



Nye County

Personnel Policy Manual

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11/03/2009	Version 1.0	Adopted Revised Nye County Personnel Policy Manual
01/05/2010	Rev. 1-2010	Adopted changes to the Nye County Personnel Policy Manual <ul style="list-style-type: none"> • Section 1. General Provisions: Sub-section(s) 1.8.2: Maintenance of Personnel Files; 1.8.6: Verification of Employment 1.9.1: Identification of Confidential Information • Section 2. Employee Relations: Sub-section(2) 2.2.1: Policy; 2.2.1.: Definition; 2.3.1: Process; 2.8.5: Confidentiality of Medical Records • Section 3. Employment: Sub-section(s) 3.15.1: Introductory Period; 3.20.02: Authorization to Hire Casual Workers; 3.22.: Volunteer Program; 3.23: Board Appointments • Section 6. Leave Plans: Sub-section 6.4.5: Certification of Leave • Section 13. Definition of Terms: Added definitions for Covered Active Duty & Covered Service Member
2/1/2011	Rev. 2-2011	Adopted changes to the Nye County Personnel Policy Manual <ul style="list-style-type: none"> • Section 1. General Provisions: Sub-section(s) 1.9.2: Access to Confidential Information • Section 2. Employee Relations: Sub-section(s) 2.1.1: Policy; 2.2 Anti-Harassment; 2.1.1 Definition; 2.2.2 Prohibited Conduct / Behavior(s); 2.3 Dealing with Allegations of Discrimination and/or Prohibited Conduct/Behavior; 2.3.1 Process; 2.3.2 Employee Responsibilities; 2.3.3 Supervisor/Manager Responsibilities; 2.3.4 Investigation; 2.4 Genetic Information Nondiscrimination Act (GINA); 2.4.1 Policy; 2.5 Training; 2.6 Prohibition Against Retaliation; 2.9.4 Disability-Related Inquires; 2.10 Drug and Alcohol-Free Workplace; 2.10.2 Employee Responsibilities; 2.10.7 Employee Assistance and Voluntary Referral;

		<p>2.10.8 Reasonable Suspicion Testing; 2.10.9 Post-Accident Testing; 2.10.10 Safety-Sensitive Position; 2.10.14 Testing Guidelines; 2.17 Use of Employer Property and Premises; 2.24 Reporting Convictions; 2.25 Whistleblower Protection</p> <ul style="list-style-type: none"> • Section 3. Employment: 3.10 Selection; 3.12.1 Acquiring References; 3.14.1 Job Offer Letters; 3.14.2 Pre-employment Drug Screening for Safety-Sensitive Positions; 3.19 Rehire; 3.22.3 Selecting Volunteers; 3.22.4 Managing Volunteers • Section 4. Position Classification Plan: 4.1.1 Classification Plan • Section 5. Compensation Plan: 5.5.1 Non-Exempt Employees; 5.5.3 Safe Harbor; 5.12 Work Out-of-Class; 5.12.1 Policy; 5.12.2 Assignments; 5.12.3 Employee Eligibility • Section 6. Leave Plans: 6.3 Policy; 6.4 FMLA 6.4.1 Policy; 6.12 Nursing Mothers • Section 8. Travel Policy: New Section • Section 9. Employee Separation: 9.1.4 Final Paycheck; 9.3 Layoffs • Section 10. Performance Management: 10.1.1 Statement • Section 11. Disciplinary Actions & Appeals: 11.1.1 Justification for Discipline; 11.1.2 Forms of Disciplinary Action; 11.1.4 Public Hearing for Dismissed Employee of Counties, Cities & Incorporated Towns, and Incorporated Towns.
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12/6/2016	Rev. 4 – 2016	<p>Adopted changes to the Nye County Personal Policy Manual</p> <ul style="list-style-type: none"> • Section 1. General Provisions: Sub-section(s) 1.1; 1.8.1 Guidelines (Contents of Personnel File); 1.8.2 Maintenance of Personnel Files; 1.8.6 Verification of Employment; 1.9.1 Identification of Confidential Information; 1.9.2 Access to Confidential Information; 1.9.3 Disposal of Personal Records. • Section 2. Employee Relations: Sub-section(s) 2.1 Fair Employment Practices; 2.1.1 Policy; 2.1.2 Scope; 2.2 Anti-Harassment; 2.2.1 Policy; 2.3 Dealing with Allegations of Discrimination and/or Prohibited Conduct/Behavior(s); 2.3.1 Process; 2.3.2 Employee Responsibilities; 2.3.4 Investigation; 2.9.3 Determination of Disability; 2.9.4 Disability-Related Inquiries; 2.9.5 Confidentiality of Medical Records; 2.9.6 Accommodation; 2.9.8 Glossary of ADA Related Terms; 2.11 Prohibition of Workplace Violence; 2.11.2 Scope; 2.11.3 Implementation of Policy; 2.11.5 Temporary Restraining Orders; 2.14 Political Activity; 2.14 Use

		<p>of County Property and Premises; 2.18 Phone Policy; 2.18.1 Personal Calls & Texts; 2.18.2 Cell Phone Use in Vehicles; 2.18.3 Phone Use in Business Meetings; 2.18.4 Additional Cell Phone Functions & Services; 2.19 Information Technology Policies (new section); 2.20 Social Networking (Social Media) Policy (new section); 2.23 Personal Appearance; 2.23.1 Policy; 2.24 Children, Animals and Visitors in the Workplace; 2.25 Reporting Convictions, Investigations, and Change of License; 2.26 Whistleblower Protection (Nye County Bill No. 2016-06); 2.27 Telecommuting (new section)</p> <ul style="list-style-type: none"> • Section 3. Employment: Sub-section(s) 3.2 Source of Applicant; 3.3 Job Announcements; 3.3.2 Promotion Opportunities; 3.4.2 Signatures; 3.5 Application Filing Periods; 3.6 Eligibility of Applicants; 3.9 Interviewing Applicants; 3.10 Selection; 3.13 Applicant/Employee Investigations (Background); 3.14.3 Other Conditions; 3.15 Orientation; 3.18 Promotions; 3.20 Casual/Temporary/Seasonal Employment; 3.20.1n Purpose; 3.20.2 Authorization to Hire Casual/Temporary/Seasonal Workers; 3.20.3 Duration of Casual/Temporary/Seasonal Employment; 3.20.4 Employment in a Regular Position; 3.21 License/Occupational Certification; 3.21.2 Employee Responsibilities; 3.21.3 Applicant's Failure of Possess a Valid License, Certificate, Permit, etc; 3.21.4 Driving Records (new section); 3.22 Volunteer Program; 3.22.3 Selecting Volunteers; 3.22.4 Managing Volunteers; 3.23 Board Appointments; 3.21.1 Orientation; • Section 4. Position Classification Plan: Sub-section(s) 4.1.1 Purpose; 4.1.5 Reclassification; 4.1.6 Reallocation; 4.2.2 Effective Date; • Section 5. Compensation Plan: Sub-section(s) 5.4 Time Reporting; 5.4.2 Hours Worked; 5.5 Overtime; 5.5.1 Non-Exempt Employees; 5.5.2 Exempt Employees; 5.6.4 Salary on Promotion/Transfer/Demotion, Reclassification and Reallocation; 5.10 Casual/Temporary/Seasonal Workers Compensation; 5.10.1 Rates of Pay; 5.10.2 Step Advancements; 5.10.3 Implementing Pay Increases; 5.11 Y-Rate; • Section 6. Leave Plans: Sub-section(s) 6.1.2 Holiday Pay; 6.1.4 Work on Holidays; 6.2 Annual Leave; 6.2.1 Annual Leave Accrual; 6.2.2 Eligibility Maximum Accrual; 6.2.3 Use of Annual Leave; 6.2.4 Annual Leave Pay at Separation or Termination; 6.3 Sick Leave; 6.3.1 Policy; 6.3.2 Procedure; 6.4 Family and Medical Leave; 6.4.1 Policy; 6.4.2 Duration of and Reason for Leave; 6.4.3 Military Caregiver Leave; 6.4.4 Notice of Leave; 6.4.5 Certification of Leave; 6.4.6 Designation Notice; 6.4.7 Benefits Coverage during Leave; 6.4.8 Outside Employment (new section); 6.4.9 Periodic Reporting (new section); 6.4.10 Change in Duration of Leave (new section); 6.4.11 Return from Leave; 6.4.12 Failure to Return from Leave; 6.5 Leave of Absence Without Pay; 6.5.1 Policy; 6.5.2 Procedure; 6.6 Court Leave; 6.6.1 Policy; 6.6.2 Compensation; 6.6.3 Late Start/Early Release; 6.7 Bereavement Leave; 6.8 Military Leave; 6.8.1 Policy; 6.8.3 Salary and Benefits; • Section 7. Benefits: Sub-Section(s) 7.1 Health Insurance Coverage; 7.1.1 Eligibility; 7.2 Life Insurance Coverage; 7.2.1 Eligibility; 7.4 Worker's Compensation; 7.5 Transitional Duty; 7.5.1 Policy; 7.5.3
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		<p>Duration and Conditions of Transitional Duty;</p> <ul style="list-style-type: none"> • Section 8. Travel Policy: Sub-Section(s) 8.4.7 Lodging; 8.4.8m Meals; 8.5 Ineligible Expenditures; 8.5.1 Include, but are not limited to the following; 8.6 Use of Personal Credit Cards; • Section 11. Disciplinary Actions and Appeals: Sub-Section(s) 11.1 Discipline and Appeal; 11.1.1 Justification for Discipline; 11.1.2 Forms of Disciplinary Action; 11.1.4 Public Hearing for Dismissed Employee of Counties or Unincorporated Towns; • Section 12. Dispute Resolution: Sub-Section(s) 12.4 Dispute Resolution Process; 12.4.1 Step 1. Discussion with Immediate Supervisor; • Section 13. Definition of Terms
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Nye County Personnel Policy Manual

Table of Contents

1.	GENERAL PROVISIONS.....	10
1.1.	Purpose	10
1.2.	Scope	10
1.3.	Computing Time for Notices	10
1.4.	Administration	10
1.5.	Administrative Directive.....	11
1.6.	Change of Address	11
1.7.	Failure to Receive Notices.....	11
1.8.	Personnel Files	11
1.8.1.	Guidelines (Contents of Personnel File)	11
1.8.2.	Maintenance of Personnel Files	12
1.8.3.	Employee Access.....	13
1.8.4.	Negative Information.....	13
1.8.5.	Employee Information Submitted	13
1.9.	Confidential Information.....	13
1.9.1.	Identification of Confidential Information.....	13
1.9.2.	Access to Confidential Information	15
1.9.3.	Disposal of Personal Records.....	16
2.	EMPLOYEE RELATIONS	18
2.1.	Fair Employment Practices.....	18
2.1.1.	Policy.....	18
2.1.2.	Scope.....	18
2.1.3.	Equal Employment Opportunity Officer Designated	19
2.2.	Anti-Harassment	19
2.2.1.	Policy.....	19
2.2.2.	Prohibited Conduct/Behavior(s)	19
2.3.	Dealing with Allegations of Discrimination and/or Prohibited Conduct/Behavior(s).....	20
2.3.1.	Process	20
2.3.2.	Employee Responsibilities	20
2.3.3.	Supervisor/Manager Responsibilities	21
2.3.4.	Investigation	21
2.4.	Genetic Information Nondiscrimination Act (GINA)	22
2.4.1.	Policy.....	22
2.5.	Training	22
2.6.	Prohibition Against Retaliation	22
2.7.	Employee Dating	23
2.7.1.	Policy.....	23
2.7.2.	Employee Responsibilities	23
2.7.3.	Supervisor/Manager Responsibilities	23
2.8.	Employee Bullying.....	23
2.8.1.	Definition	23
2.8.2.	Purpose	23
2.8.3.	Prohibited Conduct.....	23
2.8.4.	Dealing with Allegations of Bullying	24
	1. Process	24
	2. Supervisor/Manager Responsibilities	24
	3. Investigation.....	24

Nye County Personnel Policy Manual

Table of Contents

2.8.5.	Prohibition against Retaliation	25
2.9.	Employment Disabilities.....	25
2.9.1.	Purpose of Policy	25
2.9.2.	Policy.....	25
2.9.3.	Determination of Disability.....	25
2.9.4.	Disability-Related Inquiries	26
2.9.5.	Confidentiality of Medical Records.....	26
2.9.6.	Accommodation.....	26
	1. Accommodation for Applicants	26
	2. Accommodation for Employees.....	26
2.9.7.	Requirements of Other Laws	27
2.10.	Drug and Alcohol-Free Workplace	27
2.10.1.	Policy.....	27
2.10.2.	Employee Responsibilities	29
2.10.3.	Department Head Responsibilities	30
2.10.4.	Supervisor Responsibilities	30
2.10.5.	Employer Responsibilities	31
2.10.6.	Employee Education	31
2.10.7.	Employee Assistance and Voluntary Referral.....	31
2.10.8.	Reasonable Suspicion Testing.....	32
2.10.9.	Post-Accident Testing	33
2.10.10.	Safety-Sensitive Positions	34
2.10.11.	Random Testing	35
2.10.12.	Return-to-Work Testing/Follow-Up Testing	36
2.10.13.	Consequence of Refusal to Submit to Testing/Adulterated Specimen	36
2.10.14.	Testing Guidelines.....	36
2.10.15.	Option for Drug Retest.....	37
2.10.16.	Requirement for Drug Retest	37
2.10.17.	Searches.....	37
2.10.18.	Discipline Related to Abuse	38
2.10.19.	Confidentiality.....	39
2.11.	Prohibition of Workplace Violence	39
2.11.1.	Policy.....	39
2.11.2.	Scope.....	39
2.11.3.	Implementation of Policy.....	39
2.11.4.	Violations	40
2.11.5.	Temporary Restraining Orders	41
2.12.	Employment of Relatives	41
2.13.	Code of Ethical Standards	42
2.14.	Political Activity.....	44
2.14.1.	Running for, or Holding, Political Office	44
2.15.	Solicitation Prohibited.....	45
2.15.1.	Employee Activities.....	45
2.15.2.	Non-Employee Activities.....	45
2.16.	Work Stoppage Prohibited.....	45
2.17.	Use of County Property and Premises	45
2.18.	Phone Policy.....	46
2.18.1.	Personal Calls & Texts	46

Nye County Personnel Policy Manual

Table of Contents

2.18.2.	Cell Phone Use in Vehicles	46
2.18.3.	Phone Use in Business Meetings	47
2.19.	Information Technology Policies	47
2.19.1.	Policy	47
2.19.2.	Privacy	47
2.19.3.	Use	48
2.19.4.	Prohibited Use	48
2.20.	Social Networking (Social Media) Policy	49
2.20.1.	Policy	49
2.20.2.	General Provisions	50
2.20.3.	Employer Monitoring	50
2.20.4.	Reporting Violations	50
2.20.5.	Discipline for Violations	51
2.20.6.	Authorized Social Networking	51
2.20.7.	Rules and Guidelines	51
2.20.8.	Personal Blogs and Social Networking Sites	52
2.21.	Use of Tobacco	53
2.22.	Outside Employment	53
2.22.1.	Policy	53
2.22.2.	Conflicting Employment	53
2.22.3.	Procedure	54
2.23.	Personal Appearance	55
2.23.1.	Policy	55
2.23.2.	Enforcement	56
2.24.	Children, Animals and Visitors in the Workplace	56
2.25.	Reporting Convictions, Investigation, and Change of License	56
2.25.1.	Reporting Convictions	56
2.25.2.	Reporting Investigations	57
2.25.3.	Reporting Change of License	57
2.26.	Whistleblower Protection (Nye County Bill No. 2016-06)	57
2.26.1.	Purpose	57
2.26.2.	Definitions	57
2.26.3.	Filing an Appeal (Required to be adopted by Ordinance per NRS 281.645)	57
2.26.4.	Appointment of Hearing Officers	58
2.26.5.	Appeal Hearings	58
2.26.6.	Prohibition of Threats or Coercion	59
2.26.7.	Disclosure of Untruthful Information	59
2.26.8.	Annual Summary	59
2.27.	Telecommuting	59
2.27.1.	Purpose	59
2.27.2.	Scope	60
2.27.3.	Requesting Permission to Telecommute	60
2.27.4.	Employee Rights and Responsibilities	60
2.27.5.	Employer Rights and Responsibilities	61
2.27.6.	Termination of Telecommuting Agreement	61
3.	EMPLOYMENT	62
3.1.	Scope	62

Nye County Personnel Policy Manual

Table of Contents

3.2.	Source of Applicant	62
3.3.	Job Announcements.....	62
3.3.1.	Open Recruitments.....	62
3.3.2.	Promotion Opportunities.....	63
3.4.	General Requirements for Filing of Applications	63
3.4.1.	Application Forms.....	63
3.4.2.	Signatures	63
3.5.	Application Filing Periods.....	64
3.6.	Eligibility of Applicants	64
3.7.	Limitation of Applicant Pool to Most Qualified	65
3.8.	Examination Process	65
3.8.1.	Administration of Examinations	65
3.8.2.	Factors Evaluated.....	65
3.8.3.	Types of Examinations	65
3.8.4.	Minimum Standards	65
3.9.	Interviewing Applicants.....	65
3.10.	Selection.....	66
3.11.	Correction of Administrative Errors	66
3.12.	Reference Checks.....	67
3.12.1.	Acquiring References	67
3.12.2.	Providing References	68
3.13.	Applicant/Employee Investigations (Background).....	69
3.13.1.	Reports.....	69
3.13.2.	Requirements.....	69
3.14.	Offers of Employment.....	70
3.14.1.	Job Offer Letters	70
3.14.2.	Pre-employment Drug Screening for Safety-Sensitive Positions.....	71
3.14.3.	Other Conditions.....	71
3.15.	Orientation	71
3.15.1.	Introductory Period	72
3.16.	Failure to Appear for Work	72
3.17.	Transfers.....	72
3.18.	Promotions.....	73
3.19.	Rehire	73
3.20.	Casual/Temporary/Seasonal Employment	73
3.20.1.	Purpose	73
3.20.2.	Authorization to Hire Casual/Temporary/Seasonal Workers.....	73
3.20.3.	Duration of Casual/Temporary/Seasonal Employment.....	73
3.20.4.	Employment in a Regular Position.....	73
3.21.	License/Occupational Certification	74
3.21.1.	Purpose	74
3.21.2.	Employee Responsibilities	74
3.21.3.	Applicant's Failure to Possess a Valid License, Certificate, Permit, etc.....	75
3.21.4.	Driving Records	75
3.22.	Volunteer Program.....	75
3.22.1.	Purpose	75
3.22.2.	Scope.....	75
3.22.3.	Selecting Volunteers	75

Nye County Personnel Policy Manual

Table of Contents

3.22.4.	Managing Volunteers.....	76
3.22.5.	County Employees as Volunteers	76
3.23.	Board Appointments	76
3.23.1.	Orientation.....	76
3.23.2.	Terms of Office	77
3.23.3.	Attendance	77
4.	POSITION CLASSIFICATION PLAN	78
4.1.	Policy	78
4.1.1.	Purpose	78
4.1.2.	Classification	78
4.1.3.	Maintenance and Revision	78
4.1.4.	New Positions	78
4.1.5.	Reclassification	78
4.1.6.	Reallocation	79
4.2.	Procedure.....	79
4.2.1.	Requests for Classification Review	79
1.	Submission Process	79
2.	Criteria for Determining the Need for Classification Review.....	80
4.2.2.	Effective Date.....	80
5.	COMPENSATION PLAN	81
5.1.	Pay Periods and Paydays.....	81
5.2.	Work Week Defined.....	81
5.3.	Work Time.....	81
5.3.1.	Attendance	81
5.3.2.	Work Schedules	81
5.3.3.	Rest Periods	81
5.3.4.	Meal Periods	81
5.3.5.	Work Assignments	82
5.4.	Time Reporting <i>(for purposes of this section, the term ‘employee’ does not include elected officials)</i>	82
5.4.1.	Purpose of Time Reporting	82
5.4.2.	Hours Worked	82
5.4.3.	Position Designations - Exempt or Non-Exempt.....	83
5.4.4.	Responsibility for Exempt or Non-Exempt Designation	83
5.4.5.	Responsibility for Time Reporting	83
5.5.	Overtime	83
5.5.1.	Non-Exempt Employees.....	83
5.5.2.	Exempt Employees.....	85
5.5.3.	“Safe Harbor”	86
5.6.	Rates of Pay.....	87
5.6.1.	Compensation Plan.....	87
5.6.2.	Hiring Rate of Pay	87
5.6.3.	Advanced Step Hire.....	87
5.6.4.	Salary on Promotion/ Transfer, Demotion, Reclassification and Reallocation.....	87
5.7.	Salary Increase Schedule.....	88
5.7.1.	Step Advancements Authorized	88
5.7.2.	Anniversary Date/Step Advancement	88

