**

Seniority for employees in open competitive selection shall be defined as follows:

- A. For classifications normally filled through open competitive examinations, seniority shall be based on:
  - i. Date of employment to classification for which the open competitive examination is given. In the event of a reclassification where an examination is not given, time spent in the previous classification shall be credited for purposes of determining seniority.
  - ii. Examination grades. Examination grades are determined by using the most recent promotional or open competitive grade first and in the event of a tie going backwards to the next most recent and ad infinitum.
  - iii. Date of original application.
- iii. In the event subsection (A)(i) of this section is not conclusive subsection (A)(ii) of this section shall govern; if subsection (A)(ii) is not conclusive, subsection (A)(iii) shall govern.
- B. For classification normally filled through promotional examinations, seniority shall be determined by the following order unless otherwise directed by collective bargaining ~~contracts~~/agreements:
  - i. Date of promotion to the classification;
  - ii. Promotional examination grade;
  - iii. Seniority in each of the preceding classifications from which promoted;
  - iv. When determining seniority for those promoted from different classifications, the date of employment with the Department shall be the determining factor if one and two are not conclusive.

In the event subsections (B)(i) ~~or and two~~ (B)(ii) of this section are not conclusive, subsection (B)(iii) of this section shall govern; provided, that all personnel have been promoted from the same classification; ~~if personnel have they have~~ not been promoted from the same classification, subsection (B)(iv) of this section shall govern.

#### **2.68.115 Pre-Employment Screening**

- A. Employment with the City is contingent upon successful completion of one ~~of~~, or a combination of, the following: a pre-employment medical examination, a drug screen, a psychological profile evaluation, background investigation and any other measures deemed necessary and appropriate and in accordance with current policies, procedures and ordinances.
- B. Employees may be required for reasonable cause to undergo a physical, drug screening, or psychological profile evaluation or any other measures deemed necessary and appropriate to be paid by the City and in accordance with City policy.
- C. An offer of appointment is subject to a satisfactory report from the City's designated physician on the examination required in Section 2.68. ~~440~~100. Should the result of the examination reflect a failure to meet the City's standards of the position, the City manager or designee may rescind the offer.

#### **2.68.120 Appointment Documents**

- A. Upon selection for appointment, the applicant shall receive an appointment offer letter from the Director of Human Resources or designee.
- B. All employees are required to take an oath of office as prescribed by NRS 282.020.

#### **2.68.125 Training/Interns**

- A. Employees may be given suitable training as determined necessary by the City to improve the employee's effectiveness in current assignments and to ensure growth potential.
- B. Nothing in these rules shall be construed to prevent the appointment of trainee status persons such as interns provided the appointment is approved in advance by the City Manager or designee. Such appointments shall not exceed eighteen (18) months.

### **2.68.130 Supervision**

- A. Supervisors shall be accountable for:



1. Ensuring the fair and consistent application of policies, procedures, rules, regulations, laws, statutes, collective bargaining agreements, and ordinances.
2. The application of the employee performance management system, as outlined in City policies, procedures and ordinances.
3. The application of corrective action to include discipline.
4. The training and development of employees under their supervision.

#### **2.68.135 Performance**

- A. Formal written performance feedback or performance evaluations shall be completed in accordance with City policy. The following deadlines will apply:
  1. Formal written performance feedback shall be given thirty (30) days prior to the end of the probationary period.
  2. An initial performance evaluation shall be given twelve (12) months from date of hire into the position, and no less than once every twelve (12) months thereafter.
  3. Employees shall receive informal check-ins on performance thirty (30), sixty (60), ninety (90), and one hundred and eighty (180) days after their hire date, and then (10) days prior to the end of their probationary period.
  4. Employees who have passed their probationary period and are transferring to a new role and/or new supervisor should receive a performance evaluation prior to transfer.
  5. Supervisors should conduct an initial feedback session with new employees within 90 days of assuming supervision.

#### **2.68.140 Probationary Periods**

- A. All appointments shall be subject to the successful completion of a probationary period in accordance with City policy, departmental policy, or ordinance.
- B. During the new hire probationary period, probationary employees may be separated at will for any reason which is not in violation of any state or federal law and shall not have any entitlement to continued employment.
- C. The Director of Human Resources or designee may confirm or non-confirm an employee at any time within the probationary period. Non-confirmation of a new employee shall result in termination. Confirmation of a new employee shall result in regular employee status.
- D. Requests to extend probation shall be reviewed, and a determination made, by the Director of Human Resources or designee and, if applicable, in consultation with the appropriate bargaining unit.
- E. Police officers, corrections officers, marshals, and bailiffs shall serve an eighteen (18) month probation period as a new hire or reclassification.
- F. Fire suppression and fire non-suppression personnel shall serve one year of probation as a new hire.