Nye County Personnel Policy Manual

Table of Contents

5.8.	Withholding of Step Advancements	89
5.8.1.	Job Performance	89
5.8.2.	Unpaid Leaves of Absence	89
5.8.3.	Granting of Withheld Advancements	89
5.8.4.	Longevity	89
5.9.	Flat Rate Salaries	89
5.10.	Casual/Temporary/Seasonal Worker Compensation	90
5.10.1.	Rates of Pay	90
5.10.2.	Step Advancements	90
5.10.3.	Implementing Pay Increases	90
5.11.	Y-Rate	90
5.12.	Work Out-of-Class	91
5.12.1.	Policy	91
5.12.2.	Employee Eligibility	91
6.	LEAVE PLANS	92
6.1.	Holidays	92
6.1.1.	Holidays Designated	92
6.1.2.	Holiday Pay	92
6.1.3.	Weekend Holidays	92
6.1.4.	Work on Holidays	93
6.2.	Annual Leave (for purposes of this section, the term ‘employee’ does not include elected officials)	93
6.2.1.	Annual Leave Accrual	93
6.2.2.	Eligibility Maximum Accrual	93
6.2.3.	Use of Annual Leave	94
6.2.4.	Annual Leave Pay at Separation or Termination	94
6.3.	Sick Leave (for purposes of this section, the term ‘employee’ does not include elected officials)	94
6.3.1.	Policy	94
1.	Accrual	94
2.	Use of Sick Leave	94
3.	Abuse of Sick Leave	95
4.	Illness During Annual Leave	95
5.	Placing an Employee on Sick Leave	95
6.	Return to Work	95
7.	Sick Leave at Separation	95
8.	Sick Leave Conversion	96
6.3.2.	Procedure	96
1.	Leave Approval	96
2.	Notification	96
3.	Health Care Provider’s Certification	96
6.4.	Family and Medical Leave (administered by the HR Department)	96
6.4.1.	Policy	96
1.	Eligibility	97
2.	Compensation During Leave	97
3.	Intermittent or Reduced Schedule Leave	97
6.4.2.	Duration of and Reasons for Leave	98

Nye County Personnel Policy Manual

Table of Contents

6.4.3.	Military Caregiver Leave	100
1.	Policy	100
2.	The Covered Servicemember under the Military Caregiver leave must be:	100
3.	Limitations of Leave	101
6.4.4.	Notice of Leave	101
6.4.5.	Certification of Leave	101
1.	Certification Forms.....	101
2.	Incomplete or Insufficient Certification (cure period).....	102
3.	Clarification or Authentication of Certification.....	102
4.	Second or Third Opinions.....	102
5.	Recertification.....	103
6.	Annual Medical Certification	103
6.4.6.	Designation Notice.....	103
6.4.7.	Benefits Coverage during Leave	104
6.4.8.	Outside Employment	104
6.4.9.	Periodic Reporting	104
6.4.10.	Change in Duration of Leave.....	104
1.	Return Prior to Expiration	104
2.	Request an Extension of Leave	105
6.4.11.	Return from Leave	105
6.4.12.	Failure to Return from Leave	105
6.5.	Leave of Absence Without Pay	106
6.5.1.	Policy.....	106
6.5.2.	Procedure.....	106
1.	Approval – Less Than 30 Days.....	106
2.	Approval – More Than 30 Days.....	106
3.	Purpose	106
4.	Termination of Leave	106
5.	Insurance.....	107
6.	Return from Leave	107
7.	Introductory Period.....	107
8.	Medical Reasons for Leave	107
9.	Anniversary Date.....	107
10.	Benefit Accrual	107
6.6.	Court Leave	107
6.6.1.	Policy.....	107
6.6.2.	Compensation.....	107
6.6.3.	Late Start/Early Release.....	108
6.7.	Bereavement Leave.....	108
6.8.	Military Leave.....	109
6.8.1.	Policy.....	109
6.8.2.	Notice and Notification.....	109
6.8.3.	Salary and Benefits	109
1.	Leave without Pay.....	109
2.	Health Insurance	109
3.	Seniority	110
4.	Retirement	110
5.	Death or Disability.....	110

Nye County Personnel Policy Manual

Table of Contents

6.	Other Leave.....	110
6.8.4.	Reemployment	110
6.8.5.	Discharge	111
6.9.	Emergency Conditions/Disaster Leave.....	111
6.9.1.	Emergency Volunteer Service.....	111
6.9.2.	Emergency Road Conditions	111
6.9.3.	Disaster Area Declaration	112
6.10.	Blood Donor Leave	112
6.11.	Leave for Parents of Children Enrolled in School.....	112
6.11.1.	Policy.....	112
6.11.2.	Retaliation.....	113
6.12.	Leave for Nursing Mothers	113
7.	BENEFITS	114
7.1.	Health Insurance Coverage	114
7.1.1.	Eligibility.....	114
7.1.2.	Benefits	114
7.1.3.	Plan Changes.....	114
7.2.	Life Insurance Coverage	114
7.2.1.	Eligibility.....	114
7.2.2.	Policy.....	114
7.2.3.	Coverage	114
7.3.	Retirement	114
7.4.	Workers' Compensation	115
7.5.	Transitional Duty.....	116
7.5.1.	Policy.....	116
7.5.2.	Salary.....	116
7.5.3.	Duration and Conditions of Transitional Duty	116
7.6.	Deferred Compensation.....	116
7.7.	Educational Assistance.....	117
8.	TRAVEL POLICY	118
8.1.	Purpose	118
8.2.	Policy	118
8.3.	Procedures	118
8.4.	Eligible Expenditures	120
8.5.	Ineligible Expenditures.....	127
8.6.	Use of Personal Credit Cards.....	127
9.	EMPLOYEE SEPARATION.....	128
9.1.	Resignation.....	128
9.1.1.	Notice.....	128
9.1.2.	Return of Employer Property.....	128
9.1.3.	Job Abandonment.....	128
9.1.4.	Final Paycheck.....	128
9.2.	Exit Process	128
9.2.1.	Process	128
9.2.2.	Exit Interview	129
9.3.	Layoffs	129
9.3.1.	Alternatives to Layoff.....	129

Nye County Personnel Policy Manual

Table of Contents

9.3.2.	Order of Layoffs	129
9.3.3.	Designation of Employees to be Laid Off.....	129
9.3.4.	Layoff Notice	130
9.3.5.	Reinstatement	130
9.3.6.	Reinstatement Process	130
9.3.7.	Duration of Reinstatement List.....	130
10.	PERFORMANCE MANAGEMENT.....	131
10.1.	Statement.....	131
10.1.1.	Purpose	131
10.1.2.	Ongoing Communication Regarding Performance	131
10.1.3.	Frequency of Performance Evaluations.....	131
10.1.4.	Written Record	132
10.1.5.	Personnel Actions Resulting from Performance Evaluations	132
10.1.6.	Employee Involvement	132
10.2.	Procedure.....	132
10.2.1.	Steps in the Performance Evaluation Process	132
10.2.2.	Documentation of Performance Evaluations	133
11.	DISCIPLINARY ACTIONS AND APPEALS	134
11.1.	Discipline and Appeal.....	134
11.1.1.	Justification for Discipline	134
11.1.2.	Forms of Disciplinary Action	135
11.1.3.	Due Process.....	135
1.	Written Notice	136
2.	Employee Review	136
3.	Conference Prior to Implementation.....	136
4.	Implementation of Discipline.....	136
5.	Appeal	137
11.1.4.	Public Hearing for Dismissed Employee of Counties or Unincorporated Towns...	137
11.1.5.	Administrative Leave during Disciplinary Proceeding	137
12.	DISPUTE RESOLUTION	139
12.1.	Definition of Dispute	139
12.2.	No Retaliation	139
12.3.	Time Limits	139
12.4.	Dispute Resolution Process.....	139
12.4.1.	Step 1. Discussion with Immediate Supervisor.....	139
12.4.2.	Step 2. Formal Written Notice of Dispute	140
13.	DEFINITION OF TERMS	141
14.	NEVADA CONSANGUINITY/AFFINITY CHART	148
15.	Acknowledgment of Nye County Personnel Policy Manual	149

1. GENERAL PROVISIONS

1.1. Purpose

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

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

1.2. Scope

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

1.3. Computing Time for Notices

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

1.4. Administration

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

All employees of the County are expected to read and familiarize themselves with the contents of these policies. After receiving and reviewing these policies, each employee is expected to sign an acknowledgement form. The employee should return the signed

acknowledgement form to the Human Resource Department for inclusion into his/her personnel file. Employees who fail to comply with these policies may be subject to disciplinary action, up to and including termination.

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

1.5. Administrative Directive

The County Manager shall have the authority and the duty to develop and promulgate administrative directives, interpretive memoranda, and other administrative procedures to execute these policies, and to implement the County's personnel program on a consistent basis.

1.6. Change of Address

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

1.7. Failure to Receive Notices

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

1.8. Personnel Files

1.8.1. Guidelines (Contents of Personnel File)

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

- Job description
- Position's exempt/non-exempt status
- Job application/resume
- Job offer letter
- Employment contract/any agreement between the employee and Nye County

- Signed acknowledgments including receipt of County's policies and procedures, handbook, new employee orientation checklist, and related documents
- Enrollment documentation for County-sponsored benefits
- Credit card, long distance calling card, and related agreements
- Emergency contact information
- Authorizations for release of information signed by employee
- Salary history record including rates of pay and other forms of compensation
- Employment history of positions held including promotion(s), demotion(s), transfer(s), layoff(s), termination(s)
- Training/education records including college transcripts
- Performance evaluations
- Performance improvement plan
- Documentation of verbal; warnings, written reprimand(s), disciplinary notice(s) and document(s)
- Letters of recognition(s), commendation(s), congratulation(s)
- Separation checklists
- COBRA notice
- Exit interview (unless confidentiality was guaranteed)

The personnel file should NOT include any of the following:

- Grievances or the responses thereto
- I-9 immigration form and supporting documents
- General correspondence
- Any document which describes a medical or psychological condition of the employee or any other individual. (Medical and related documents must be kept in a separate, locked file to which access is strictly limited to those in a "need-to-know" position.)
- Investigation reports and supporting documents
- Employment examination results (written and/or oral testing)
- Employment interview questionnaires and supporting materials (including documentation of remarks by oral examiners)

1.8.2. *Maintenance of Personnel Files*

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

1.8.3. *Employee Access*

An employee may view the contents of his/her personnel file upon request as provided in *Section 1.9.2*. All inspections must be conducted in the presence of a designated member of the Human Resource Department. An employee may make copies of any or all documents in his/her file, but may not remove any documents from the file. Nye County will provide only one (1) set of copies to the employee without charge per year. If the employee needs additional copies, s/he will be required to pay for them.

1.8.4. *Negative Information*

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

1.8.5. *Employee Information Submitted*

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

1.9. Confidential Information

1.9.1. *Identification of Confidential Information*

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

1. All information related to an employment application including, but not limited to, letters of reference, résumés, or his/her status as an applicant for employment.
2. All information that the County received or compiled concerning the qualifications of an applicant or an employee including, but not limited to, reports by County, law enforcement officials, or other individuals concerning the hiring, promotion, performance, conduct, or background of applicants or employees.
3. Ratings, rankings, scoring sheets, or remarks by members of an evaluation board or individual interviewer, concerning an applicant or results from any testing or employment screening process.

4. Materials used in employment examinations including answers, rating guides, score sheets, etc., on any written exam or rating criteria for interviews.
5. Information in an employee's file or record of employment which relates to his/her:
 - a. Performance;
 - b. Conduct, including any proposed or imposed disciplinary action taken;
 - c. Race, color, religion, ethnic identity or affiliation, age, gender, marital status, pregnancy, number and names of dependents, military/veteran status, living arrangements, membership in any organization, sexual orientation, domestic partnership, national origin, ancestry, genetic information, disability, gender identity or expression, political affiliation, date of birth, membership in the Nevada National Guard, or social security number;
 - d. Past or present home address, telephone number, post office box, or relatives; and
 - e. All information concerning the voluntary or involuntary termination of an employee, other than the dates of actual employment.
6. The name of an employee's/former employee's designated beneficiary.
7. All medical information concerning an employee or applicant including, but not limited to:
 - a. Pre-employment and post-employment medical and psychological examinations;
 - b. Disability and documentation relating to reasonable accommodation requested or granted;
 - c. Drug testing;
 - d. Genetic information;
 - e. Pregnancy, health care provider's certification and other communication; and
 - f. Any other medical information that an employee or applicant has voluntarily provided or the County has requested.
8. All confidential medical information shall be kept in files segregated from other personnel and employment records. Access to such files shall be strictly limited to those with a demonstrable business need-to-know. This would include:
 - a. Supervisors and managers, regarding necessary restrictions and accommodations in the employee's duties;
 - b. First-aid and safety personnel;
 - c. Government officials investigating compliance with the ADA, on request;
 - d. State Workers' Compensation office officials; and

- e. Insurance company employees when the company requires a medical examination to provide health or life insurance (29 CFR §1630.14(c)(1)).
- 9. Notations on attendance sheets that an employee took sick leave are not a confidential record.
- 10. Nye County shall keep all information and documents pertaining to an investigation separate from other personnel and employment records ensuring privacy of all employees, witnesses, and other individuals involved. Access is limited to only those individuals with a demonstrable business need-to-know.
- 11. Grievance files that include notices, notes and decisions of appeal will be maintained in a separate file with limited access to only those individuals with a demonstrable business need-to-know.

1.9.2. Access to Confidential Information

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

- 1. The names of members of an evaluation panel shall not be released, nor shall tests that are governed by confidentiality agreements be released. Access to the materials for an examination and information relating to an applicant that is relevant to a decision to hire that person (e.g., information described in *items 1-4 of Section 1.9.1*) is limited to:
 - a. Employees with a need-to-know in order to fulfill the responsibilities assigned by Nye County;
 - b. The County's manager/administrator, human resources director/manager, or his/her designee;
 - c. Persons authorized pursuant to any state or federal law or court order; i.e., governmental/legal/auditing/investigating agencies;
 - d. Counsel retained by or on behalf of Nye County; and
 - e. Any other parties with whom the County has a contractual relationship in order to enable the County to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against Nye County.
- 2. Access to an employee's personnel-related confidential file containing those items listed above in *Section 1.9.1, items 5 – 9* is limited to:
 - a. The employee;
 - b. The employee's representative when s/he presents a current signed authorization from the employee;
 - c. The employee's manager/supervisor, with a need-to-know, or as needed for a reasonable accommodation and human resources;
 - d. Persons authorized pursuant to any state or federal law or court order;

- e. Counsel retained by or on behalf of the County;
 - f. Nye County's workers' compensation carrier in order to address a claim filed for workers' compensation; and
 - g. Any other parties with whom Nye County has a contractual relationship in order to enable the County to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the County.
3. Access to an employee's personnel-related confidential file containing those items listed above in *Section 1.9.1.*, items 10 and 11 is limited to:
- a. The employee's manager/administrator, human resources director/manager, or his/her designee;
 - b. Persons authorized pursuant to any state or federal law or court order;
 - c. Counsel retained by or on behalf of the County; and
 - d. Any other parties with whom the County has a contractual relationship in order to enable the County to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against Nye County.

1.9.3. *Disposal of Personal Records*

- 1. NRS 239B.030 states that government agencies shall ensure that personal information, defined as social security numbers, driver's license number, or bank account numbers, required to be maintained by state or federal statute and received after January 1, 2007, be maintained in a confidential manner.
- 2. If the agency has records containing personal information which is not required by specific state or federal statute and the information was received prior to January 1, 2007, the information may be **obliterated or removed** documents and computer systems.
- 3. In compliance with the Fair and Accurate Credit Transactions (FACT) Act Disposal Rule, Nye County shall dispose of sensitive information derived from consumer reports to ensure there will be no unauthorized access to – or use of – any confidential information. "Consumer Reports" are defined as reports which contain information from a consumer reporting company, such as reports obtained from third party agencies who conduct employment background checks on behalf of the County.
- 4. Sensitive information includes any and all documents containing employee information, which can include:
 - e. Employee name
 - f. Social security number
 - g. Driver's license number
 - h. Phone number

- i. Physical address
- j. Email address
- k. Any other personal identifiers

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

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

2. EMPLOYEE RELATIONS

2.1. Fair Employment Practices

2.1.1. Policy

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

Nye County will:

1. Recruit, hire, train, and promote for all job classifications without regard to race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, veteran status, domestic partnership, genetic information, disability, gender identity or expression, political affiliation or membership in the Nevada National Guard, as well as ensure that all compensation, benefits, transfers, layoffs, return from layoffs, county-sponsored training, social, and recreation programs will be administered in conformance with the County's policy.
2. Comply with all applicable laws prohibiting discrimination in employment including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Employment Opportunity Act of 1972, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act, as amended, the Genetic Information Nondiscrimination Act of 2008, the applicable Nevada Revised Statutes on Equal Employment Opportunity (NRS 613), Nevada Revised Statutes regarding National Guard service (NRS 412.139/.1395), and any other applicable federal, state, and local statutory provisions.
3. Provide reasonable accommodation wherever the need for such is known by Nye County, and/or the applicant or employee indicates a need for such reasonable accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose a threat to the safety of him/herself or others.
4. Hold all managers and supervisors responsible for ensuring that personnel policies, guidelines, practices, procedures, and activities are in compliance with federal and state fair employment practices, statutes, rules, and regulations.

2.1.2. Scope

This policy applies to all persons involved in the operation of the Nye County and prohibits harassment, discrimination, and retaliation by any employee,

including supervisors and coworkers, elected officials, volunteers, customers or clients of the County, and any vendor or other service provider with whom the County has a business relationship. Nye County will not tolerate instances of harassment, discrimination, or retaliation, whether or not such behavior meets the threshold of unlawful conduct. While single incidents of alleged harassment, discrimination, or retaliation may not be sufficiently severe or pervasive to rise to the level of being a violation of the law, the County 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 Nye County are promoted and adhered to are assigned to the County's designated Equal Employment Opportunity (EEO) Officer. The County's designated EEO Officer will also serve as the Americans with Disabilities (ADA) Coordinator, unless otherwise noted, and as such, also has responsibility for coordinating Nye County's compliance with federal and state disability laws. The EEO Officer shall be designated by the County Manager. The name and work telephone number of the designated individual will be posted on bulletin boards at County work sites. In the event the designated EEO Officer is unavailable, the Assistant County Manager is designated as the alternative EEO Officer.

2.2. Anti-Harassment

2.2.1. *Policy*

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

2.2.2. *Prohibited Conduct/Behavior(s)*

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

1. Offensive verbal communication including slurs, jokes, epithets, derogatory comments, degrading or suggestive words or comments, unwanted sexual advances, invitations, or sexually degrading or suggestive words or comments.
2. Offensive written communication including notes, letters, notices, emails, texts, or any other offensive message sent by electronic means.

3. Offensive gestures, expressions and graphics including leering, obscene hand or finger gestures, sexually explicit drawings, derogatory poster, 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. Expectation, requests, demands or pressure for sexual favors.

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

2.3.1. Process

Employees or applicants who believe they are being subjected to any form of prohibited conduct/behavior(s) as described in this policy by another (e.g. employee, client, customer, vendor, volunteer, contractor, etc.) based on their race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, genetic information, gender identity or expression, political affiliation, domestic partnership or Nevada National Guard, 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 Nye County. Employees covered by a collective bargaining agreement may opt to use the process described in this policy or in an applicable grievance procedure delineated by their collective bargaining agreement, but may not use both.

2.3.2. Employee Responsibilities

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

1. Identify the offensive behavior to the alleged harasser and request that the behavior cease.

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

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

3. Employees who believe the EEO Officer has engaged in prohibited conduct/behavior(s) should bring such concerns to the attention of the alternate EEO Officer or to the County Manager. The County Manager will designate an objective person to conduct an investigation of such allegations. Employees may also report the conduct to the Assistant County Manager or the District Attorney.

An employee who witnesses or obtains information regarding prohibited conduct/behavior(s) by his/her immediate supervisor is required to report the incident to the EEO Officer or HR Representative.

4. Applicants who have concerns regarding violation of this section 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 to the EEO Officer, Department Head, or Assistant County Manager. The information reported must include:

- The person(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 location(s).

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

2.3.4. Investigation

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

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

Nye County will communicate to the individual who made the initial complaint, as well as the individual against whom the complaint was made, whether the allegations were substantiated or not.

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

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

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

2.4. Genetic Information Nondiscrimination Act (GINA)

2.4.1. Policy

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

2.5. Training

Nye County will provide regular training 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 thirty (30) days of hire. A copy of this policy will be made available to applicants upon request.

2.6. Prohibition Against Retaliation

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

2.7. Employee Dating

2.7.1. Policy

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

2.7.2. 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 Nye County property, 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.

2.7.3. Supervisor/Manager Responsibilities

1. Employees employed in supervisory/managerial positions are prohibited from engaging in a romantic relationship with a subordinate employee. Employees 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.

2.8. Employee Bullying

2.8.1. Definition

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

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

2.8.2. Purpose

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

2.8.3. Prohibited Conduct

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

- a. **Verbal Bullying:** Slandering, ridiculing or maligning an employee or his/her family; persistent name calling which is hurtful, insulting, or humiliating; yelling, screaming, and cursing; chronic teasing; belittling opinions or constant criticism.
- b. **Physical Bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to an employee's work area or property.
- c. **Nonverbal Bullying:** Nonverbal threatening gestures or looks 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, 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; assigning menial tasks outside of a person's normal job duties.

2.8.4. Dealing with Allegations of Bullying

1. Process

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

2. Supervisor/Manager Responsibilities

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

3. Investigation

Upon being made aware of allegations or complaints of bullying, Nye County will ensure that such allegations or complaints are investigated promptly.

Nye County will make efforts to ensure that all investigations are kept as confidential as reasonably possible. Nye County will release information obtained only to those individuals necessarily 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 County.

If it is determined that bullying has occurred, Nye County will take appropriate action.

2.8.5. *Prohibition against Retaliation*

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

2.9. Employment Disabilities

2.9.1. *Purpose of Policy*

Nye County recognizes that the preceding sections of its personnel policy relating to fair employment practices encompass its commitment to fair and equitable treatment of all employees and applicants, including those with disabilities. Nye County also recognizes that there are specific issues relating to individuals with disabilities that must be individually addressed. The County acknowledges its responsibility to ensure that individuals in the workplace can efficiently and safely perform the essential functions of their jobs without posing a direct threat to themselves and others.

2.9.2. *Policy*

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

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

2.9.3. *Determination of Disability*

In determining whether an employee or an applicant has a disability under the law, the employee/applicant must have a physical or mental impairment that substantially limits one or more life activities, have a record of such impairment, or is regarded as having such impairment. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, concentrating, thinking, communicating, reading, sitting, reaching, interacting with others and working. A major life activity also includes the

operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, genitourinary, cardiovascular, hemic, lymphatic, musculoskeletal, respiratory, circulatory, endocrine, and reproductive functions.

2.9.4. *Disability-Related Inquiries*

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

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

Nye County may require the employee to provide a fitness-for-duty certification from an appropriate health care provider whenever the County has reason to believe the employee may be unable to perform the essential functions of his/her job or pose a direct threat to him/herself or to others. (Reference: Section 2.4. Genetic Information Nondiscrimination Act (GINA)).

2.9.5. *Confidentiality of Medical Records*

Nye County 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 injury fund questionnaire.

2.9.6. *Accommodation*

1. *Accommodation for Applicants*

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

2. *Accommodation for Employees*

When Nye County has some objective reason to believe an employee may need some type of accommodation to perform his/her essential job functions, the County must initiate an interactive process with the employee to find out what accommodation the employee might need. Also, whenever an employee approaches his/her supervisor, the County's ADA Coordinator, or any other manager within the County requesting some type of accommodation, the County will initiate the interactive process.

Whenever a manager or supervisor becomes aware that an employee has requested or may require some type of accommodation, the manager/supervisor should promptly notify the ADA Coordinator. Upon learning of the employee's request for accommodation, the ADA Coordinator shall arrange to meet with the supervisor and the employee to discuss his/her accommodation request, the need for any reasonable documentation of the disability and the associated functional limitations, and the impact of the proposed accommodation on Nye County. Review of an employee's particular situation by a medical review officer will assist the organization in determining appropriate accommodation.

2.9.7. Requirements of Other Laws

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

2.10. Drug and Alcohol-Free Workplace

2.10.1. Policy

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

1. Nye County is committed to:
 - a. Maintaining a safe and healthy workplace for all employees and volunteers;
 - b. Assisting employees or volunteers who recognize they have a problem with drugs 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. Nye County strictly prohibits the following behavior:
 - a. The use, sale, attempted sale, manufacture, attempted manufacture, purchase, possession or cultivation, distribution and/or dispensing of illegal drugs by an employee at any time and in any amount. This prohibition includes the use or possession of prescription medicines for which the individual does not have a valid prescription and the inappropriate use of prescribed medicines for which the 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, the County prohibits employees from possessing open containers of alcoholic beverages while on the County's premises

and/or while on duty and from working with a blood-alcohol level of .02 or more at any time.

- b. Bringing alcohol, illegal drugs, and other substances which may impair the safety or welfare of employees or the public onto the premises controlled by Nye County or placing in vehicles or equipment operated on behalf of the County.
- c. Driving a County vehicle while on or off duty with a blood alcohol level of .02 or more or under the influence of an illegal drug regardless of the amount.
- d. Law enforcement personnel performing job-related functions which require possession and/or transportation of such substances are exempt from this section.

3. Reporting Requirements

- a. A supervisor who receives information or is a witness to any use of drugs or alcohol by an employee which violates Nye County's policies or the law, is required to report this information to his/her Department Head and the Human Resource Director immediately. The information reported must include:
 - The persons(s) involved, including all witnesses;
 - Any information gathered, such as actual observation of drug /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).
 - b. An employee who witnesses or obtains information regarding illegal drug/alcohol use by his/her immediate supervisor is required to report the incident to that individual's supervisor.
4. Specimen collection, drug testing procedures, sample collection, and alcohol testing procedures will comply with all applicable provisions of federal and state law.
5. A positive test result for alcohol or drugs 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 Nye County Drug and Alcohol-Free Workplace Policy and when applicable the Nye County DOT Random Drug & Alcohol Testing Policy.
7. Nye County receives funding through federal grants and is therefore subject to the Drug-Free Workplace Act of 1988. Marijuana (including medical marijuana), Cocaine, Opiates, Amphetamines (including methamphetamines), Phencyclidine (PCP), and MDMA, are considered

illegal Schedule I or II drugs through the federal government. All employees must comply with the Drug-Free Workplace Act of 1988 and may not have any detectable level of any Schedule I or II drugs in their system while at work. Failure to comply with result in disciplinary action, up to and including termination.

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

2.10.2. Employee Responsibilities

1. Each employee is responsible for meeting standards for work performance and safe on-the-job conduct.
2. Employees shall not report to work under the influence of alcohol, illegal drugs, or misused prescription or over-the-counter drugs.
3. Employees who suspect they may have a substance abuse problem are encouraged to seek counseling and rehabilitation from the County's Employee Assistance Program (EAP) provider, a substance abuse professional or other treatment provider. Nye County's medical insurance policy may provide for payment of some or all of the treatment costs.
4. It is the responsibility and obligation of employees in safety-sensitive positions to determine, by consulting a health care provider if necessary, whether or not a legal drug s/he is taking may/or will affect his/her ability to safely and efficiently perform his/her job duties. An employee in a safety-sensitive position whose medication may affect their ability to safely perform their job must contact the human resources director or department director who will attempt to find an appropriate alternative assignment. If none is available, the employee may take sick leave or be placed on a medical leave of absence (if available and the employee otherwise qualifies) or take other steps consistent with the advice of a health care provider. 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 criminal drug or alcohol conviction resulting from an accident that occurred while the employee was on duty or which may impact the employee's ability to perform the duties of his/her job. If duties involve driving a vehicle, the employee must report to his/her supervisor a conviction for driving under the influence (DUI), and/or revocation or suspension of the driver's license pending adjudication. Notification to Nye County must occur before resuming work duties immediately after the conviction or revocation/suspension. Failure to notify the County will result in

disciplinary action, up to and including termination. The supervisor shall immediately forward the notification to the District Attorney and the Human Resource Director.

6. Employees in safety-sensitive positions identified by the County are subject to random drug and/or alcohol testing as provided in this policy.
7. Employees must act as responsible representatives of Nye County and as law-abiding citizens. It is every employee's responsibility to report violations of this policy to his/her immediate supervisor and to the Human Resource Director. Such reporting is critical in preventing serious injuries or damage to the County's property.
8. Employees who are required to submit to a drug/alcohol test must complete and sign the consent form.
9. Note: Law enforcement employees and applicants for law enforcement positions are also subject to the Law Enforcement Department's Drug Testing Policy.

2.10.3. Department Head Responsibilities

The Department Head or his/her designee is responsible for:

1. Authorizing the testing of employees.
2. Coordinating drug and/or alcohol testing.
3. Requesting completion of the 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 or state criminal drug and/or alcohol statute violation.
7. Ensuring that the drug and/or alcohol test forms and results are kept confidential and only provided to employees with a business need for the information.
8. Identifying safety-sensitive positions.
9. Notifying employees in department safety-sensitive positions that they are subject to random drug and/or alcohol testing.

2.10.4. Supervisor Responsibilities

Supervisors are responsible for:

1. Determining if reasonable suspicion exists to warrant drug and/or alcohol testing and detailing, in writing, the specific facts, symptoms, or observations that are the basis for the reasonable suspicion.
2. Submitting the documentation to the County Manager and Department Head or designee.

3. Complying with the appropriate provisions outlined in this policy that apply to supervisory personnel.

2.10.5. Employer Responsibilities

Nye County is responsible for:

1. Providing communication and training on this policy to include a training program to assist supervisors to recognize the conduct and behavior that gives rise to a reasonable suspicion of drug and/or alcohol use by employees and how to 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 County's Drug and Alcohol-Free Workplace Policy.
7. Designating safety-sensitive positions.
8. Notifying Department Heads of their employees randomly selected for drug and/or alcohol testing.
9. Ensuring the administration of all pre-employment drug testing.

2.10.6. Employee Education

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

2.10.7. Employee Assistance and Voluntary Referral

1. Nye County strongly encourages employees who suspect they have substance abuse problems to voluntarily refer themselves to a treatment program. A voluntary referral is defined as being one that occurs prior to any positive test for illegal drugs or alcohol under this policy and prior to any other violation of this policy, including a criminal conviction of that individual for a drug- or alcohol-related offense. A decision to participate in the employee assistance program will not be a protection or defense from discipline.
2. Any employee who voluntarily requests assistance in dealing with a personal drug and/or alcohol problem may do so through a private treatment program for drug and alcohol problems. An employee who is being treated for substance abuse in a recognized rehabilitation program may, if the Americans with Disabilities Act applies, be entitled to

reasonable accommodation so long as the employee is conforming to the requirements of the program and is abstaining from the use of controlled substances and/or alcohol.

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 County management. Employees are limited to treatment for substance abuse one time only under this policy.

2.10.8. Reasonable Suspicion Testing

1. When any supervisor has reasonable suspicion that an employee may be under the influence of alcohol or drugs, the employee in question will be directed by the County Manager or his/her designee to submit to drug and/or alcohol testing.
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 County Manager or his/her designee shall direct an employee to undergo drug and/or alcohol testing if there is reasonable suspicion that the employee is in violation of this policy. The employee will be placed on administrative leave with pay pending results of the test.
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 Nye County policy.
 - c. Direct observation of drug or alcohol use while on duty.
 - d. The first line supervisor or another supervisor/manager directly observes an employee using drugs or alcohol while an employee is on duty.
 - e. Employee admits to using drugs or alcohol prior to reporting to work or while at work.
 - f. Drug or alcohol paraphernalia possibly used in connection with illicit drugs 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 drug and/or alcohol test.

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 drug and/or alcohol test:

- a. **A pattern of abnormal or erratic behavior.**

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

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

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

- c. **Violent or threatening behavior.**

First Incident: If an employee engages in unprovoked, unexplained, aggressive, violent, and/or threatening behavior against any person, the Department Head may request that the employee submit to drug and/or alcohol testing.

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

- d. **Absenteeism and/or tardiness.**

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

6. An employee who is required to submit to reasonable suspicion testing will be immediately provided transportation by Nye County to the location of the test. The employee will be advised to refrain from eating or drinking before being tested. After the employee submits to the test or if the employee refuses to be tested, the County will provide transportation for the employee to his/her home. Return to County employment would be after the receipt of negative test results.

2.10.9. Post-Accident Testing

1. Each employee involved in an accident will be tested for drugs and/or alcohol as soon as possible after the accident, but after any necessary emergency medical attention has been provided. Accidents that trigger testing are those that result in:

- a. Death;
- b. Medical treatment 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).

An employee who is required to submit to post-accident testing will be immediately provided transportation by the County to the location of the test. The employee will be advised to refrain from eating or drinking before testing; Nye County will provide transportation home.

An employee may be placed on administrative leave with pay pending the results of this test. If the test comes back positive and the County needs to conduct further investigation, the employee will be placed on administrative leave without pay.

- 2. In the event an employee is so seriously injured that s/he cannot provide a blood, breath, or urine specimen at the time of the accident, the employee must provide necessary authorization, as soon as the employee's physical condition allows, to enable the County to obtain hospital records or other documents that indicate whether there were drugs or alcohol in the employee's system when the accident occurred.
- 3. In the event federal, state, or local officials conducted drug and/or alcohol testing following an accident, the employee will be required to sign a release allowing the County to obtain the test results from such officials.
- 4. An employee who is subject to a post-accident test must remain readily available for testing. An employee who leaves the scene before the test is administered or who does not make him/herself readily available may be deemed to have refused to be tested, and such refusal shall be treated as a positive test. Further, the employee, subject to a post-accident test, must refrain from consuming alcohol for eight (8) hours following the accident or until the employee submits to an alcohol test, whichever comes first.

2.10.10. Safety-Sensitive Positions

- 1. Nye County shall conduct pre-employment testing for positions identified as safety-sensitive by the County. Successfully passing these tests is a condition of future or continued employment.
Employees in positions which require a CDL are subject to the Nye County DOT Random Drug & Alcohol Testing Policy.
- 2. Safety-sensitive positions mean employment positions which may, in the normal course of business:
 - a. Require the employee to operate Nye County vehicles or heavy equipment or private vehicles on County 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. Nye County shall maintain a list entitled "List of Positions Designated as Safety-Sensitive." The list shall be a public record.

Note: The final determination to place a position on the list shall be made by the Board of County Commissioners based on staff recommendation. Human resources will maintain a master list of safety-sensitive positions subject to random testing.

2.10.11. Random Testing

1. All employees in positions identified as safety-sensitive by the County shall be subject to random drug and alcohol testing.
2. Per DOT testing guidelines for CDL holders, Nye County will drug test, at a minimum, twenty-five percent (25%) of the average number of employee positions CDL positions each calendar year. The County will alcohol test, at a minimum, ten percent (10%) of the average number of employee CDL positions each calendar year.
3. For all other safety-sensitive positions, Nye County will drug test, at a minimum 10% of the average number of employee positions designated as safety sensitive each calendar year. The County will alcohol test, at a minimum of 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 who are absent due to annual, sick leave, other leave, or on urgent County 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. Random selection may result in some employees being tested more than once each year; some may not be tested at all.

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

1. If Nye County agrees to continue employment, an employee who violates this policy and undergoes rehabilitation for drugs or alcohol will, as a condition of returning to work, be required to agree to follow-up testing. 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 Human Resource Director will review the conditions of continued employment with the employee prior to the employee's return to work. Any such condition for continued employment shall be given to the employee in writing. County Management may consider the employee's rehabilitation program in determining an appropriate follow-up testing program.
2. Any employee subject to return-to-work testing who has a confirmed positive drug or alcohol test will be in violation of this policy and subject to termination.

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

1. An employee who refuses to submit to testing for drugs and/or alcohol or who consents to a drug or alcohol test but fails to appear timely at the collection site, or who fails to give his/her sample after a reasonable opportunity to do so, will be treated as a refusal to submit to a drug or alcohol test. Such refusal shall be treated as a positive test and may result in disciplinary action up to and including termination.
2. Submission of an invalid, substituted, or adulterated specimen will be considered a refusal to comply with this policy and will subject the employee to disciplinary action, up to and including termination.
3. A diluted positive test shall be treated as a positive test and may result in disciplinary action up to and including termination.

2.10.14. Testing Guidelines

1. Nye County may test for alcohol and illegal substances including but not limited to:
 - Marijuana (THC)
 - Cocaine, including crack
 - Opiates, including heroin, codeine and morphine
 - Amphetamines, including methamphetamines
 - Phencyclidine (PCP)
2. In addition to testing for the above substances, CDL holders are subject to testing for the following substances:
 - 6-Acetylmorphine
 - MDMA (Ecstasy)
3. Where applicable, Nye County will follow federal testing procedures for drugs and alcohol set forth by the Federal Department of Transportation (DOT) 49 CFR Part 40 and the Federal Motor Carrier Safety Regulations (FMCSR). These regulations may be amended from time to time.

4. Nye County may test for alcohol.

2.10.15. Option for Drug Retest

1. No later than seventy-two (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.
2. Upon request, the medical review officer will authorize the laboratory holding the employee's sample to release to a second laboratory, approved by the Department of Health and Human Services, a sufficient quantity of the sample to conduct a second testing analysis.
3. The employee will be required to authorize the laboratory to provide the County with a copy of its test results. The accuracy of the test results will be verified by the laboratory conducting the analysis. The result of the confirmatory test is final.

2.10.16. Requirement for Drug Retest

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

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

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

2.10.17. Searches

1. If Nye County suspects that an employee is in possession of illegal drugs, alcohol, or contraband in violation of this policy, the County may search County vehicles, lockers, desks and work areas. By entering into or being present at a job site while on County time or representing the County in any way, an employee is deemed to have consented to such searches. If an employee is asked to submit to a search and refuses, that employee will be considered insubordinate and will be escorted off the job site and disciplined, as appropriate. Nye County may take whatever legal means are necessary to determine whether alcohol or illegal drugs are located or being used on County property. The County may call upon law enforcement authorities to conduct an investigation if deemed necessary.
2. Searches will be conducted by management personnel or law enforcement authorities and may or may not be conducted in the presence of the person whose property or work area is searched. Any suspected contraband will be confiscated and may be turned over to law enforcement as appropriate. Any person whose property is confiscated will be given a receipt for that property by the County's representative conducting the search.

2.10.18. Discipline Related to Abuse

1. Employees in violation of the provisions of this policy will be subject to disciplinary action, up to and including termination.
2. An employee may be found to have violated this policy on the basis of any appropriate evidence including, but not limited to:
 - a. Direct observation of illegal use of drugs, prohibited use of alcohol, or possession of illegal drugs or alcohol or related contraband;
 - b. Evidence obtained from an uncontested motor vehicle citation, or a criminal conviction for use or possession of illegal drugs or for the use, or being under the influence, of alcohol on the job;
 - c. A verified positive test result; or
 - d. An employee's voluntary admission.
3. Prior to determining its course of action, the County may direct an employee who has tested positive to submit to an evaluation by a substance abuse professional. The evaluation will attempt to determine the extent of the employee's use of or dependence on the abused substance(s) and, if necessary, recommend an appropriate program of treatment.
4. If an evaluation is conducted which results in a recommendation for treatment, continued employment may, but is not required, to be allowed if the recommended treatment is immediately begun and successfully completed. The treatment program may include, but is not limited to, rehabilitation, counseling, and after-care to prevent future substance use/abuse problems. The treatment program will **not** be at Nye County's expense; however, employees may use benefits provided by applicable insurance coverage. Failure by the employee to enroll 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. Employees are limited to substance abuse treatment one time only under this policy.
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 County;
 - b. Submission to return-to-work testing as required under this policy and continuing follow-up testing as provided in the *Return-to-Work Testing/Follow-Up Testing*, section 2.19.12.; and
 - c. Any other reasonable condition that the County 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.

2.10.19. Confidentiality

Positive test results may only be disclosed to the employee; the appropriate medical and substance abuse treatment providers; the District Attorney; a County representative required to respond to an alleged violation of this policy; individuals within the County who have a need-to-know of drug and/or alcohol testing results; and a court of law or administrative tribunal in any adverse personnel action.