- G. All other new hires shall have a one year probationary period. Reclassifications and promotions shall be subject to a probationary period of six months.
- H. If an employee is unable to perform the duties of the new position to the satisfaction of the [City supervisor/manager](#), the employee may be placed in a position in the same job classification as held at time of appointment. This determination must be made within four weeks of the appointment to the new position.
  - a. Within four weeks of appointment to the new position, the employee has the option to return to the previously designated job classification.
- I. Temporary Appointed Employees
  - a. Time spent under a temporary appointment immediately prior to appointment to a regular position shall be credited to the probationary period only if the person has been serving in a higher position or in the same position to which the appointment was made.

#### **2.68.145 Promotion**

- A. Promotion is the advancement of an employee from one classification to another classification in a higher pay grade.
- B. Insofar as practicable and consistent with the best interests of the City, vacancies shall be filled by promotion of City employees in accordance with City policy, any applicable collective bargaining agreement, or ordinance.

#### **2.68.150 Assignment to Duty and Transfer**

- A. All employees are subject to duty assignments by the City Manager or designee.
- B. Transfers will be done in accordance with City policy, any applicable collective bargaining agreement, or ordinance.
- C. An employee may at any time request a transfer or reassignment of their position.
- D. A transfer is any formal movement of an employee from a position in one department to a position in the same classification in another department.

A reclassification is formal movement of an employee from one classification to another in the same pay grade or in a higher or lower pay grade.
- E. A minimum qualification examination may be required for a reclassification at the recommendation of the Director of Human Resources.
- F. A reassignment is a formal movement of an employee from one position to another in the same classification and the same department.

#### **2.68.155 Reduction in Classification**

An employment classification may be reduced by the City Manager after the Director of Human Resources gives the employee fourteen (14) days written notification of the proposed action and ~~of~~ the reasons for same.

#### **2.68.160 Hours of Work**

- A. Personnel shall be required to work a minimum of nine (9) hours per day and thirty-six (36) hours per week. The City's workweek shall consist of four (4) consecutive days in a calendar week, as determined by the City Manager.
- B. The City shall have the right to establish and/or change work schedules and starting times.

#### **2.68.165 Attendance**

- A. It is imperative that every employee be present when scheduled to work in order to fulfill the City's service commitment to the community. The City depends on a reliable and dependable work-force each day.
- B. An employee unable to report for work shall notify their supervisor in accordance with City policy, departmental policy and procedures, and/or the applicable collective bargaining agreement. Failure to do so may result in disciplinary action.
- C. Absence without leave is any unauthorized absence and is subject to disciplinary action.
- D. In the event of an unusual emergency which requires the employee to be absent from duty, such leave shall be charged to the appropriate leave time. If no sick leave is accrued, such leave shall be charged to holiday leave. If no holiday leave is accrued, such leave shall be charged to annual leave. The employee shall notify the ~~D~~epartment ~~D~~irector or designee as soon as possible, but notification shall be no later than the first day of absence.
- E. There shall be no leave time accrual for an employee on a no pay status except in accordance with FMLA.

#### **2.68.170 Annual Leave**

- A. Annual leave is provided to employees for the purpose of rest and relaxation from their duties and for attending to personal matters.
- B. Unless otherwise authorized by a Department Director, ~~r~~employees shall be eligible to take annual leave only after completion of six (6) months of continuous full-time service.
- C. The accrual and administration of annual leave shall be in accordance with applicable City policies and ordinances.

- D. Absences not specifically covered by other provisions of these rules may be chargeable to annual leave to the extent it has been accrued and in accordance with City policy or ordinance.
- E. Employees who leave City service after completion of twelve months of service are entitled to payment for unused annual leave.
- F. Employees who return to City service on the rehire list accrue leave only from date of rehire with credit for adjusted service for purposes of PERS eligibility.