2.11. Prohibition of Workplace Violence

2.11.1. Policy

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

2.11.2. Scope

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

2.11.3. Implementation of Policy

1. Nye County will not tolerate any form of workplace violence including acts or threats of physical violence, intimidation, harassment, and/or coercion, which involve or affect Nye County or which occur on property owned or controlled by the County or during the course of the County's business. Examples of workplace violence include, but are not limited to, the following:
 - a. All threats (including direct, conditional, or veiled) or acts of violence occurring on premises owned or controlled by Nye County, regardless of the relationship between Nye County and the parties involved in the incident.
 - b. All threats of any type or acts of violence occurring off the County's premises involving someone who is acting in the capacity of a representative of the County.
 - c. All threats of any type or acts of violence occurring off the County's premises involving an employee of the County, if the threats or acts affect the legitimate interests of the County.
 - d. Any acts or threats resulting in the criminal conviction of an employee or agent of the County or of an individual performing services for the County on a contract or temporary basis which adversely affect the legitimate interests and goals of the County.
2. Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:
 - a. Hitting, shoving, or otherwise assaulting an individual;

- b. Direct, conditional, or veiled threats of harm directed at an individual or his/her family, friends, associates, or property;
 - c. The intentional or malicious destruction or threat of destruction of Nye County property, or property of another employee;
 - d. Harassing or threatening phone calls, text messages, notes, letters, or computer messages, or other forms of communication;
 - e. Harassing surveillance or stalking;
 - f. Unauthorized possession or inappropriate use of firearms, weapons, hazardous biological or chemical substances, or explosives while on County business.
- 3. Nye County desires to detect and deter real, potential, or threatened violence. Every employee is required to report immediately any acts of violence or any threat of violence against any coworker, supervisor, manager, elected official, visitor, volunteer, or other individual. Supervisory and managerial personnel who witness or become aware of any acts or threats of violence must notify their superior immediately. Threats or acts of violence may include:
 - a. Discussing weapons or bringing them to the workplace.
 - b. Displaying overt signs of extreme stress, resentment, hostility, or anger.
 - c. Making intimidating, abusive or threatening remarks.
 - d. Sudden or significant deterioration of performance.
 - e. Displaying irrational or inappropriate behavior.
- 4. Reports of violence or threatening behavior should be made to the Human Resources Department, an employee's immediate supervisor or manager, or any other supervisory or management employee. Every effort will be made to ensure that employees reporting real or perceived threats in good faith are not subject to harassment or retaliation. Nothing in this policy alters any other reporting obligation established in Nye County policies or in state, federal, or other applicable law.

2.11.4. Violations

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

2.11.5. Temporary Restraining Orders

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

2.12. Employment of Relatives or Supervision of Relatives

1. Employment of Relatives

Pursuant to the provisions of NRS 281.210, a person acting as a county officer, or as an employing authority of the county, or for any local board, agency or commission, elected or appointed, may not employ in any capacity on behalf of the county, any relative of such a person or of any member of such a board, agency or commission who is within the third degree of consanguinity or affinity. (see Nevada Consanguinity/Affinity Chart).

Existing employees may continue in their current position following the election or appointment of the employees relative to an employing authority over existing employees.

2. Supervision of Relatives

No person shall be employed in a position if such position would require supervision by a relative who is within the third degree of consanguinity or affinity.

For purposes of this section, all positions from the employee's immediate supervisor up to the employee's department head are considered to engage in required supervision of the employee.

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

a. Existing Employee Exception

An existing employee being supervised by a relative who is within the third degree of consanguinity or affinity at the time of the effective date of this policy may continue in his/her current position and may be hired into a new position without violating section 2. Supervision of Relatives, as long as the levels of supervision between the employee and a relative of the employee remain the same after the employees moves into the new position.

2.13. Code of Ethical Standards

The elected officers and appointed officers and employees of Nye County recognize that holding public office and/or employment is a public trust. To preserve that trust, we demand 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 and employees of Nye County shall comply with the following provisions. This list is not all-inclusive, but simply provides the basic level of conduct expected.

- All elected officials 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 respect and courtesy.
- They will comply with all applicable federal, state, and local laws.
- They will comply with any lawful and reasonable direction given by someone in the employee's agency who has authority to give the direction.
- They will maintain appropriate confidentiality.
- They will disclose, and take reasonable steps to avoid, any conflict of interest (real or perceived) in connection with their employment.
- They will use County resources in a proper manner.
- They will not provide false or misleading information in response to a request for information that is made for official purposes in connection with their employment.
- They will, at all times, act in a way that upholds the values and the integrity and good reputation of Nye County.
- They will comply with any other conduct requirement that is prescribed by Nye County.

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

- No official or employee shall seek or accept any gift, service, favor, employment, engagement, perquisite, gratuity, or economic opportunity or advantage which would tend improperly to influence a reasonable person in his/her position to depart from the faithful and impartial discharge of his/her public duties.
- No official or employee shall use his/her position with Nye County to secure or grant unwarranted privileges, preferences, exemptions, or advantages for him/herself, any member of his/her household, any business entity in which s/he has a significant pecuniary interest, or any other person.
- No official or employee shall participate as an agent of government in the negotiation or execution of a contract between the governmental entity and any private business in which s/he has a significant pecuniary interest.
- No official or employee shall accept any salary, retainer, augmentation, expense allowance, or other compensation from any private source for the performance of his/her duties as an official or employee.
- If an official or employee acquires, through his/her public duties or relationships, any information which by law or practice is not at the time available to the public generally, s/he shall not use such information to further his/her own current or future pecuniary interests or the current or future pecuniary interests of any other person or business entity.
- No official or employee shall suppress any governmental report or other document or information because the release of such report or information has the potential to impact his/her own pecuniary interests or those with whom s/he has a business or personal relationship.
- No official or employee shall use governmental time, property (including monies or funds), equipment, or other facility to benefit his/her personal or financial interests.
- No official or employee shall attempt to benefit his/her personal or financial interest(s) by influencing or intimidating a subordinate.
- No official or employee shall seek other employment or contracts through the use of his/her official position or the influence associated thereto.
- An official or employee shall not, in any manner, directly or indirectly, receive any commission, personal profit, or compensation of any kind resulting from any contract or other transaction in which Nye County is in any way interested or affected except:
 - a. A member of any board, commission, or similar body who is engaged in the profession, occupation, or business regulated by the board, commission, or body may, in the ordinary course of his/her business, bid on or enter into a contract with any governmental agency, except the board or commission of which s/he is a member, if s/he has not taken part in developing the contract plans or specifications and s/he will not be personally involved in opening, considering, or accepting offers.
 - b. A public officer or employee, other than an officer or employee described in Section "a" above, may bid on or enter into a contract

with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, s/he has not taken part in developing the contract plans or specifications, and s/he will not be personally involved in opening, considering, or accepting offers.

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

2.14. Political Activity

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

Employees or volunteers 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 Nye County.

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

2.14.1. *Running for, or Holding, Political Office*

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

Employees who are seeking, or who have been elected or appointed to public office, shall not conduct any business related to these activities while on duty. This includes all the items listed in the previous section, (i.e., political activity.)

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

- 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.

2.15. Solicitation Prohibited

2.15.1. Employee Activities

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

2.15.2. Non-Employee Activities

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

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

2.16. Work Stoppage Prohibited

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

2.17. Use of County Property and Premises

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

1. Volunteer fire, ambulance, and senior service personnel may be permitted to use county vehicles for use related to their volunteer employment.
2. No employee or volunteer may drive a County vehicle unless and until the County has verified the employee has a valid driver's license.

3. The County Manager is authorized to implement procedures to annually check for a valid driver's license for each employee or volunteer who drives a County vehicle.

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

2.18. Phone Policy

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

2.18.1. Personal Calls & Texts

1. Personal phone calls, messages & texting, audio/video recording, and other features of your private cell phone or the County's equipment, are restricted to authorized break periods, except under obvious emergency situations. Excessive personal communication can result in lost productivity and distract co-workers. County-issued cell phones are to be used only for official business reasons.
2. If an emergency situation arises and the County issued cell phone must be used for a personal call 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 County-issued mobile equipment from loss, damage or theft.

2.18.2. Cell Phone Use in Vehicles

1. All employees are expected to follow applicable state and federal laws regarding the use of cell phones, or other hand-held devices at all times. Employees on duty and/or conducting official business at any time while operating motor vehicles are prohibited from using cell phones while the vehicle is in motion unless using a hands free device. This includes dialing, texting, answering, 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 as referenced in NRS 484B.165.
2. Employees shall pull off the road and safely stop before placing or accepting calls, texting, checking and responding to messages, unless using hands-free operations/devices.

3. This provision does not include passenger use of cell phones or when a driver is using a hands free device.
4. This prohibition is in effect regardless if the cell phone is issued by the County or is privately owned by the employee.
5. An exception to this rule is the legitimate use of cell phones by specific departments and for specific reasons as established by each department and under NRS 484B.165. For example the police, fire, ambulance, and EMT departments may operate vehicles while using cell phones only in direct response to emergency calls, but must always keep safety a paramount concern.

2.18.3. Phone Use in Business Meetings

Phone use during meetings, to include texting, unless specifically required and authorized by management, is forbidden. Cell phones must be turned off and/or calls forwarded to the message feature.

2.19. Information Technology Policies

2.19.1. Policy

Nye County 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 Nye County. To maintain a level of professionalism, any publication through any means (electronic or otherwise) which is potentially adverse to the operation, morale, or efficiency of the County will be deemed a violation of this policy.

2.19.2. Privacy

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

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

2.19.3. Use

1. The computers, 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 (i.e., Blackberry, iPhones) and faxes, belonging to Nye County and, as such, are provided for business use. Very limited or incidental use 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 Nye County or themselves as an employee without prior approval. This includes, but is not limited to:
 - i. Text which identifies Nye County;
 - ii. Photos which display Nye County logos, patches, badges, or other identifying symbioses of the County;
 - iii. Information of events which occurs involving Nye County without prior approval; and
 - iv. Any other material, text audio, video, photograph, or image which would identify Nye County.
2. Employees loading, importing, or downloading files from sources outside the County’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 Nye County’s current virus detection software before installation and execution.
3. Employees may use information technology, including the Internet, World Wide Web, and social media sites during working hours on job-related matters to gather and disseminate information, maintain their currency in a field of knowledge, participate in professional associations, and communicate with colleagues in other organizations regarding business issues.
4. An employee’s use of the County’s computer system, telecommunication equipment and systems, and other devices or the employee’s use of personally-owned electronic devices to gain access to Nye County files or other work-related materials maintained by Nye County constitutes the employee’s acceptance of this policy and its requirements.

2.19.4. Prohibited Use

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

1. Sending, receiving, or storing messages or images that a “reasonable person” would consider to be offensive, disruptive, harassing, threatening, derogatory, defamatory, pornographic, indicative of illegal or prohibited activity, or any that contain belittling comments, slurs, or images based on race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard.

2. Sending, receiving, or storing chain letters.
3. Subscriptions to newsletters, advertising, “clubs,” or other periodic email which is not necessary for the performance of the employee’s assigned duties.
4. Sending, receiving, or storing solicitations on behalf of any club, society, philanthropic or similar organization.
5. Sending, receiving, or storing union-related solicitations.
6. Engaging in political activities including, but not limited to, solicitation or fund raising.
7. Engaging in religious activities including, but not limited to, proselytizing or soliciting contributions.
8. Conducting outside employment in any manner.
9. Engaging in illegal, fraudulent, defamatory, or malicious conduct.
10. Writing or participating in blogs that injure, disparage, and/or defame Nye County, members of the public, and/or its employees’ reputations by name or implication.
11. Downloading, uploading, or otherwise transmitting without authorization:
 - a. Confidential or proprietary information or material
 - b. Copyrighted material
 - c. Illegal information or material
 - d. Sexually explicit material
12. Obtaining unauthorized access to other systems.
13. Using another person’s password or account number without explicit authorization by Nye County.
14. Improperly accessing, reading, copying, misappropriating, altering, misusing, or intentionally destroying the information/files of Nye County and other users.
15. Loading unauthorized software or software not purchased or licensed by Nye County.
16. Breaching or attempting to breach any security systems or otherwise maliciously tampering with any of the county’s electronic systems including, but not limited to, introducing viruses.
17. Using Nye County’s information technology for personal, non-business purposes in other than a very limited or incidental way.

2.20. Social Networking (Social Media) Policy

2.20.1. Policy

Nye County takes no position on an employee’s decision to start or maintain a blog or participate in other social networking activities. However, it is the right and duty of Nye County to protect itself and its employees from unauthorized

disclosure of information. The County's social networking policy includes rules, guidelines, and best practices for county-authorized social networking and personal social networking. Nye County will not request user names and passwords for personal social media accounts. This policy applies to all board members, management, and employees.

2.20.2. General Provisions

Blogging or other forms of social media or technology include, but are not limited, to video or Wiki posting, sites such as Facebook and Twitter, chat rooms, personal blogs, or other similar forms of online communication journals, diaries, or personal newsletters not affiliated with the Nye County.

Unless specifically instructed, employees are not authorized to and, therefore, restricted from speaking on behalf of the Nye County. Employees are expected to protect the privacy of the County and its employees. Employees are prohibited from disclosing personal employee and non-employee information and any other proprietary and non-public information to which employees have access to the extent such discussion or disclosures are not protected under state or federal law.

All other existing County policies apply in social media forum. Policies include, but are not limited to, anti-harassment, bullying, and workplace violence.

2.20.3. Employer Monitoring

Ultimately employees are solely responsible for what they post online. Before creating online content, employees should consider some of the risks and rewards that are involved, including conduct that adversely affects job performance, the performance of coworkers, or otherwise affects employees, customers, suppliers, and people who work on behalf of Nye County and the county's legitimate business interests.

Employees are cautioned that they should have no expectation of privacy while using the Internet, Nye County equipment or facilities for any purpose, including authorized blogging. Employees' posting can be viewed by anyone, including the County. Nye County reserves the right to monitor comments or discussions about the County or its employees posted on the Internet by anyone, including employees and non-employees. Nye County may use search tools and software to monitor forums such as blogs and other types of personal journals, diaries, personal and business discussion forums, and social networking sites.

Nye County reserves the right to use content management tools to monitor, review, or block content on County blogs that violate Nye County's blogging rules, guidelines, and best practices.

2.20.4. Reporting Violations

Nye County requests and strongly urges employees to report any violations or possible or perceived violations to their immediate supervisor, manager, human resources, or the County Manager. Violations include discussions of the County and its employees, discussion of proprietary and non-public information, and

any unlawful activity related to blogging or social networking to the extent such discussions are not protected under state or federal law.

2.20.5. *Discipline for Violations*

Nye County will investigate and respond to all reports of violations of the social networking policy and other related policies. Violation of the County's social networking policy will result in disciplinary action up to and including termination. Discipline will be determined based on the nature and factors of any blog or social networking post. Nye County reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

2.20.6. *Authorized Social Networking*

The goal of authorized social networking and blogging is to become a part of the industry conversation and promote web-based sharing of ideas and exchange of information. Authorized social networking and blogging is used to convey information about Nye County operations and services; promote and raise awareness of Nye County culture; search for potential new equipment and training tools; communicate with other employees, customers, and interested parties; issue or respond to breaking news or negative publicity; and discuss business-specific activities and events.

When social networking, blogging, or using other forms of web-based forums, the County must ensure that use of these communication paths maintain integrity and the county's reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

2.20.7. *Rules and Guidelines*

The following rules and guidelines apply to social networking and blogging when authorized by Nye County. The rules and guidelines apply to all county-related blogs and social networking entries, including Nye County subsidiaries or affiliates.

Only authorized employees can prepare and modify content for Nye County's blog and/or the social networking entries located on any county-related website. Content must be relevant, add value, and meet at least one of the specified goals or purposes developed by the County. If uncertain about any information, material, or conversation, employee will contact immediate supervisor, manager, human resources, IT or the County Manager to discuss the content.

All employees must identify themselves as employees of Nye County when posting comments or responses on the County's blog and/or social networking site.

Any copyrighted information where written reprint information has not been obtained in advance cannot be posted on the County's blog.

All employees of Nye County are responsible for ensuring all blogging and social networking information complies with the County's written policies. Management is authorized to remove any content that does not meet the rules

and guidelines of this policy, any other County policy, or that may be illegal or offensive. Removal of such content will be done without permission of the blogger or advance warning.

Nye County expects all guest bloggers to abide by all rules and guidelines of this policy. The County reserves the right to remove, without advance notice or permission, all guest bloggers' content considered inaccurate or offensive. The County also reserves the right to take legal action against guests who engage in prohibited or unlawful conduct.

2.20.8. *Personal Blogs and Social Networking Sites*

Nye County respects the right of employees to write blogs 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 Nye County. The County will not request user names and passwords for personal social media accounts.

Nye County respects the right of employees to use blogs and social networking sites as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes.

Bloggers and commenter's are personally responsible for their commentary on blogs and social networking sites. Bloggers and commenter's can be held personally liable for commentary that is considered defamatory, obscene, proprietary, or libelous by any offended party; not just Nye County.

Employees cannot use County equipment, including computers, licensed software or other electronic equipment, nor facilities or on-duty time to conduct personal blogging or social networking activities.

Employees cannot use blogs or social networking sites to harass, threaten, discriminate, or disparage against employees or anyone associated with or doing business with Nye County.

If employee chooses to identify him/herself as a Nye County employee, please note that some readers may view him/her as a spokesperson for the County. Because of this possibility, employee(s) are required to state that his/her views expressed in the blog and/or social networking area are employee's own and not those of Nye County or of any person or organization affiliated or doing business with Nye County.

Employees cannot post on personal blogs or other sites the name, trademark, or logo of Nye County or any business with a connection to the County. Employees cannot post county-privileged information, including copyrighted information or county-issued documents.

Employees cannot post on personal blogs or social networking sites photographs of other employees, volunteers, clients, vendors, suppliers, patients, nor can employees post photographs of persons engaged in County

business without prior authorization by immediate supervisor, manager, human resources.

Employees cannot post on personal blogs or social networking sites any advertisements or photographs of Nye County products, nor use Nye County in advertisements.

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

If contacted by the media, press, or any other public news source about employees' post that relates to Nye County business, employees are required to obtain written approval from the immediate supervisor, manager, human resources, or County Manager prior to responding, explaining the details of the request and who requested the information.

2.21. Use of Tobacco

Nye County is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. As required in accordance NRS 202.2483 (Nevada Clean Indoor Air Act) the use of tobacco products including electronic cigarettes and similar products is prohibited within any building owned, leased, contracted for and utilized by Nye County. This prohibition extends to areas that are routinely or regularly used by employees, including but not limited to: work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies, and reception areas, e-cigarettes may be used in vehicles used exclusively by one employee and cannot be used in general use fleet vehicles. The County may designate an outdoor smoking area for its employees. The County shall not allow the use of tobacco products during staff and training meetings.

2.22. Outside Employment

2.22.1. Policy

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

2.22.2. Conflicting Employment

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

1. Interferes with or negatively impacts the employee's ability to perform his/her assigned job.
2. Prevents the employee's availability for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job.
3. Is conducted during the employee's work hours.
4. Requires the services of other employees during their normally scheduled work hours.

5. Makes use of the County's telephones, computers, supplies, or any other resources, facilities, or equipment.
6. Is represented as an activity of the County or an activity endorsed, sanctioned, or recommended by the County.
7. Takes advantage of the employee's employment with the County, except to the extent that the work with the County may demonstrate expertise or qualification to perform the outside work.
8. Requires the employee to schedule time off at specific times that could disrupt the operation of the County.
9. Involves employment with a firm that has contracts or does business with the County. Exceptions to this policy have been identified in *Section 2.13, Code of Ethical Standards*.

2.22.3. Procedure

1. Each employee will determine whether s/he believes the proposed outside employment may conflict with his/her employment with Nye County.
2. An employee must notify his/her supervisor or manager of the outside employment if such outside employment may be reasonably perceived to be in conflict with his/her employment, or if the employee is unsure about a perceived conflict.
3. In order to determine if there is a conflict with the employee's duties, the supervisor or manager may request information, such as:
 - a. The outside employer's name;
 - b. Hours of proposed employment;
 - c. Job location; and
 - d. Duties to be performed. If the supervisor or manager turns down the request, the employee may request and the County will grant a review by another person at a management level.
4. If there is a conflict with the employee's employment, the supervisor or manager will inform the employee, in writing, that the outside employment is not allowed and a copy placed in the employee's personnel file.
5. The supervisor or manager will advise the Human Resources Director of conflicts or perceived conflicts caused by an employee's outside employment.
6. The employee must terminate the outside employment if s/he wishes to remain an employee of Nye County.
7. Employees who engage in outside employment which is prohibited by this policy are subject to discipline, up to and including termination.
8. Provisions of policies and procedures of the Sheriff's Office may provide additional restrictions or conditions for approval of outside employment and will remain in effect as they are currently written or as they may be modified.

2.23. Personal Appearance

2.23.1. Policy

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.

The following is a guideline in establishing appropriate department dress:

1. 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), knit blouses or tops, dress shirts, polo and cotton shirts, skirts and dresses, turtlenecks, sweaters, loafers, and sandals. Blue jeans, T-shirts, sweat suits, and leggings are not appropriate office dress.
2. 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.
3. On approved casual days, employees may dress in casual clothing, including jeans and T-shirts, although dress standards still require a neat, clean appearance.
4. Field employees are required to wear the assigned work uniform if provided by the County. If a work uniform has not been assigned, employees may wear jeans and T-shirts as well as shorts that are no more than 3 inches above the knee. Any employee who performs any work assignments in the field must wear closed-toe shoes. Long hair must be tied back to ensure the employee's personal safety. Loose clothing or dangling jewelry that poses a safety hazard to employees also is prohibited.
5. Under no circumstances may employees wear halter tops, strapless tops, spaghetti straps, tank tops, cropped tops, clothing with offensive wording (sexually-related references or foul language) or that promotes the use of illegal drugs, 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 Nye County expects employees to maintain good hygiene and grooming while working. Facial hair is permitted as long as it is neat and well trimmed. Earrings are acceptable. Earrings in the earlobe are acceptable; however, gauges, extenders, and/or o-rings must be removed while working. Rings/studs through the nose, eyebrow, tongue, or body parts other than the ear lobe that are visible to the public may not be worn while working. All tattoos must be small in size or covered at all times and may not be offensive in nature (sexually-related references, foul language, and the promotion of illegal drugs is prohibited). 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 dress for bona fide health and/or religious reasons, s/he should contact his/her supervisor or manager to discuss an exception to the personal appearance guidelines. Unless it would constitute an undue hardship or safety hazard, the County will accommodate such requests.

2.23.2. Enforcement

1. All employees should practice common sense rules of neatness, good taste, and comfort. Provocative clothing is prohibited. Nye County reserves the right to determine appropriate dress at all times and in all circumstances.
2. When the County believes an employee's dress or grooming does not comply with the personal appearance guidelines, the immediate supervisor will discuss the issue with the employee. If continued counseling fails to result in the desired response, the supervisor may initiate disciplinary action.
3. Nye County may send employees home to change clothes should it be determined that dress is not appropriate.
4. If an employee feels aggrieved by the personal appearance guidelines, s/he may use the dispute resolution process provided in the County's personnel policies or appropriate collective bargaining agreements.

2.24. Children, Animals and Visitors in the Workplace

To avoid disruptions to the employee and co-workers, potential distractions in serving members of the community and to reduce personal and property liability, employees are forbidden to bring children and animals to the workplace and are limited in having family and friends visit.

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

Supervisors may grant a temporary exception to the rule prohibiting children in the workplace, not to exceed one (1) 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 Nye County as a reasonable accommodation under the American with Disabilities Act.

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

2.25. Reporting Convictions, Investigation, and Change of License

2.25.1. Reporting Convictions

All employees and volunteers are required to immediately report convictions, guilty or nolo contendere plea, or deferred adjudications for felony, misdemeanor (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 volunteers' assignment.

Nye County will make an assessment of the effect of the conviction to the essential duties of the position the employee holds or the duties the volunteer performs.

2.25.2. Reporting Investigations

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

2.25.3. Reporting Change of License

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

2.26. Whistleblower Protection (Nye County Bill No. 2016-06)

2.26.1. Purpose

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

2.26.2. Definitions

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

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

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

An officer or employee who claims that a reprisal or retaliatory action was taken against the officer or employee for disclosing information concerning improper governmental action as defined above may file a written appeal (*reference: Request for Hearing Under the Provisions of NRS 281.645 [Whistleblower Law]*) with the human resources manager or appropriate authority.

"Reprisal or retaliatory action" includes:

- The denial of adequate personnel to perform duties;
- Frequent replacement of members of the staff;
- Frequent and undesirable changes in the office location;
- Refusal to assign meaningful work;
- Issuance of letters of reprimand or evaluations of poor performance;
- Demotion;
- Reduction in pay;
- Denial of a promotion;
- Suspension;
- Dismissal;
- Transfer;
- Frequent changes in working hours or workdays; or
- If the employee is licensed or certified by an occupational licensing board, the filing with that board, by or on behalf of the County, of a complaint concerning the employee, if such action is taken in whole or in part, because the officer or employee disclosed information concerning improper governmental action.

A written appeal must be filed by the officer or employee within 60 days after the date the alleged reprisal or retaliatory action took place. The reprisal or retaliatory action must have occurred within two years after the date the officer or employee disclosed information concerning improper governmental action. ***The appeal must be filed with the human resources director or appropriate authority*** on a form provided by the HR Department. The appeal must contain a statement that sets forth with particularity:

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

2.26.4. *Appointment of Hearing Officers*

As set forth by ordinance, hearing officers shall be appointed by the Board of County Commissioners. The qualifications of the hearing officers require a combination of education and experience in resolving disputes, adjudicating issues through the interpretation of statutes, rules or regulations, or serving as a hearing officer with the state.

2.26.5. *Appeal Hearings*

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

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

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

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

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

2.26.6. *Prohibition of Threats or Coercion*

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

2.26.7. *Disclosure of Untruthful Information*

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

2.26.8. *Annual Summary*

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

2.27. Telecommuting

2.27.1. *Purpose*

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

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

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

2.27.2. Scope

The policy applies to all employees, supervisors, and managers who are approved to telecommute as a work alternative. All supervisors, managers, and department heads must be familiar with the contents of this policy.

2.27.3. Requesting Permission to Telecommute

An employee who wishes to request a telecommuting arrangement shall submit a written request for approval to his/her supervisor. The form shall be approved by the appropriate department head, Human Resource Director and the County Manager before employee may telecommute.

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

2.27.4. Employee Rights and Responsibilities

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

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

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

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

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

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

2.27.5. *Employer Rights and Responsibilities*

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

Nye County will determine the methods of planning, monitoring, receiving, and reporting the employee's activity and accomplishment. The Department Head or Elected Official must manage the work of employees in their area of responsibility and assure that employees receive the assistance they need to accomplish their responsibilities.

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

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

2.27.6. *Termination of Telecommuting Agreement*

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

The opportunity to participate in a telecommuting agreement is offered only with the understanding that it is the responsibility of the employee to ensure a proper work environment is maintained, dependent care arrangements must not interfere with work, and personal disruptions such as non-business telephone calls and visitors must be kept to a minimum. Employees must notify their supervisor of any changes to their standard workweek (i.e. sickness, health care provider visits, or annual leave). Failure to maintain a proper work environment, as determined by Nye County, provides cause for discipline and the termination of the employee's telecommuting agreement.

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

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

3. EMPLOYMENT

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

3.1. Scope

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

3.2. Source of Applicant

Regular positions may be filled by qualified applicants. Applications from present employees may be considered for open positions before non-employee applicants are considered. For open recruitments, the position vacancy announcement will be posted internally and externally.

Promoting from within will limit consideration of applicants to qualified employees currently working within a single department of the County or to qualified employees currently working within the County.

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

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

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

3.3. Job Announcements

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

3.3.1. Open Recruitments

Nye County will announce all vacancies for regular positions. An announcement may be made for the purpose of filling a single vacancy 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 on the Nye County Webpage and in such other places as the County feels appropriate. The announcement will normally include:

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

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

3.3.2. *Promotion Opportunities*

Notice of opportunities for promotion will be posted in the County's work locations as appropriate. The announcement will include the criteria outlined above in sub-section 3.3.1, Items 1-6.

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

3.4. General Requirements for Filing of Applications

3.4.1. *Application Forms*

Applications for employment must be made in writing on a Nye County Employment Application. Applicants must complete a separate application form for each vacancy unless the job announcement indicates otherwise. Nye County may also require resumes, completed supplemental questionnaires, and other evidence of education, training, experience, or other lawful requirements, including licenses and certifications. Applications submitted become the property of Nye County.

3.4.2. *Signatures*

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

3.5. Application Filing Periods

Recruitment announcements will specify the application filing period. Applications must be received by the date specified.

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 County.

All applicants will receive confirmation their application has been received and forwarded to the department head hiring authority. The applicant will be noticed this may be the last communication and/or notification.

3.6. Eligibility of Applicants

An applicant may be disqualified from further participation in the recruitment process by Nye County for material reasons, including, but not limited to, those listed below:

1. The application does not indicate the applicant possesses the qualifications required for the position.
2. The application is not fully and/or truthfully completed.
3. The applicant has prior convictions that relate to the position for which s/he is being considered. Prior conviction shall not automatically disqualify an applicant from employment; however, an applicant's prior conviction of a crime may be considered in the employment decision. Nye County will take into consideration the nature and gravity of the offense, the time that has passed since the offense, and nature of the position sought. An applicant may be denied employment if s/he is convicted of a crime which relates to the position sought. The County will consider job-related misdemeanor convictions, but such convictions shall not constitute a sole basis for disqualification from employment.
4. The applicant has been discharged from or resigned in lieu of dismissal from any prior employment for any cause which would constitute a reason for dismissal from employment with the County.
5. The applicant does not appear at the time and place designated for an examination or interview.
6. The applicant is a former employee of the County who, absent a compelling reason, quit without notice.
7. Applicant's failure to possess a valid license, certificate, permit, etc. If a prospective applicant for a position cannot obtain the required license, certificate, permit, or occupational certification required for the job, s/he will not be given any further employment consideration. Any job offer, offer of promotion, or offer of transfer previously made will be withdrawn.
8. The applicant is a former employee whose performance evaluations indicated below acceptable performance and/or behavioral problems, such as insubordination, leave abuse, or excessive tardiness.

3.7. Limitation of Applicant Pool to Most Qualified

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

3.8. Examination Process

3.8.1. Administration of Examinations

Examinations for employment, whether formal or informal, are conducted under the direction of Nye County.

3.8.2. Factors Evaluated

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

3.8.3. Types of Examinations

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

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

Certificates of one or more medical and psychological practitioners, references, background investigations, and fingerprint checks may be a part of any selection process if such are deemed relevant to the specific job requirements by the County.

3.8.4. Minimum Standards

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

3.9. Interviewing Applicants

Selecting the most appropriately qualified applicant for the position will reduce turnover, reduce the costs associated with training, and improve the effectiveness of the organization. The interviewing portion of the selection process is critical for determining which applicants are best qualified to do the job.

Prior to conducting an employment interview, managers should:

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

Each applicant applying for the same position should be asked the same, job-related questions on the question guide and rated using the same evaluation form. The evaluation form will help the evaluator measure the extent to which each applicant possesses the necessary knowledge, skills, and abilities required for the position. Whenever necessary, ask follow-up questions to clarify the response of the applicant. Avoid asking questions which are unlawful or on inappropriate subjects. Human Resources will provide all panelists the reference guide Prohibited Topics: "Questions Which Cannot Be Asked" for review prior to the actual interview.

3.10. Selection

Employment decisions must be based solely on merit. Consistent with applicable federal, state, and local laws and regulations employment decisions may not be influenced by race, religion, gender, sexual orientation, age, disability, national origin, ancestry, disability, color, veteran status, pregnancy, genetic information, domestic partnership, gender identity or expression, political affiliation, or membership in the Nevada National Guard. The County will not request user names and passwords for personal social media accounts. The hiring manager has ultimate responsibility for selection of the applicant for hire; however, s/he should take into consideration the input of the other members of the interview team. The hiring manager is responsible for ensuring the selected applicant meets the required level of education, experience, certification, licensure, 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 candidates were not selected. The Applicant Interview Evaluation Form is the best tool for this. The hiring manager will submit the documentation regarding why the selected applicant was chosen and notify Human Resource Department 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 discharged military personnel who are citizens of the State of Nevada, and second to citizens of the State of Nevada.

3.11. Correction of Administrative Errors

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

3.12. Reference Checks

Acquiring and providing accurate employment references is an important component of acquiring, retaining, and providing relevant information concerning employees. Therefore, Nye County 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.

3.12.1. Acquiring References

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

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

Note: For safety-sensitive positions as defined by 42 CFR Part 382 and U.S. Department of Transportation regulations, Nye County shall obtain, pursuant to an applicant's written consent, information on his/her alcohol tests with a concentration result of .04 or greater, verified positive controlled substance test results, and refusals to be tested within the preceding two (2) years from date of application which are maintained by the previous employers.

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 County who have a demonstrable work-related need-to-know should be accorded access to such information.

3.12.2. Providing References

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

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

1. Name
2. Class/Job Title
3. Dates of Employment
4. Salary
5. Information regarding an employee terminated for violent actions in the workplace or who may have demonstrated dangerous behavior in the workplace will be provided only after consultation with the District Attorney.
6. Employment information and documented incidents regarding the character, honesty, and potential for violence of the County's employees may be provided to governmental employers, including, but not limited to, any federal, state, county, municipality or city employers, or any other private (non-governmental) employer where the employee's character, honesty, sexual misconduct, and potential for violence are relevant issues. Examples include, but are not limited to, jobs which involve public safety, entrustment for the care or safety of children, the elderly or health care patients, or positions having access to money and/or valuables. Nye County must provide information requested by law enforcement agencies in accordance with NRS 239B.
7. Records which are required for employees in safety-sensitive positions, as defined in 42 CFR Part 382 and U.S. Department of Transportation regulations, shall be made available to subsequent employers upon receipt of written request from the employee or former employee.
8. In accordance with NRS 239.012, a public officer or employee who acts in good faith in disclosing or refusing to disclose information and the employer

of the public officer or employee are immune from liability for damages, either to the requester or to the person whom the information concerns.

3.13. Applicant/Employee Investigations (Background)

Nye County desires to maintain a productive, efficient, effective, healthy, and safe work environment and, as a result, will conduct pre-employment background checks of applicants and current employees as necessary. If these background checks are conducted by external third parties (also called “consumer reporting agencies”), they will be governed by relevant provisions of the Fair Credit Reporting Act (FCRA) and the Fair and Accurate Credit Transactions Act (FACT). FCRA and FACT cover background checks and other investigations for prospective employees, and current employees in certain situations, such as a promotion to positions requiring additional information. FCRA and FACT specifically exclude misconduct investigations, such as unlawful harassment charges. Nevada law (NRS 613) restricts the use of consumer credit information to limited positions.

3.13.1. 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 employees, 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.

3.13.2. Requirements

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

1. All 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. Nye County will certify to the consumer reporting agency that:
 - a. The notice and authorization requirement has been met;
 - b. The information received is only used for employment purposes;
 - c. The information will not be used to violate any Equal Employment Opportunity (EEO) legislation;
 - d. Pre-adverse action requirements will be followed;
 - e. Any additional investigative consumer report disclosures, if applicable, have or will be issued within three (3) days; and

- f. Upon request from the applicant or employee, the County will comply with applicable additional disclosure requests including, but not limited to, information as to the nature and scope of an investigative consumer report.
3. Nye County will provide a copy of the consumer report and a summary of the individual's rights under the FCRA to the applicant or employee prior to making a final adverse or negative employment decision that, in whole or in part, is influenced by a consumer report or an investigative consumer report.
4. After the County has complied with item 3 above and waited a "reasonable" period of time, the County may take the adverse or negative action. After taking such action, the County 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.
 - e. See the referenced forms in *item 3* above.

3.14. Offers of Employment

3.14.1. Job Offer Letters

After an applicant has been selected for employment or promotion, the Department Head will notify the Human Resource Director, who will extend (when applicable), the following:

1. A "notification of background check" if non-medical checks are required (i.e. background, criminal, DMV, consumer reporting, drug test).
2. A "bona-fide conditional offer letter" (if medical exam is required). Once non-medical checks and tests have been successfully passed, this letter will condition the offer on passing the required medical examination.
3. A "formal job offer letter" once all applicable non-medical and medical checks/exams have been passed; this letter will include the terms and conditions of employment.

Prior to notifications/letters being extended the hiring department 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 as an official job offer.

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

3.14.2. *Pre-employment Drug Screening for Safety-Sensitive Positions*

1. Nye County may require successful applicants for safety-sensitive positions to consent to a pre-employment drug screen. The County will advise the selected 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 County, as a condition of employment, to conduct through the County'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. Nye County 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 forty-eight (48) hours after notice to the applicant.
3. Nye County will advise applicants of the opportunity to submit medical documentation to support a legitimate use for a specific drug. Such information will be reviewed only by medical consultants determining whether the applicant is lawfully using an otherwise illegal drug.
4. Nye County will not extend a final offer of employment to any applicant with a verified positive test result, and such applicant will not be considered for any vacancy of the County for a period of twelve (12) months. Nye County shall disqualify the applicant on the basis of failure to pass the applicable test(s).

3.14.3. *Other Conditions*

1. All offers of initial and continuing employment are conditioned upon the applicant furnishing satisfactory evidence of identity and legal authority to work in the United States. Each applicant must attest to his/her identity and legal authority to work in the United States in accordance with the applicable federal statute by completing and signing INS Form I-9 (Employment Eligibility Verification).
2. 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, as referenced in NRS 532B.220. The employee must sign acknowledgment of this notice which is to be filed in the employee's personnel file (this requirement is not necessary if the employee is licensed, certified, or endorsed by a board in the state).

3.15. Orientation

The County recognizes that an appropriate and timely orientation program can aid the assimilation of new staff members. The Human Resource Department in conjunction with the Workplace Safety & Training Officer 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 Nye County, work rules, standards of performance, and

personnel policies and procedures including the policies relating to fair employment practices, illegal harassment, workplace violence, and alcohol and drug abuse. Additionally, the Human Resource Director will ensure that the new employee:

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

It is the responsibility of the supervisor to introduce the new employee and ensure that they are aware of all policies and procedures uniquely related to the department.

3.15.1. Introductory Period

All new and rehired employees, except elected officials and those identified as "at-will," will serve a 12 month introductory period beginning with the day the employee initially reports for work. Current employees who are promoted or transferred will also be required to serve a 12 month introductory period. During this "introductory period," the employee and the County have the opportunity to evaluate one another and determine whether the employment relationship should be continued. At its sole discretion, the County may extend this introductory period up to 60 days when the County has had insufficient opportunity to assess the employee's ability to perform the job functions or such extension is determined appropriate. The employment relationship can be terminated by the employee or by the County at any time during the introductory period or during the extension of the introductory period, with or without cause or advance notice. *This introductory period may be prorated for employees working less than full-time.*

The supervisor will conduct performance evaluations as outlined in Section 10 of this policy manual, to ascertain the advisability of continued employment and which reflects the performance level required in order to satisfy the introductory period.

3.16. Failure to Appear for Work

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

3.17. 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, as determined by the hiring authority and the application process. The hiring authority 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 County and results in a new anniversary date.

3.18. Promotions

Nye County encourages employees to apply for promotion 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. All promotions result in a new anniversary date.

3.19. Rehire

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

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

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

3.20. Casual/Temporary/Seasonal Employment

3.20.1. Purpose

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

3.20.2. Authorization to Hire Casual/Temporary/Seasonal Workers

In general, a casual/temporary/seasonal worker may be hired at the pleasure of the County for work which will require fewer than twenty (20) hours per week on an ongoing basis for more than twenty (20) hours per week for a period of fewer than one hundred twenty (120) consecutive working days to complete, if the County has appropriated sufficient funds in the budget to pay the worker. Work requiring more hours to complete will usually require the establishment of a regular position. Nye County will not hire casual/temporary/seasonal workers to avoid establishing a regular position when the work to be performed is ongoing. However, the County may, from time to time, find that its best interests are served by assigning work to a casual worker for longer than one hundred twenty (120) days or more than twenty (20) hours per week, as long as the casual worker does not exceed 1039 work hours in any fiscal year.

3.20.3. Duration of Casual/Temporary/Seasonal Employment

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

3.20.4. Employment in a Regular Position

Nye County may hire a casual/temporary/seasonal worker into a regular position only after the applicant has been found to be qualified as a result of

completing an authorized recruitment and selection process for that position. The employee's service date will be determined according to the date of hire in the regular position with no credit given toward completion of an introductory period or the accrual of benefits for the time an employee was hired for casual/temporary/seasonal work.

3.21. License/Occupational Certification

3.21.1. Purpose

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

3.21.2. Employee Responsibilities

1. All employees who must possess a valid license, including a driver's license, certificate, permit, or other occupational certification as required by their position, must adhere to the provisions of Chapter 425 of the Nevada Revised Statutes 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 Human Resource and 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 thirty (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 thirty (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.

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

If a prospective candidate 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.