#### **2.68.175 Special Leave and Leave Without Pay**

- A. Administrative leave may be used in accordance with City policy.
- B. Administrative leave in the interest of the City may be granted by the department director with full, partial, or without pay.
- C. Leave without pay may be granted to an employee for purposes usually covered by sick or annual leave if such leave has been exhausted or for other justifiable reasons.
- D. Periods of leave without pay shall not be credited for purposes of annual or sick leave, completion of probation, wage increases, time in class for promotion except as required by the FMLA, Worker's Compensation regulations, Military Leave, City policy or ordinance. The employee's service date shall be adjusted accordingly with credit received for all time actively worked for the City.
- E. Continuous leave without pay for periods in excess of thirty (30) calendar days must be reviewed by the Director of Human Resources or designee and approved by the City Manager. The City is not obligated to pay the insurance premium of an employee after the employee has completed thirty (30) continuous calendar days on no pay status, except for FMLA leave.
- F. Periods of leave without pay in excess of thirty (30) calendar days resulting from a job-related illness or injury shall be credited for purposes of seniority or computing longevity pay and may be credited for purposes of completion of probation and/or wage increases on the recommendation of the ~~D~~department ~~Directorhead~~ and approval of the Director of Human Resources or designee and the City Manager.
- G. Continuous leave without pay for periods in excess of thirty (30) calendar days must be reviewed by the Director of Human Resources and approved by the City Manager or designee.

- H. Emergency Leave. When a death, serious illness or an injury occur in the immediate family (immediate family defined as spouse, child, father, father-in-law, mother, mother-in-law, brother, sister, step, adopted, or foster relationships), the employee may be granted emergency leave with pay.
- i. Unless otherwise stated in the applicable collective bargaining agreement, emergency leave shall accrue at the rate of three (3) days after one (1) year of service credit, and one day each additional year of service not to exceed fifteen days (15) days maximum accrual.
  - ii. Emergency leave shall be approved by the Department Director or designee.

## 2.68.180 Holidays

- A. Holiday pay and leave are outlined in City policy and ordinance.
- B. In accordance with NRS 236.015, legal holidays are defined as closing of state, county and City offices, courts, banks, savings and loan associations, public schools and University of Nevada system.
- C. Employees shall receive holidays covered under the applicable ordinance. In addition, employees shall receive a holiday on any day designated as a legal holiday by the President of the United States, Governor of Nevada, or the Mayor of the City.
- D. ~~1.~~ In order to receive holiday pay or leave, an employee must work or be paid leave their last scheduled work day preceding the holiday, and their first scheduled work day succeeding the holiday.
- ~~2.~~ 1. When a holiday falls on an employee's regularly scheduled day off, the employee shall accrue one day of holiday time.
  - ~~3.~~ \_\_\_\_\_
  - ~~4.~~ 2. When a holiday falls on an employee's regularly scheduled work day, but the employee is not required to work, pay for such holiday shall be included in the payroll check for that period.
  - ~~5.~~ 3. Any unworked holiday that falls within a normally scheduled work week shall count as time worked in computing the work week.
  - ~~6.~~ 4. When an employee works on a holiday, they shall be compensated in that pay period at one and one-half times their regular rate of pay in addition to the holiday, or per any applicable collective bargaining agreement.
- E. Accrued holiday time may be taken off in conjunction with the employee's annual leave or at the convenience of the employee subject to the approval of the ~~De~~partment ~~D~~irector who may require written notice of an employee's request.
- ~~F.~~ Accrued holiday time, including the employee's birthday, may be taken off at

the convenience of the employee subject to the approval of the ~~D~~epartment ~~D~~irector or their designee, who for budgetary and manpower planning purposes, shall require a two week advance written notice of an employee's request for accrued holiday time off.

F.

#### **2.68.185 Sick Leave**

- A. In accordance with City policy and ordinance, employees, except those engaged on a temporary basis, may be granted sick leave for the following reasons:
  - 1. Incapacitated by illness or injury from the performance of their duties;
  - 2. Scheduled medical appointments; and
  - 3. Public health requirements prevent attendance at work.
- B. Employees may be granted leave for the illness of an immediate family member provided the employee first obtains the approval of the ~~D~~epartment ~~D~~irector or designee. "Immediate family member" is defined to include spouse, parent, son, daughter, brother, sister, mother-in-law, and father-in-law. The term "spouse" means current husband or wife as defined or recognized under state law for purposes of marriage. The term "parent" means the biological parent or individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child.
- C. Sick leave will be paid and will accrue in accordance with ordinance and City policy.