3.21.4. *Driving Records*

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

3.22. Volunteer Program

3.22.1. *Purpose*

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

3.22.2. *Scope*

This policy covers the essential elements of an effective volunteer program which is compliant with applicable state and federal regulations pertaining to Nye County 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.

3.22.3. *Selecting Volunteers*

Nye County's ability to meet its goals and objectives is directly related to the skill and ability of volunteers selected. The County prohibits discrimination, harassment, or retaliation directed at volunteers on the basis of their race, color, religion, age, sexual orientation, national origin, genetic information, gender identity or expression, political affiliation, sexual orientation, national origin, ancestry, disability, veteran status, pregnancy, genetic information, domestic partnership or membership in the Nevada National Guard.

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

Specific requirements that apply to employees in certain classifications and/or departments such as fingerprinting, detailed background checks, DMV Checks, physicals and screening for drug use shall apply to volunteers performing similar duties.

3.22.4. *Managing Volunteers*

Volunteers must be covered by Nye County's workers' compensation policy per NRS 616a.130. Volunteers shall receive appropriate oversight for the functions performed including an orientation to the applicable County policies and procedures, departmental operating procedures, safety practices, and other relevant information. The orientation will be followed by regular, constructive oversight of day-to-day volunteer functions.

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

The Department will maintain a detailed roster of active volunteers and forward such roster on a monthly basis to the County Comptroller's office. The date, time, and duration of each volunteer activity session must be recorded, along with the work performed. The Department will remove volunteers from the roster whenever volunteers are inactive for more than thirty (30) days. Volunteers must be covered by the employer's workers' compensation plan.

The Department is required to maintain a centralized filing system on all volunteers and will create a separate file on each volunteer that will house all pertinent information, completed forms, physicals, etc., and will ensure the files are kept in a secure and locked location and will allow only authorized personnel, such as Department Head, and Human Resources, to access such files.

Volunteers may be reimbursed for expenses incurred. In addition, the County may provide the volunteer nominal stipend or fees and inclusion in the County's workers' compensation plan.

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

3.22.5. *County Employees as Volunteers*

The Fair Labor Standard Act allows employees to act as volunteers under the following guidelines, (1) the individual may receive no compensation, or is paid only expenses, or a nominal stipend or fee, and (2) the volunteer services may not be the same services as those which the individual is employed to perform for his or her employer.

3.23. Board Appointments

3.23.1. *Orientation*

Appointment forms requiring the new member's signature will be sent with their appointment letter.

A Board Member's Handbook, consisting of a copy of the Board's bylaws (when available), the Open Meeting Law, the Public Records Law, the Nye County Personnel Policy Manual, and (when applicable) the Nye County Collective Bargaining Agreements, will be given to each new member. It is the

responsibility of each member to read and become familiar with each document.

It will be the responsibility of the chairman of the respective Board to provide for the formal orientation of new members and help familiarize him/her with the responsibilities of the Board, current projects, and government operations in general as they may impact the Board's work. The Administrative Manager will schedule Open Meeting Law Training once each year.

3.23.2. *Terms of Office*

Members of all Boards generally serve a one, two or four-year term. The term of office will differ depending on the Board. On occasion, an appointment may be made to fill an unexpired term (i.e. the incumbent resigned in the middle of a term). In that event, the new appointee will fill the remainder of the unexpired term and must apply for reappointment.

3.23.3. *Attendance*

Although recognizing and appreciating that members of various Boards are generally citizen volunteers, the Commissioners deem it essential that members of all Boards attend meetings regularly for the prompt and efficient transaction of County business. Failure to regularly attend meetings could subject the member to removal by the Board of County Commissioners.

4. POSITION CLASSIFICATION PLAN

4.1. Policy

4.1.1. Purpose

Nye County will develop and maintain a classification plan for all positions. Classification plans categorize positions into similar duties, qualifications, and responsibilities called “classes.” Each class is defined in a class specification/job description form. The class specification/job description will include: title; definition and/or distinguishing characteristics; essential functions; qualifications for employment including ability, experience and/or training required to perform the job; physical 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 duties, responsibilities, and authority of the position. Classification of a position shall be effective when approved by the Board of County Commissioners.
2. Positions will be allocated to the same class when the following conditions exist:
 - a. The same descriptive title may be used to designate the positions;
 - b. Substantially the same level of education, experience, knowledge, ability, and other qualifications are required to perform the duties;
 - c. Similar tests may be used to select employees for the positions; and
 - d. The same level of compensation is appropriate for the positions.
3. Classes will be allocated to a pay grade based on comparison to other County classes and salaries paid by comparable Counties for comparable work.

4.1.3. Maintenance and Revision

The Human Resource Director will periodically review the classification plan and recommend to the County Manager the revision, addition, or abolishment of classes.

4.1.4. New Positions

When a new position is to be created, the Human Resource Director will recommend to the Board of County Commissioners an appropriate class for the new position.

4.1.5. Reclassification

1. When a department manager believes the duties of a position have changed to the extent they no longer fit within the current class, the duties 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 and responsibilities.

2. Reclassification must be confirmed by the Board of County Commissioners.
3. A change in a position's classification does not constitute the sole basis for determining whether the employee in a position will also be assigned to the new position.
 - a. The decision as to reclassification of a position shall be made by the Human Resource Director with the approval of the Board of County Commissioners. The decision to place the current employee in the new class shall be based upon the qualifications and job performance of the employee. The employee will be assigned to the class whenever a position is reallocated to a higher level class and the employee has satisfied the following requirements:
 - i. Completes the introductory period for the position as previously allocated;
 - ii. Demonstrates acceptable or better job performance; and
 - iii. Possesses the knowledge, skills, and ability required for the higher class.
 - b. Whenever a position is reclassified to a lower level class, the employee will be placed in the lower level class.
 - c.

4.1.6. *Reallocation*

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

4.2. Procedure

4.2.1. *Requests for Classification Review*

1. *Submission Process*

- a. Requests for classification review are made by the Department Head to the Human Resource Director. The Human Resource Director will review the request and, if appropriate, determine if the request meets the criteria for a classification study. At a minimum, the request shall include the specific duty and responsibility changes, and a verification that the changes are to be permanent. The Human Resource Manager will review the request and indicate whether or not s/he will conduct a study.
- b. An employee may request the classification review be forwarded to the Human Resource Director even if the Department Head does not concur. The employee will notify the Department Head in writing s/he wants the Human Resource Manager to review the denied request. The reasons for disagreeing with the employee's request shall accompany any request forwarded to the Human Resource Director.

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

- a. The Human Resource Director may authorize a classification review when, in his/her judgment, permanent and substantial changes in the duties assigned to a position have occurred.
- b. The new duties must be clearly defined and assigned before a review is begun.
- c. The Human Resource Director 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 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 twelve (12) months in the new classification, and will not include the period for which retroactive pay is granted, if any. (See also *Work Out-of-Class, Section 5.12.*) If the position is reclassified/reallocated at the same level or at a lower level the anniversary date will remain unchanged.

2. *Working Out of Class*

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

5. COMPENSATION PLAN

5.1. Pay Periods and Paydays

Employees are paid biweekly on Thursday. If a payday falls on a holiday, employees are paid on the preceding work day. Paychecks/paystubs are distributed based on direction received by the employee.

5.2. Work Week Defined

The work week begins at 12:01 a.m., on Monday and ends seven (7) days (168 hours) later at midnight on the next Sunday.

For law enforcement personnel, the work period is one hundred seventy-one (171) hours within a twenty-eight (28) day period. The standard work period begins at 12:01 a.m., on Monday.

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 Nye County.

1. Employees working a five-day, forty-hour week (designated 5/40) shall work eight (8) hours per day for five (5) days in any work week and shall receive two (2) days off.
2. Employees working a four-day, forty-hour week (designated 4/40) shall work ten (10) hours per day for four (4) days in any work week and shall receive three (3) days off.

5.3.3. Rest Periods

Employees will be granted one (1) fifteen (15) minute break or rest period during each work period of four (4) or more hours. Employees may not take rest periods within one (1) hour of the employee's starting time, quitting time, or lunch break. Rest periods may not be scheduled or taken consecutively or in conjunction with meal periods. This policy does not apply to firefighters, public safety dispatchers, and law enforcement personnel. Refer to departmental policy or applicable collective bargaining agreement.

5.3.4. Meal Periods

Employees who work four (4) or more hours in a work day are allowed an uninterrupted, unpaid meal period of thirty (30) minutes or longer at or about mid-point of their work day. If an employee's meal period is interrupted by a

work-related matter, the employee will be paid for the amount of interrupted time.

Deputy Sheriffs, Dispatchers, and Emergency Medical Service personnel may be assigned work during meal periods and shall be paid for their meal periods. Other employees, in exceptional situations, may be required to work during their meal period. In such situations, the employee will be paid for the meal period.

5.3.5. *Work Assignments*

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

5.4. Time Reporting (for purposes of this section, the term 'employee' does not include elected officials)

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 (6) 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 twenty (20) minutes or less.
3. Work related travel time that occurs during an employee's normally scheduled work hours, including regular days off, holidays, etc.
4. Hours spent at lectures, meetings, and training activities, unless attendance is completely voluntary outside of normal work hours, not job-related, and no other work is currently performed; or voluntary attendance, outside of work hours, at an independent school, college, trade school, or similar training offered by the employer; or time outside of regular work hours,

when not in class or training session, for training required by law for certification of public sector employees.

5. Hours spent serving as volunteer ambulance, fire, or law enforcement personnel for an emergency response during normally scheduled work hours.

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

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

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

The Human Resource Director will examine and evaluate position descriptions and duties performed for all positions to determine the designation of the position as exempt or non-exempt. Departments will notify the Human Resource Director 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.

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 in positions which require an accounting of hours worked will enter their **hours worked for each project. They shall record all leave taken in whole day increments** on the timesheet.
3. Exempt employees in positions not required to account for hours worked will record only those **hours off for sick leave or annual leave in whole day increments**. Except as permitted by the Family and Medical Leave Act (i.e., intermittent leave), exempt employees may not be charged for absences of less than whole day increments.

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 whose normal work schedule is eight hours a day will receive overtime compensation for hours worked in excess of eight hours in a day.

- Employees whose normal work schedule is between eight and ten hours in a day will receive overtime compensation for hours worked in excess of their normal daily work schedule.
 - Employees who request and are approved for a variable workday as provided in NRS 281.100.3b(2) will receive overtime compensation for hours worked in excess of 40 hours in the workweek.
 - Employees whose hours are established by collective bargaining agreement will receive overtime accordingly.
2. Per NRS 281.100 and the Fair Labor Standards Act (FLSA), employees working as firefighters, police officers, jailers, sheriff's deputies, or nurses in training or nurses working in a hospital, with formalized policy or agreement with Nye County may work longer workweeks or workdays.
 - a. Deputies may establish a work period of 171 hours within a 28-day period based on approval by the Sheriff.
 - b. For sheriff's deputies, these work periods must be established as regularly occurring and by an affirmative statement by the County that such a work period is being established.
 3. All overtime hours must be specifically authorized in advance by the employee's supervisor or manager. Overtime will be compensated at one and one-half (1.5) times the employee's regular rate of pay. An employee's regular rate includes all payments made by the County to the employee. Examples of payments to be included are on-call pay, shift differential, hazard duty pay, and longevity pay. Employees who earn overtime may, with the approval of the Department Head, elect to receive compensatory time off in lieu of overtime pay. Compensatory time will be earned at the rate of one and one-half (1.5) hours off for each overtime hour worked. Employees who elect compensatory time off may accrue up to 240 hours. When an employee has exceeded the maximum number of hours specified, the excess hours will be paid out as overtime. Compensatory time off is to be taken at the earliest time which is mutually agreeable to the employee and supervisor or manager. Paid overtime will be included in the same paycheck covering the pay period in which the overtime was earned. At any time, Nye County may pay an employee on any regular paycheck for compensatory time earned and not used. Nye County reserves the right to pay out any and all compensatory time earned at its discretion.
 - Any compensatory time earned and not used during July 1 through June 30 of the fiscal year will be paid on the second payday in July at the hourly rate which applies to the employee on the last day of June.
 - Unless it would cause an employee to forfeit an amount of annual leave pursuant to subsection 2 of NRS 284.350, an employee must, to the extent possible, exhaust his/her compensatory time before he/she uses his/her available annual leave.
 4. Nye County must keep records of employees' time off, whether it is paid or unpaid. Unless the County has agreed otherwise, time paid but not worked, such as sick leave, holidays, and annual leave, does not count toward hours

worked for the purpose of computing overtime hours as provided under the FLSA.

5. Firefighters and law enforcement personnel are governed by different overtime requirements. Refer to departmental policy, applicable collective bargaining agreement, and the Fair Labor Standards Act (FLSA). Employees who work in public safety, emergency response, or seasonal activity may accumulate up to 480 hours of compensatory time as specifically authorized by Nye County.

5.5.2. Exempt Employees

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

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

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.

1. Subject to certain exceptions set forth in the FLSA regulations and FMLA as provided above, if an organization does not have a bona fide annual and sick leave policy, an exempt employee must be paid the full salary for any work week in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees will not need to be paid for any work week in which they perform no work. FLSA provides that deductions may be made when the employee absents him/herself from work for a day or more for personal reasons, other than sickness or disability.

Employers that have a bona fide vacation and sick leave policy may deduct a partial days' absence from an employee's accrued leave, but not from the employee's pay or salary. Accordingly, if the employee does not have accrued leave and still works part of a day, the employee must be paid their full salary. However, if an employee does not have accrued leave and is absent for a full day then the employer can deduct from the employee's pay or salary for that full day.

2. 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. Nye County will prorate an employee's salary based upon the days worked during the initial and terminal pay period of employment.
3. 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 Nye County. If, however, an exempt employee is working well beyond a forty (40) hour work week on a regular recurring basis, the County may examine staffing levels and the employee's work habits and procedures.

Nye County may choose to recognize an exempt employee for hours worked beyond normal business hours.

- a. In recognition of instances when an employee has completed an extraordinary work assignment and spent substantially more than a typical work week to accomplish the job, exempt employees may be authorized to take limited periods of time off without using accrued paid leave.
- b. The County Manager may grant an exempt employee up to (2) two days of time off in any calendar month in recognition of extraordinary work assignments completed. Only the County Manager may approve such time off. The decision to grant such leave is at the sole discretion of the County Manager. All such approvals are routed through the HR Department; leave is not charged against accrued leave and is recorded on the employee's timesheet as personal leave.
- c. The limited periods of time off do not constitute additional compensation to exempt employees on an hour-for-hour basis for hours worked in excess of forty (40) hours per week. Accordingly, exempt employees will not "accrue a balance" of compensatory leave hours.
- d. An exempt employee may be paid overtime and not void their otherwise exempt status as specifically provided under the FLSA.

5.5.3. "Safe Harbor"

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

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

5.6. Rates of Pay

5.6.1. Compensation Plan

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

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

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

5.6.2. Hiring Rate of Pay

The normal hiring rate is the first step of the pay range for the position's classification. The County Manager may authorize advanced step appointments based on a request from the hiring department and recommendation by the HR Manager.

5.6.3. Advanced Step Hire

Fairness and equity in the administration of the compensation plan will be maintained when making advanced step hires. The County Manager 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. Based on the applicant's current or most recent salary, an advanced step hire is required for the applicant to accept the position (The County will not consider salaries paid more than twelve [12] months prior to the job offer.);
- c. Other applicants with similar qualifications not requiring an advanced level salary are unavailable; and
- d. Funds are available in the hiring department's budget to pay the higher rate.

5.6.4. Salary on Promotion/ Transfer, Demotion, Reclassification and Reallocation

1. Except as may otherwise be provided by a collective bargaining agreement, a regular employee who is promoted to a higher classification will move to that step in the range for the new class which provides at least an approximate four and one-half percent (4½ %) pay increase, not to exceed

the top step in the range for the new class. A promoted employee's salary shall not be less than the starting pay of the salary range for the new position. Reclassification to a class with a higher grade leave is treated as a promotion for salary purposes.

2. An employee who transfers to a position at the same grade level will retain their current grade and step. .
3. An employee who demotes to a position with a lower grade level will be placed at a step in the lower grade level which is closest to their current salary. If the employee's salary exceeds the top salary of the lower pay range the employee will be Y-rated (see 5.11). Reclassification to a class with a lower grade level will be treated as a demotion for salary purposes.
4. 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 5.11.).

5.7. Salary Increase Schedule

5.7.1. 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 longevity and satisfactory performance, and are not automatic. A step advancement may be granted only upon a finding by the Department Head/Supervisor that the employee meets all of the performance requirements of the position and complies with all of the County's rules, regulations, and policies. An employee who is determined to be eligible for step advancement shall move to the next higher step within the range.
2. 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. Salary step advancements are administered by the Human Resource Department, subject to the confirmation that there is adequate documentation that all requirements have been met.

5.7.2. Anniversary Date/Step Advancement

1. The date on which an employee becomes eligible for consideration for step advancement is known as the **anniversary date**. When approved in writing, step advancements will become effective at the beginning of the pay period in which the employee's anniversary date occurs.

2. A promotion and reclassification to a class with a higher salary range shall establish a new anniversary date.
3. A demotion or reclassification to a class with a lower salary range shall not establish a new anniversary date.

5.8. Withholding of Step Advancements

5.8.1. *Job Performance*

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

5.8.2. *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 fifteen (15) working days during the twelve (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.

5.8.3. *Granting of Withheld Advancements*

The Department Head 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.

5.8.4. *Longevity*

1. An employee hired prior to July 3, 1985, who has completed four (4) full years of continuous service, shall receive longevity pay at the rate of 1% per annum of his/her base salary, not to exceed 20%.
2. An employee hired after July 3, 1985, who has completed four (4) full years of continuous service, shall receive longevity pay at the rate of 1% per annum of his/her base salary, not to exceed 10%.
3. An employee hired after April 20, 1993, and before July 1, 1997, who completes six (6) years of continuous service, shall receive longevity pay. Upon completion of six (6) years of continuous service, the employee shall receive an additional 3% of his or her bi-weekly base salary. For each year of continuous service thereafter, the employee shall receive an additional one-half of one percent ($\frac{1}{2}$ of 1%) increase of the base salary until a maximum of ten percent (10%) has been reached.

5.9. 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.

5.10. Casual/Temporary/Seasonal Worker Compensation

5.10.1. Rates of Pay

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

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

5.10.2. Step Advancements

In July of each year, the County may advance casual workers to the next step in the approved pay range for the work assigned. The Department Head 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.

5.10.3. Implementing Pay Increases

To authorize a pay increase, the Department Head will certify that a casual/temporary/seasonal worker's performance is acceptable and request the increase in a memorandum to the Human Resource Director. Every effort will be made to have the request to HR by July 20th of each calendar year.

5.11. Y-Rate

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

An employee who is at a Y-rate above the top step of the range for the new (lower) class shall continue to receive the Y-rate while employed in the new class until a change in the rate of pay for the employee's new class causes the top step of the new class to be equal to or greater than the employee's Y-rate; during such time the employee will not receive approved or negotiated cost of living increases.

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.

5.12. Work Out-of-Class

5.12.1. Policy

Employees may occasionally be asked to perform duties beyond the scope of their normal position or receive cross training in another classification/position.

When an employee is assigned by the Department Head to perform the duties of a higher level classification/position, all hours will be paid at the higher level based on the established criteria for paying employees for performing work beyond the assigned duties of their current job class (see section 5.12.2 below), and for employees temporarily assigned the duties of a management or administrative position. Employees whose regular class is Assistant Department Head or Chief Deputy are excluded from this policy unless otherwise provided for in a Collective Bargaining Agreement.

Employees being crossed trained (working under the direction of a trainer) will not receive additional compensation for the period of time necessary to accomplish the training.

5.12.2. Employee Eligibility

1. Employees must be formally assigned and actually performing the duties of the higher job class.
2. While assigned to perform work at a higher level class, the effected employee shall be paid nine (9%) above his/her currently assigned pay rate.
3. Out-of-class work assignments lasting more than fifteen (15) consecutive days must be approved by the County Manager and, in any event, are not to last more than 1040 hours.
4. The out-of-class rate of pay shall apply only for the hours actually worked in the higher level class. Leave time is paid at the employee's normal rate of pay.
5. In the event that overtime occurs during a work week that includes two different rates of pay, overtime will be paid based on a rate of 1 ½ times the average hourly rate.
6. The provisions of this section shall not be used to authorize additional pay for any of the following:
 - a. To provide additional compensation pending action on a request for reclassification of a position or approval of a recommendation to reclassify a position. (At the discretion of the Board, 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.)
 - b. To reward employees neither for outstanding service, nor for any purpose other than those stated.

6. LEAVE PLANS

6.1. Holidays

6.1.1. *Holidays Designated*

The following holidays are recognized by Nye County:

New Year's Day – January 1
Martin Luther King, Jr.'s Birthday – Third Monday in January
Presidents Day – Third Monday in February
Memorial Day – Last Monday in May
Independence Day – July 4
Labor Day – First Monday in September
Nevada Day – Last Friday in October
Veterans Day – November 11
Thanksgiving Day – Fourth Thursday in November
Family Day – Friday following the fourth Thursday in November
Christmas Day – December 25

[For the first occurrence only] Any day declared a legal holiday by the President of the United States and/or the Governor of the State of Nevada will be observed in accordance with the presidential or gubernatorial proclamation. The County may observe a holiday, which occurs on a Saturday or a Sunday, on the day before or after the holiday.

6.1.2. *Holiday Pay*

1. Recognized holidays are typically non-work days. Each employee in a, full-time, non-exempt position who is on paid status on his/her regularly scheduled work day before and after a holiday will be paid eight (8) hours of pay at his/her rate of pay for each recognized holiday. Employees who work seven (7) or seven and one half (7.5) hours per day according to their regular schedule will receive holiday pay based on that schedule. Employees in part-time, non-exempt positions who are on paid status on the day before and after a holiday will be paid for each recognized holiday at his/her rate of pay on a pro-rated basis. Casual, seasonal, temporary employees will not be paid unless they work on the holiday.
2. Employees who work a 4/10 schedule, as stated in Section 5.3.2., may use annual leave time or compensatory time off in order to receive ten (10) total hours of holiday pay.

6.1.3. *Weekend Holidays*

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

6.1.4. *Work on Holidays*

Non-exempt employees who work on a designated holiday shall be paid for the holiday plus one and one-half (1.5) times their regular rate of pay for any time worked on a holiday. Bargaining unit employees who work on a holiday shall be paid overtime as provided in the collective bargaining agreement.

6.2. Annual Leave (for purposes of this section, the term 'employee' does not include elected officials)

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):

From the Beginning of the Pay Period Following Completion of:	Through the Pay Period During Which the Employee Completes:	Hours Accrued for Each Regularly Scheduled Hour on Paid Status:
Initial date of employment	Ten (10) consecutive years of eligible employment	0.0577
Ten (10) consecutive years of eligible employment	Fifteen (15) years of eligible employment	0.0692
More than fifteen (15) consecutive years of eligible employment		0.0808

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 monthly (24 paydays in a calendar year) coinciding with pay periods. The amount of annual leave accrual is based upon years of service adjusted, as specified, for leaves of absence without pay.

6.2.2. *Eligibility Maximum Accrual*

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

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.

6.2.4. *Annual Leave Pay at Separation or Termination*

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

6.3. Sick Leave (for purposes of this section, the term 'employee' does not include elected officials)

6.3.1. *Policy*

1. Accrual

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

- a. Employees will accrue sick leave at the rate of 0.0577 hours per each regularly scheduled hour worked or on paid status. Sick leave is not accrued for any other hours.
- b. Sick leave hours are earned and credited to the employee on a biweekly basis, coinciding with pay periods.
- c. Unused sick leave will be credited to the employee's sick leave balance without a maximum accrual.

2. Use of Sick Leave

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

- a. His/her own physical illness or injury.
- b. His/her own exposure to contagious diseases or when attendance at work is prevented by public health requirements.
- c. The need to provide medical care for an ill or injured dependent child, spouse/domestic partner, or parent who resides in the employee's household. Medical care includes accompanying a dependent child, spouse/domestic partner, or parent who resides in the employee's household to a medical appointment.
- 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 healthcare provider's office, or shall notify their supervisor of their whereabouts when using sick leave.

3. Abuse of Sick Leave

Use of sick leave for purposes other than those listed above may be considered evidence of abuse of sick leave. Abuse of sick leave is cause for disciplinary action, up to and including termination. If Nye County suspects abuse, they may require substantiating evidence which may include, but is not limited to, a certificate from a health care provider. Absences from work in excess of three consecutive (3) working days will require a note from a health care provider.

4. Illness During Annual Leave

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

5. *Placing an Employee on Sick Leave*

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

6. Return to Work

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

7. Sick Leave at Separation

Upon separation from employment due to resignation, retirement, disability, or death, an eligible employee shall receive a one-time payment based upon the amount of unused sick leave remaining in the employee's sick leave account. The amount to be paid out is not to exceed 50% of all hours up to 1000 of accrued sick leave, provided the employee has at least 10 years of service. Employees with 20 years or more of service will be paid 75% of all hours up to 1000 of accrued sick leave.

If the separation is due to the death of the employee, the compensation due will be paid to the beneficiary(s) designated by the employee.

8. Sick Leave Conversion

If an employee uses forty (40) hours or less of sick leave from the first pay period in January through the last pay period in December, the employee shall be entitled to exchange twenty-four (24) hours of sick leave for (24) hours of additional annual leave. For purposes of this provision, the first sixteen (16) hours of sick leave per each occurrence used for attendance at a funeral shall not be counted.

6.3.2. Procedure

1. Leave Approval

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

2. Notification

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

3. Health Care Provider's Certification

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

6.4. Family and Medical Leave (administered by the HR Department)

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

1. Eligibility

Employees who have been employed by the County for a total of 12 months and worked for the County at least one thousand two hundred-fifty (1,250) hours during the preceding 12-month period and are employed at a work site where fifty (50) or more employees work for the County within 75 surface miles of that work site are eligible for FMLA leave. When the 1,250 hours are calculated, the hours an employee was on leave, even if that leave was paid, do not count toward the 1,250 hours worked. However, an employee who has 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 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, compensatory time leave, and personal time off as part of the FMLA leave. (See the applicable collective bargaining agreement for alternate provisions which may apply.) When substituting accrued paid leave, the employee must comply with the County's procedural requirements, terms, and conditions of the paid leave policy as appropriate; the remainder of the leave period will then consist of unpaid FMLA leave. Employees must be made aware that they are required to use sick, annual, compensatory time, and personal leave as appropriate, in the rights and responsibilities notice WHD Publication 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 County. Employees needing intermittent leave or reduced schedule leave must make a reasonable effort to schedule their leave so as not to disrupt unduly the County's operations. If leave is foreseeable, the County may require an employee on intermittent leave or reduced schedule leave to temporarily transfer to an available alternative position for which the employee is qualified if the position has equivalent pay and benefits and better accommodates the employee's intermittent or reduced schedule leave. Intermittent leave and reduced schedule leave reduces the 12-week entitlement only by the actual time used. When an employee who was

transferred, no longer needs intermittent or reduced schedule leave, the employee must be placed in the same or equivalent position held prior to when the leave commenced.

6.4.2. *Duration of and Reasons for Leave*

1. *Duration of Leave*

Any eligible employee, as defined above, may be granted a total of twelve (12) weeks of unpaid FMLA leave (which can run concurrent with paid leave) during a 12-month period, with the exception of 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 (3) days a week to sixty (60) leave days, but rather twelve (12) weeks.

2. *Reasons for Leave*

a. 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; or
- Due to a qualifying exigency arising when an employee’s spouse, son, daughter, or parent is a covered military member on 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 day)
- 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 or 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 County 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 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 to active duty in support of a contingency operation.

4. *Limitation of Leave*

Unpaid FMLA leave will run concurrently with paid vacation, sick, compensatory time, and/or personal leave, unless otherwise prohibited by any relevant collective bargaining agreement. Unpaid FMLA leave may also run concurrently with workers' compensation leave or other benefits.

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

Employees may not take more than a combined total of twelve (12) weeks for all FMLA qualifying reasons listed above.

6.4.3. Military Caregiver Leave

1. Policy

An eligible employee, as defined in 6.4.1.1. above, may be granted a total of twenty-six (26) weeks of unpaid FMLA leave during a 12-month period to provide caregiver leave for an injured service member 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 service member and ends twelve (12) months after that date.

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

2. The Covered Servicemember under the Military Caregiver leave must be:

- a. A current member of the Armed Forces (including a member of the National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness that:
 - Was incurred by the covered servicemember in the line of duty in active duty in the Armed forces, or
 - Existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and
 - May render the member medically unfit to perform the duties of the member's office, grade, rank or rating.
- b. A covered veteran is an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period* prior to the first date the eligible employee takes FMLA leave to care for the covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
 - A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
 - A physical or mental condition for which the covered veteran has received a U.S. Department of Veteran Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD

rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

- A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
- An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veteran Affairs Program of Comprehensive Assistance for Family Caregivers.

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

3. Limitations of Leave

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

6.4.4. Notice of Leave

An employee intending to take FMLA leave because of an expected birth or placement or child for adoption or foster care, a planned medical treatment or medical care, or qualifying exigency, 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 thirty (30) days notice, the County may require an explanation.

Within five business days (absent extenuating circumstances) of receiving notice that 1) an employee requests to use FMLA leave, or 2) an the Human Resource Director acquires knowledge that a leave may be for a FMLA-qualifying reason, the Human Resource Department 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. Nye County may require the use of FMLA leave for any absence which would otherwise qualify as FMLA leave, even if no formal application for such leave was made by the employee, provided notice is given to the employee. Employees cannot waive, nor may the County induce employees to waive their rights under FMLA.

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 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 fifteen (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 County are not cured in the resubmitted certification, Nye County may deny the taking of FMLA leave. A certification that is not returned to the County is not considered incomplete or insufficient, but constitutes a failure to provide certification.

3. *Clarification or Authentication of Certification*

Nye County may contact the employee's health care provider for the purpose of clarification or authentication after giving the employee an opportunity to clarify specific discrepancies. Only the Human Resource Director or designee may contact the health care provider.

4. *Second or Third Opinions*

If the County questions the validity of the certification, the County may require, at its expense, the employee obtain a second opinion from a health care provider designated by the County. If the second opinion conflicts with the original opinion, the County may require, at its expense, that the employee

obtain the opinion of a third health care provider designated or approved jointly by the County and the employee. This third opinion will be considered final and binding on both parties.

Second and third opinions are not permitted for leave to care for a covered 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 by law.

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

5. *Recertification*

In instances where the minimum duration of leave anticipated by the original certification is more than 30 days, the County may require the employee to recertify that the original medical condition still exists. Such requests can be made no more frequently than the minimum duration of leave requested (e.g., 40 days) or once every six (6) months in connection with an absence. In situations in which the minimum duration of leave anticipated by the original certification is less than thirty (30) days, the County may request recertification if the employee requests an extension of leave, the circumstances described by the original certification have changed significantly, or the County receives information casting doubt upon the continuing validity of the certification.

Recertifications are not permitted for leave to care for a covered servicemember.

6. *Annual Medical Certification*

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

6.4.6. *Designation Notice*

Within five (5) business days (absent extenuating circumstances) of receipt of all required information, the Human Resource Director will make a determination if employee's request for leave is for an FMLA-qualifying reason. The Human Resource Department will complete *Form WH-382 Designation Notice* indicating if leave is approved or not and provide to employee.

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

- Indicate the information presented is incomplete or insufficient and provide the employee seven (7) calendar days to provide complete information.
- Provide notice to an employee if a second or third medical certification is required.

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

6.4.7. *Benefits Coverage during Leave*

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

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

An employee is not entitled to the accrual of any seniority or employment benefits during any unpaid leave. An employee who takes FMLA leave will not lose any seniority or employment benefits that accrued before the date the leave began and will be entitled to any 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 Nye County's outside employment policy apply.

6.4.9. *Periodic Reporting*

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

6.4.10. *Change in Duration of Leave*

1. Return Prior to Expiration

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

2. Request an Extension of Leave

An employee who requests an extension of FMLA leave due to the continuation of a qualifying exigency, care for 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 County. This written request should be made as soon as the employee realizes that s/he will not be able to return at the expiration of the leave period. Any additional time requested beyond the FMLA 12-week period (or 26-week period for caregiver leave) will not be considered as FMLA. Rather, such time, if approved by Nye County, will be characterized as either paid or unpaid leave, thereby ending the County's reinstatement obligations included in Section 6.4.11. (See the applicable collective bargaining agreement for alternate provisions which may apply.)

6.4.11. Return from Leave

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

Failure to Return from Leave

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

6.5. Leave of Absence Without Pay

6.5.1. Policy

The County Manager may approve leaves of absence without pay for up to six (6) months. Such approval will be for exceptional circumstances and conditions, such as education or prolonged illness, when the approval of such leave is consistent with the County's needs, when the work of the office or department will not be impeded by the employee's absence, and when the leave will not require the appropriation of additional funds for the operation of the employee's department. Such leave may be extended for an additional period of up to six (6) months at the sole discretion of the County. Exceptions for leave beyond one year may be provide as required by law. The County will require the use of all accrued paid leave prior to granting leave without pay.

6.5.2. Procedure

1. Approval – Less Than 30 Days

Leaves of absence without pay not exceeding thirty (30) days may be granted by the Department Head with substantiating documentation.

2. Approval – More Than 30 Days

The County Manager may grant a leave in excess of thirty (30) days following written certification by the employee that the leave is consistent with the intent of this section and substantiating documentation as requested by the County is provided. . Approval may be contingent upon a recommendation from the Department Head and/or the HR Manager.

3. Purpose

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

4. Termination of Leave

Nye County may terminate any leave of absence without pay, except those granted pursuant to statute or regulation, prior to its expiration by providing written notice to the employee. The document granting the leave of absence will state the terms of the leave and any reason(s) for terminating such leave. Upon receipt of notice of termination of the leave, the employee is required to return to work within five (5) calendar days or by a later-approved alternate date. In the event the County terminates a leave of absence, the employee will be returned to the same class or position s/he occupied when the leave of absence was granted.

5. *Insurance*

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

6. *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. An employee who does not return from a leave of absence without pay on the first work day 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 Reasons for Leave*

The County may require a health care provider's certification or other appropriate type of verification to substantiate a need for a medical leave of absence without pay. Nye County 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 fifteen (15) days during any 12-month period. (See special provisions for Military Leave in *Section 6.8* below.)

10. *Benefit Accrual*

If an employee is on unpaid leave for more than one-half (1/2) of his/her regularly scheduled work hours in any pay period, no leave benefits shall be accrued for that period, nor shall the County contribute toward the cost of insurance benefits.

6.6. Court Leave

6.6.1. Policy

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

6.6.2. Compensation

Subject to the following conditions, eligible employees shall receive their regular 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, temporary employees will be granted time off without pay. Law enforcement personnel appearing in court as part of their duties are not affected by this policy.

1. The employee's regular rate of pay shall be limited to compensation for court and travel time which occurs during the employee's regularly scheduled hours of work. Court leave will not result in payment of overtime or be considered as hours worked for purposes of determining eligibility for overtime, unless the court leave is related to the employee's job responsibilities.
2. Upon completion of jury/court/witness service for which the employee received his/her regular pay, the employee will immediately forward any compensation received from the court or other party to the County upon receipt. Reimbursements received for out-of-pocket expenses such as meals, mileage, and lodging may be kept by employees, unless the County has reimbursed the employee for such expenses or such expenses were paid by the County.
3. An employee shall not receive pay for the work time missed if s/he is required to miss work because of court appearances in a matter to which the employee is a party or to serve as a witness for a party who has filed an action against the County. However, the employee may choose to use his/her annual leave.

6.6.3. *Late Start/Early Release*

1. An employee who is serving as a witness 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 jury day and 3 a.m. the following day per NRS 6.190.

6.7. Bereavement Leave

A full-time or part-time employee who must be absent from work to attend the funeral of a family member who is within the third degree of consanguinity or affinity (refer to Nevada/Consanguinity/Affinity Chart) may use up to a maximum of forty (40) hours of sick leave (to be deducted from employee the accruals) per each occurrence for such purpose. The first sixteen (16) hours of sick leave used for bereavement leave shall not be considered sick leave use for purposes of sick leave conversion. Bereavement leave longer than forty (40) working hours may be charged to accumulated annual leave with advance approval of the Department Head. 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

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. and the relevant sections of the Nevada Revised Statutes. The uniformed services covered include the Army, Navy, Marines, Air Force, Coast Guard, Public Health Service Commissioner Corps, the reserve components of these services, and any other category dispatched by the President in time of war or national emergency. The Army National Guard and Air National Guard are also covered.

6.8.2. Notice and Notification

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

6.8.3. Salary and Benefits

1. Leave without Pay

- a. Nye County will treat the employee the same as any other employee on leave without pay.
- b. The employee is entitled to fifteen (15) working days of leave with pay in one calendar year (NRS 281.145).
- c. Nye County is not required to pay the employee's salary after fifteen (15) working days.
- d. The employee may choose to use annual leave and compensatory time, if any, before going on leave without pay.

2. Health Insurance

There is no impact to the employee's insurance coverage, including life insurance that is included in the health insurance package. The County and employee premium payments or obligations, if any, remain unchanged for thirty (30) days. Employee may then continue coverage similar to that required by the Consolidated Omnibus Budget Reconciliation Act (COBRA) for either twenty-four (24) months or through the day after the date on which the employee fails to apply for reemployment in a timely manner, whichever is lesser (see *Reemployment, Section 6.8.4.* below). Nye County must reinstate coverage upon the employee's prompt reemployment without the imposition of exclusions or waiting periods. An employee who takes up to ninety (90) days after leaving the military before commencing his/her reemployment may stay on the military health insurance, however,

it is the employee's responsibility to verify the continuation, scope, and duration of coverage.

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. Nye County must count time served for the purpose of determining annual and sick leave accrual rates, if the accrual amount is based on seniority. Additionally, the County must count time in the military when determining the employee's rate of pay if the rate is based on seniority (e.g., a grade-and-step pay system). The County is not required to accumulate annual or sick leave for an employee during his/her absence. The "escalator principle" will be applied to a returning employee's opportunities to take promotional examinations or skills tests and to merit pay increases.

4. *Retirement*

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

5. *Death or Disability*

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

6. *Other Leave*

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

6.8.4. *Reemployment*

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

- a. Service of one to thirty (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 thirty-one (31) to one hundred eighty (180) days: Application for reinstatement must be submitted not later than fourteen (14) days after completion of military duty.
 - c. Service of one hundred eighty-one (181) or more days: Application for reinstatement must be submitted not later than ninety (90) days after completion of military duty.
2. The deadline for reinstatement may be extended for up to two years for persons who are convalescing due to a disability incurred or aggravated during military service, and the County must make reasonable accommodations for the impairment.
3. Reemployment rights apply to veterans whose cumulative period of uniformed service does not exceed five years while employed by the County. Time spent in National Guard and reservist training does not count towards the five-year period.

6.8.5. Discharge

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

6.9. Emergency Conditions/Disaster Leave

6.9.1. Emergency Volunteer Service

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

6.9.2. Emergency Road Conditions

1. Any non-exempt employee who is unable to report to work due to road closures or hazardous road conditions caused by ice, snow, floodwaters, washouts, or slides shall not receive regular salary. Employees are advised to use their best judgment in making a decision of whether or not to report to work under such conditions. Should an employee decide to remain at his/her residence, all reasonable attempts should be made to notify his/her immediate supervisor. Any employee wishing to receive payment for time missed due to hazardous road conditions may do so by using either accrued annual leave or accrued compensatory leave time.

2. Any non-exempt employee who reports to work late due to road closures or hazardous road conditions will be compensated only for the actual hours worked. In the event the employee wishes to receive a full day's pay, s/he may use annual leave or accrued compensatory leave time to complete the normal work period.
3. Any employee who elects not to report to work due to hazardous road conditions or reports to work late under such conditions shall not be subject to discipline. In the event the supervisor is in doubt of the employee's reasoning, the final decision shall be made by the County Manager on the basis of documentation or confirmation of the hazardous conditions by either a law enforcement agency or the appropriate public works agency having jurisdiction over the roadways in question.

6.9.3. Disaster Area Declaration

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

6.10. Blood Donor Leave

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

6.11. Leave for Parents of Children Enrolled in School

6.11.1. Policy

For employers with fifty (50) or more employees employed for twenty (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 (4) 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 Department Head. The employee must request the leave in writing at least five (5) 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. 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 Human Resource Department shall provide the employee with all of the forms necessary for the claim filing.

6.12. Leave for Nursing Mothers

As required by federal law, Nye County will provide unpaid “reasonable” breaks each time an employee needs to express breast milk for her nursing infant who is up to one year old. Employees may elect to use their paid break times for this purpose. The County will furnish a private space, other than a bathroom, for that activity. The space will be shielded from view and free from interruption. Counties with less than 50 employees may be exempt if they can demonstrate requirements would impose hardship by causing significant difficulty or expense.