#### **2.68.190 Insurance**

- A. Insurance benefits shall be provided in accordance with applicable ordinances.
- B. Life: The City shall provide life insurance protection with double-indemnity for accidental death in accordance with the applicable collective bargaining agreement/contract or ordinance.
- C. Medical: The City shall provide a health benefit package which will include medical, dental and vision. Benefits may be awarded in accordance with the current bargaining agreement/~~contract~~ or ordinance.

- D. Except for FMLA leave, the City is not obligated to pay the insurance premium of an employee after the employee has completed thirty (30) calendar days on no-pay status.

#### **2.68.195 Jury Duty**

- A. Employees called to serve on jury duty shall notify their ~~D~~epartment ~~D~~irector or designee as soon as possible and shall not suffer a reduction in their wages. Employees called for jury duty shall receive their regular pay and retain all jury duty pay. Employees who report but are not selected to serve on a jury shall report to work when excused.

#### **2.68.200 Discipline for Cause**

- A. Once probation is successfully completed, an employee may only be disciplined for cause.

#### **2.68.205 Forms of Discipline (Represented and Confidential employees only)**

- A. An employee shall be subject to discipline only for cause. According to the gravity of the transgression, discipline may be in the form of any one or combination of the following (refer to specific collective bargaining agreement):
  - 1. Oral warning;
  - 2. Written reprimand;
  - 3. Suspension without pay;
  - 4. Demotion; or
  - 5. Permanent ~~s~~Separation.
- B. In those cases where the supervisor perceives a significant hazard or disruption to City operations in keeping the employee on the job, the employee may be suspended with or without pay until the disciplinary hearing is held.
- C. The City shall retain the right to forego steps of any disciplinary/termination procedure and to impose whatever level of discipline is determined to be appropriate. The imposition of one form of discipline for a certain offense is not to be considered a binding practice as to future cases involving same or similar offenses.

#### **2.68.210 Appeals**

The Civil Service Board of Trustees (CSB) has established an appeals hearing process to be used by employees covered by the civil service rules and regulations. Appeals shall apply to only those disciplinary actions which involve demotion, suspension without pay and/or permanent separation. When an employee is demoted, suspended or permanently separated, the Director of Human Resources or designee shall notify the employee of their appeal rights in writing.

- A. Ratified contracts between the City and employee organizations pursuant to NRS Chapter 288 shall be deemed controlling when in conflict with these civil service rules. Insofar as such ratified contract provides that these grievance and arbitration procedures are a bargaining unit employee's exclusive remedy, such provision shall preempt the procedures set forth below.
- B. An appeal shall be in writing and received by the Director of Human Resources within fifteen (15) calendar days from the date notice of the decision was submitted which shall be the date of mailing or of personal service, whichever occurs first. The Director of Human Resources or designee shall schedule an appeal hearing upon notification from the grievant to proceed to the final step. The Director of Human Resources shall notify in writing the CSB members, the grievant, grievant's representative, City ~~A~~ttorney's ~~O~~ffice, and the ~~D~~epartment ~~D~~irector of the grievant of the location, date and time of the hearing. This process shall not exceed thirty (30) calendar days from the date the grievant files for final action.
- C. The ~~C~~~~S~~~~B~~~~Civil Service Board~~ shall serve as the hearing panel for the appeal. Either side may present evidence at the hearing to clarify or support their position. The Director of Human Resources or designee shall contact and schedule witnesses at the request of the CSB Chairman. The Chairman shall control the conduct of the hearing and questioning of the witnesses.
- D. During the hearing process, the City and the grievant may use their representatives to advise them throughout the proceeding. However, both parties are responsible for their own presentation since the process is designed to resolve the conflict within the City and not a court of law. Representatives shall not be allowed to cross examine a witness, but may advise their client throughout the process. A representative may give a summary statement on behalf of their clients at the end of the proceedings.
- E. The proceedings shall be recorded and copies will be available upon request at the conclusion of the proceedings.
- F. The panel shall convene in a closed personnel session to consider character, alleged misconduct, professional competence, or the physical or mental health of a person. The panel shall form its recommendations or decisions in an open meeting and give its decision to the City Manager or designee within ten (10) calendar days.

#### **2.68.215 Appeals of Disciplinary and Discharge Hearings**

- A. The panel has the authority to choose one of the following three decisions based on the hearing evidence:
  - 1. Decide in favor of the grievant and reverse the City's discipline;
  - 2. Modify the discipline and recommend a lesser discipline; or
  - 3. Decide in favor of the City and support the discipline.
- B. The panel's decision is final and binding.



#### 2.68.220 Deviations in Hearing Procedures

- A. Inadvertent deviations which may occur in the foregoing procedures shall not invalidate the final decision of the Civil Service Board of Trustees.

#### 2.68.225 Resignation and Involuntary Separation

- A. An employee who resigns shall submit their resignation in writing to include an effective date. An oral resignation may be accepted at the discretion of the Department Director or designee.
- B. An unauthorized absence from duty after an authorized absence or leave may be considered an involuntary separation.

#### 2.68.230 Abolition of Post and Reduction in Force

- A. The City Council, in the interest of the City, may abolish any position which may result in a reduction in classification and/or reduction in force.
- B. The temporary appointment of an employee engaged in a position of limited duration may be terminated at any time.
- C. When a position is abolished, a reduction in force shall take place in accordance with the following principles:
  - 1. Competition for retention shall be limited to other employees in the same classification.
  - ~~2.~~ 2. Preference for retention shall be based first on performance in classification and second on seniority within the classification, and third on seniority with the City.
  - 3. As a result of the application of the reduction in force procedure, the City Manager may cause the reassignment, reduction in class, any combination thereof, or permanent separation of the employee.
  - 4. An employee's appointment shall not be separated before a reasonable offer of reassignment is made if such offer is immediately possible.
  - 5. Any employee of the City who is affected by a reduction in force shall have the right to receive a reduction in class to the highest classification in which the employee previously served.
- D. Any employee reduced in class or separated under this rule shall have their name placed on the reduction in force list in accordance with these rules.
- E. Permanent separation may require giving at least two weeks' notice to the employee or payment in lieu of notice of the employee's two-week wage amount plus any other remuneration the employee is currently receiving.

#### **2.68.235 Retirement**

- A. The City and employees shall participate in the Public Employees Retirement System (PERS) of the State of Nevada and will abide by the rules of that system.
- B. Retirement contributions are made in accordance with City ordinance.

#### **2.68.240 Compensation for Service-Incurred Accidents or Illnesses**

- A. The City and employees shall be covered by the provisions of the Nevada Industrial Insurance Act, the Nevada Occupational Diseases Act, the Industrial Safety Act, the American with Disabilities Act, and City policy.

#### **2.68.245 Definitions**

- A. Classification Specification: Each classification shall be described by a classification specification which shall include classification title, statement of duties, levels of authority, reporting relationships, levels of supervision received, FLSA status, essential functions, certifications/licenses, training and experience, knowledge, skills and abilities, working conditions, responsibilities, appropriate preferences, minimum qualifications and will not necessarily include all duties to be performed in a particular job.
- ~~B. Intermittent pPart\_ tTime eemployees: are defined as Eemployees who work for a non-specified period of time in a calendar year and are scheduled to work no more than one-half time according to the established full time work schedule and will not exceed 935 hours in a fiscal year. Intermittent part-time employees must meet the minimum requirements for the job and are not eligible for City benefits.~~
- B. Probation: A pre-determined period of time as determined by the appropriate bargaining agreement, contract or ordinance during which an employee is required to demonstrate ability to perform the duties of the job in a satisfactory manner.
- C. Probationary Employee: An employee who has not completed the probationary period as a result of a promotion, new hire, rehire or voluntary demotion.
- D. Promotion: The advancement of an employee from one classification to another classification with a higher rate of pay.
- E. Regular Full Time Employee: An individual who holds a full time position that requires working a regular workweek for the job classification and who has successfully completed a probationary period.

- F. Regular part time employees: ~~are defined as~~ Employees who are regularly scheduled to work half-time or more according to the established full time work schedule. Employee hours cannot exceed 28 hours a week or more than nine hundred thirty five (935) hours per fiscal year. Regular part time employees must meet the minimum requirements for the job.
- G. Temporary Employee: Temporary appointments are defined as employees who work for a specific limited period of time on a full time or part time basis, not to exceed 935 hours per fiscal year. Temporary employees who have worked six consecutive months in a calendar year will not be re-hired for temporary employment until there has been a break in service of three consecutive months. Temporary employees must meet the minimum requirements for the job and are not eligible for City benefits.

**SECTION 3: NON-INFRINGEMENT OF RIGHTS.** The City Council of the City of North Las Vegas has been informed by the City Attorney's Office as to the constitutionality of this ordinance and, based upon such information, we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

**SECTION 4: SEVERABILITY.** If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this ordinance.

**SECTION 5: EFFECTIVE DATE.** This ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of the Nevada Revised Statutes, as amended from time to time.