7. BENEFITS

7.1. Health Insurance Coverage

7.1.1. Eligibility

Eligible employees as defined in the group health insurance plan are eligible to enroll in a group health insurance plan effective the first of the month following 60 days of employment. Dependents of employees, as defined in the current plan booklet, are also eligible for coverage under the insurance plan at the employee's expense. Employees must authorize a payroll deduction of any share of the health coverage premium which is to be paid by the employee.

7.1.2. Benefits

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

7.1.3. Plan Changes

Nye County will, from time to time, evaluate the health coverage plan that is offered and make adjustments, as the County deems appropriate, in the level of coverage and the amount of premium cost to be paid by the County as the Board of County Commissioners deems appropriate and in keeping with the collective bargaining agreements.

7.2. Life Insurance Coverage

7.2.1. Eligibility

Eligible employees, as defined in the life insurance plan, are covered by a County-paid term life insurance and accidental death and dismemberment insurance plan effective the first of the month following 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 Human Resource Department.

7.2.3. Coverage

Eligible employees are covered by a life insurance policy in the amount of \$25,000 unless otherwise indicated in a collective bargaining agreement. The County will pay for dependent coverage life insurance policy with a face value of \$3,500 providing the employee has the dependent enrolled in the County approved health plan.

7.3. Retirement

An employee hired before August 1, 2000, who vests in the State of Nevada Public Employees Retirement System by or through his/her employment with Nye County, and who has worked not less than eight (8) continuous years for Nye County immediately

preceding retirement, and who, when s/he leaves County employ collects PERS retirement, will have the same percentage of his/her post-retirement health insurance premium paid by the County as the County pays for its employees, as that percentage may from time to time change.

An employee hired on or after August 1, 2000, who vests in PERS by or through his/her employment with the County, and who has worked not less than twenty (20) continuous years for the County, and who, when s/he leaves County employ collects PERS retirement, will have fifty percent (50%) of his/her post-retirement health insurance premium paid by the County.

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 one hundred twenty (120) consecutive work days, are covered by the Public Employees Retirement System (PERS). Details are available in Chapter 286 of the Nevada Revised Statutes.

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

7.4. 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 twenty-four (24) hours of the accident, injury, or illness. 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 chapters 616A to 616D, inclusive, or 617 of the NRS, and for any leave benefit s/he may, by giving notice to the Human Resources Department, elect to continue to receive his/her normal salary instead of the benefits under those chapters until his/her accrued sick leave, comp time, annual leave, or approved catastrophic leave (if any), in this order, is exhausted. The County will notify the Workers' Compensation Administrator of the election. The County will continue to pay the employee his/her normal salary, but charge against the employee's accrued leave time as taken during the pay period an amount which represents the difference between his/her normal salary and the amount of any benefit for temporary total disability received, exclusive of reimbursement or payment of medical or hospital expenses under chapters 616A to 616D, inclusive, or 617 of the NRS for that pay period.
2. When the employee's accrued leave time is exhausted, payment of his/her normal salary under *subsection 1* must be discontinued and the County will promptly notify the Workers' Compensation Administrator so that it may begin paying the benefits to which the employee is entitled directly to the employee.

3. An employee who declines to make the *election* provided in *subsection 1* may use all or any part of the leave benefit normally payable to him/her while directly receiving benefits for temporary total disability under chapters 616A to 616D, inclusive, or 617 of the NRS, but the amount of leave benefit paid to the employee for any pay period must not exceed the difference between his/her normal salary and the amount of any benefit received, exclusive of reimbursement or payment of medical or hospital expenses under those chapters 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 chapters 616A to 616D, inclusive, or 617 of the NRS. During that period of time, the employee will be considered on leave of absence without pay.

7.5. Transitional Duty

7.5.1. Policy

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

7.5.2. Salary

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

7.5.3. Duration and Conditions of Transitional Duty

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

7.6. Deferred Compensation

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

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

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

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

7.7. Educational Assistance

Nye County may, subject to availability of budgeted funds, provide educational assistance for tuition and/or fees, other than books, for career-related education. The following qualifications must be met:

1. Employees must be in a regular full-time status.
2. The course must be taken from an accredited institution of higher learning or a County-approved adult education class.
3. The course must be job-related or be required for a degree that is job-related. The course work must be forwarded to the Board of County Commissioners by the Department Head for approval of the accredited program.

Upon approval by the Board of County Commissioners the Department Head must approve the classes and the County Manager will approve payment for completed courses subject to the conditions in this policy.

Such approval may be conditioned upon meeting commitments for continuing employment and/or job-related conditions. Employees who do not complete the course with a notice of "satisfactory" or grade of "C" or better, or who voluntarily terminate their employment within six (6) months of receiving educational assistance must reimburse the County for the full amount of the assistance provided.

8. TRAVEL POLICY

8.1. Purpose

To establish procedures for all County elected and appointed Department Heads, employees or non-employees, and volunteers (as provided in Section 3.22, Volunteer Program, of the Nye County Personnel Policy Manual) incurring business travel expenses on the County's behalf.

8.2. Policy

- 8.2.1** It is the policy of the Board of County Commissioners that travel is kept to an absolute minimum consistent with the efficient conduct of County business. Abuse of this policy, including falsification of travel expenses, will result in disciplinary action, up to and including termination of employment.
- 8.2.2** Approval by the Board of County Commissioners of the final budget for the Fiscal Year and appropriate adjustments made to travel accounts constitutes approval for an elected or appointed Department Head to approve travel requests submitted by County officers and employees employed by that department provided the travel is consistent with the provisions of this policy, and the costs for such travel are included in the department's travel account.
- 8.2.3** County officers and employees who do not request and receive an advance for travel expenses 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 County officers and employees on official business are obtained at the most economical cost.
- 8.2.4** County officers and employees must submit their travel expense reimbursement or per diem requests on the Nye County approved Travel Claim Form or the Nye County approved Request for Advance Per Diem Form.
- 8.2.5** The Travel Claim Form shall include a summary of the purpose of the trip and the dates and time of departure, arrival and return. The Travel Claim Form shall be approved by the employee's or official representative's Department Head or elected official.
- 8.2.6** The request for payment of travel expenses shall correspond to the budgeted travel of the County office or department.
- 8.2.7** For the purposes of the Travel Policy, a department's travel budget includes money for transportation, hotel/motel accommodations and related expenses and per diem for County officers and employees only.

8.3. Procedures

8.3.1 Pre-Authorization to Travel and Travel Request Authorization Form (TRA)

1. All employee travel must be approved by their Department Head, Elected Official or designee. A TRA is written authorization for County elected and appointed Department Heads, employees or non-employees, and

volunteers traveling on the County's behalf to travel on official business. Additionally, a TRA authorizes travel expenses against County funds as well as provides acknowledgement of employees conducting official business outside of an employee's normal work site for liability purposes.

- Travel by Department Heads and Elected Officials is self-authorized.
2. A TRA is mandatory if:
 - Employee is outside of the Nye County area, whether or not there is any cost to the County.
 - Employee is within Nye County, and the County must pay for more than the registration fees.
 3. Employees may travel within the United States as long as funds are available within the applicable budget to cover travel costs.
 4. Travel outside of the United States requires Board of County Commissioner approval.

8.3.2 Travel Advances

1. Travel advances are typically used for per diem (meal allowances) or other County business related, out-of-pocket expenses, to be paid by the employee while traveling. Advance for travel must be requested on the Travel Claim Form and will be disbursed in the form of a check. No cash will be given.
2. All money advanced to an employee to pay for travel expenses constitutes a lien in favor of the County upon the accrued wages of the employee to whom the advance was made (NRS 245.062(4)). Other than per diem, receipts accounting for travel expenses must be presented to the Comptroller's office on the Travel Claim Form within fifteen (15) working days after the employee's return to work. Failure to submit the request for reimbursement within fifteen (15) working days may result in the denial of reimbursement for those expenses.
3. All requests for advance funds should be submitted to the Comptroller's Office no less than ten (10) working days before travel to assure timely accounts payable processing. Travel Advances will NOT be processed through the Treasurer's Office. The amount allowed is subject to review and approval by the Department Head, Elected Official or designee, or County Manager.
4. No request for advance travel money shall be made in an amount less than twenty-five (\$25) dollars.

8.3.3 Travel Forms

1. Upon return from travel, a Travel Claim Form with the applicable original receipts, registration forms, brochures, and/or event agendas must be promptly submitted in sufficient time for the established accounts payable procedures, within thirty (30) days of travel. Approval for payment requires compliance with the provisions of this policy by the Department Head,

Elected Official or designee approving the request, before submittal to the Comptroller's Office.

2. If the Comptroller's Office makes adjustments on the Travel Claim Form and the department disagrees with the action taken, the expense report will be forwarded to the County Manager for a final determination.
3. The County assumes no obligation to reimburse travelers for expenses that are not in compliance with the Travel Policy.

8.4. Eligible Expenditures

Generally, eligible expenditures are those actual travel related costs incurred by an employee as a result of performing County business.

8.4.1 Registration

Fees to attend a conference, seminar, convention, training etc. may be paid in advance by regular Purchase Order through the accounts payable process, or paid on site with the County corporate credit card. Request for payment after the fact should be submitted to the Comptroller's Office for payment with documentation.

8.4.2 Transportation

1. Actual costs of transportation such as air travel, bus travel, train travel, taxi, car rentals, and parking fees and road tolls are eligible.
2. All air travel shall be by coach class. The additional cost for premium class (first class or business class) travel is not reimbursable. If extenuating circumstances arise where premium class travel is the only alternative available, such travel requires approval by the Department Head, Elected Official or designee. Efforts should be made to book air travel at least two weeks or more in advance to take advantage of lower rates.
3. To obtain reimbursement for a rental car, a County Officer or employee must obtain prior approval. Insurance paid for rental cars is not payable in advance or reimbursable (the County can provide documentation that such coverage is provided). Employees are encouraged to use public transportation instead of rental cars.
4. County credit/corporate cards may be used for emergency towing expenses on Nye County owned vehicles.
5. County credit/corporate cards may be used for the purchase of airline tickets for County business travel only.

8.4.3 Mileage

1. Nye County will attempt to make a vehicle for official use available to employees when so required. If there are no County vehicles available and the employee must use a personal vehicle, mileage will be reimbursed at the IRS allowed mileage rate in effect January 1 of each year. If an employee drives a personal vehicle when commercial air travel would be

more efficient, the mileage reimbursement will be limited to the cost of the airfare. If a County vehicle is available and an employee chooses to use a private vehicle for personal convenience in the transaction of County business and is not the most economical or practical means of transportation, the allowance for travel is one-half the rate established above.

2. Reimbursement will be at the IRS allowed mileage rate in effect January 1 of each year. Mileage will be calculated from assigned office location to destination (this is only when using a personal vehicle).

8.4.4 Use of Personal Vehicles

1. County vehicles should be used, when practicable, before the use of private vehicles. When using a personal vehicle for County business, the employee's personal insurance provides primary coverage. The County's insurance provides no coverage on the employee's vehicle.
2. The County will not be liable for any passengers in a personal vehicle being used for County business who are not County travelers on County business.
3. County officials and employees who operate a personal vehicle while conducting official business as part of their employment with the County must possess a valid Nevada Driver's License.
4. County officials and employees will not be reimbursed for any maintenance costs, car washes, towing, or repairs to their personal vehicles even if the costs result from business travel.

8.4.5 Use of County Vehicles

1. County vehicles should be used when practicable before the use of personal vehicles.
2. Unless otherwise authorized by the County Manager, only County elected and appointed Department Heads, employees or non-employees, and volunteers are authorized to drive County-owned vehicles.
3. County officials and employees whose duties require the operation of a County-owned vehicle while conducting official business as part of their employment with the County must possess a valid Nevada Driver's License.
4. Prior to acceptance for employment with the County in a position that would necessitate the operation of a vehicle in the course of performing the assigned duties of that position, an employee's motor vehicle operators record may be requested from the State Department of Motor Vehicles.
5. County officers and employees may use a County vehicle for transportation relating to their official duties, and other public activities or functions. For purposes of this section, public activities or functions are those which the County officer or employee would be expected to attend by virtue of their office or assigned job duties. Activities and functions which are related to private enjoyment, political activities or functions, or activities or functions

which are primarily designed in furtherance of private personal gain are not considered public activities or functions.

6. Except as otherwise provided, County officers and employees may use a County vehicle to transport other persons who are:
 - a. Engaged in the same public business;
 - b. In the custody or care of County officers and employees in the course of official County business; or
 - c. Being transported as part of a County sponsored or County co-sponsored activity, event, or program. In such event, the Department Head, Elected Official or designee must contact the Administrative Manager who will determine whether a ride-a-long waiver(s) must be executed.

Except as otherwise provided, County officers and employees may not use a County vehicle to transport friends and family.

7. County vehicles shall not be taken home overnight except as follows:
 - a. Employees may take a County-owned vehicle home for one night when attendance at an out-of-town meeting takes place late at night, after normal working hours, or early in the morning prior to normal working hours. Approval may be granted verbally by the employee's Department Head, Elected Official or designee.
 - b. Those employees designated by the Department Head, Elected Official or designee to be "on 24-hour call" for department emergencies. Written request for approval must be submitted to the County Manager and approval obtained in writing from the County Manager.
 - c. For more than one night when specifically authorized by the County Manager.
 - d. Income tax laws treat the employee's use of a County vehicle for personal use as a taxable benefit for income tax purposes, and such laws will apply.
8. County vehicles may be used for travel to lunch when an employee is on County business or when an employee is in town in a County vehicle in a location where driving to obtain his/her personal car would result in an extra cost and unnecessary expenditure of fuel.
9. County vehicles shall be legally and appropriately operated and/or parked at all times. Traffic and or parking violations issued to the driver of the vehicle will be the responsibility of the driver to ensure use of seat belts by all passengers.
10. Seat belts shall be used by the driver and all passengers at all times when the vehicle is in motion. It shall be the driver's responsibility to ensure use of seat belts by all passengers.
11. If during the course of employment an employee exhibits a disregard for acceptable safe driving procedures, the County Manager may take

appropriate action, which may include denial of further authorization to operate a vehicle while representing the County.

12. Cell phone use in County vehicles is prohibited as provided in Section 2.18.2, Cell Phone Use in Vehicles, in the Nye County Personnel Policy Manual.

8.4.6 Use of Private Aircraft

Reimbursement will be at the rate for the use of private aircraft equivalent to the GSA Privately Owned Vehicle (POV) Mileage Reimbursement Rate. Airplane nautical miles (NMs) should be converted into statute miles (SMs) or regular miles when submitting a voucher using the formula (1 NM equals 1.15077945 SMs). This method of travel must be the least expensive method available when such factors as total travel time, salary of traveler and cost of alternate transportation are considered.

8.4.7 Lodging

1. Prepayment should be made whenever possible. Moderate cost lodging should be arranged at the meeting/training site when possible. If rooms are not available at the meeting/training site, then a moderately priced room near the meeting/training site is authorized. Reimbursement rates are determined based upon the applicable rates as shown on the US General Services Administration web site (www.gsa.gov/mie). Reimbursement will be based on the cost of a single room if available. Costs such as non-business phone calls/food/drink/movies etc., charged to the room should be paid separately by the employee upon check out (with the exception of one safe arrival phone call). These costs are not reimbursable. A receipt is required for reimbursement of lodging expenses. No reimbursement will be made if a traveler stays in a private residence.
2. All efforts shall be made to stay at a hotel/motel from the County approved direct bill list. If a County official or employee chooses to stay at a more expensive lodging facility, the County official or employee ordinarily will be expected to pay the difference between the government rate and the more expensive rate.
3. Long distance telephone calls which are work related and billed to the hotel room will be reimbursed. The billing must reflect the County number called, or a written explanation of the person called and business purpose.

8.4.8 Meals

1. The cost of meals shall be reimbursed based upon the applicable per diem rate for meals expenses as shown on the US General Services Administration web site (www.gsa.gov/mie), based on the per diem rates for the travel destination. Nye County is considered a standard Continental United States (CONUS) location.
2. If the cost of meals purchased exceeds these allowances, the County Official or employee may apply to the County Manager for a variance on the allowances. The request, the written approval of the variance, the original

receipts, and an explanation for the expenditures must be submitted on the approved Travel Claim Form.

3. An employee shall be entitled to reimbursement for the cost of breakfast only if s/he is required to leave his/her normal work location prior to 6:00 a.m., and return to such location after 10:00 a.m.
4. An employee 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 10:00 a.m., and return to such location after 3:00 p.m.
5. An employee 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 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. Employees do not have to submit receipts for meals and incidentals to obtain reimbursement at the per diem rate.
8. Meal expenses may still be paid by County credit/corporate cards but the expense limits are the same as above. No County Official or employee using credit cards for meal expenses will receive any other meal reimbursements.

8.4.9 Other Food Expenses

1. Provided budget is available, reasonable costs for food items utilized in the following situations are allowable expenses as approved by the Department Head or Elected Official:
 - Meals for interviewers and staff involved in assessment centers or interviews.
 - Meals for County or business-related meetings
 - Refreshments for County or business-related meetings
 - Refreshments for County employees and attendees at training sessions or staff meetings.
 - Refreshments at appropriate ceremonies such as facility openings, swearing-in ceremonies, commendations and the like.
 - Meals provided to County employees, volunteers or cooperating agencies during emergency situations.
 - Others as approved by the County Manager.
2. A Travel Claim Form must be submitted with the date and description of the activity, the names of the persons (if available) for whom the food was provided and all receipts or invoices.

8.4.10 Local Travel Expenses

1. A County officer or employee may obtain reimbursement for reasonable and necessary, actual expenses incurred in conducting County business. For purposes of this section the term "County business" does not include partisan political functions, events or meals, even though topics affecting the County may be discussed.
2. No mileage will be paid for commuting from an employee's personal residence to his/her designated place of work.
3. Reimbursement for meals will be allowed only where the employee's attendance will directly benefit the County. No reimbursement will be allowed for meetings that are of a social nature. The request for reimbursement of local meals should include the following information:
 - Date;
 - Place;
 - Meeting attended;
 - Participants of meeting; and
 - Specific reason for attendance
4. Parking fees will be reimbursed by actual cost and receipts shall be presented where possible.

8.4.11 Recruitment Expenses

1. In an effort to be competitive in recruiting management level employees, it is the policy of the Board of County Commissioners to pay recruitment expenses consistent with this policy.
2. Upon approval of the County Manager or his designee, expenses incurred for travel, meals and lodging by candidates competing for management positions as designated on the unclassified management salary schedule shall be reimbursed at the same rate as County Officers and employees. In addition and subject to the same limitations, the County Manager or his designee may approve reimbursement for expenses incurred by candidates for positions other than those listed on the unclassified management salary schedule, when reimbursement is deemed necessary in order to attract top quality candidates for such positions in the event the County is otherwise unable to attract qualified candidates.
3. In the event the Human Resources Manager deems it necessary to obtain subject matter experts to assist the Human Resources Department in the recruitment and selection of candidates for employment with the County, the County Manager or his designee may authorize reimbursement of expenses incurred by those experts, subject to the same rates as would be payable to County Officers and employees under the Travel Policy.
4. Except as otherwise provided herein and to the extent feasible, the requirements of the Travel Policy that apply to County Officers and employees also apply to candidates and subject matter experts seeking reimbursement pursuant to this policy.

5. To obtain reimbursement pursuant to this policy, original receipts for expenses incurred, except for meal per diem reimbursement, must be submitted to the Comptroller's office for payment.
6. Recruitment expenses as provided for in this policy are included in a department's salary budget.

8.4.12 Moving Expenses

1. In an effort to be competitive in recruiting management level employees, it is the policy of the Board of County Commissioners to pay moving and travel expenses as set forth in this policy, in an amount not to exceed \$2,000.00.
2. Upon approval of the County Manager or his designee, reasonable and necessary moving expenses incurred by a candidate accepting employment for a management level position as designated on the unclassified management salary schedule may be reimbursed in accordance with the provisions set forth herein. Costs incurred by a candidate for the candidate's travel, meals and lodging incurred in moving to the Nye County area may be reimbursed at the same rate as County Officers and employees, except as provided in subsection 4.
3. Moving expenses are limited to:
 - a. The costs incurred in moving normal household goods and personal effects from the employee's old residence to the new residence (which includes the costs of packing and transporting household goods) if the distance from the old residence to the new residence exceeds 100 miles.
 - b. The cost of moving one of the employee's vehicles; and
 - c. Costs incurred for storage (not to exceed 90 days) of normal household goods and personal effects after the goods and effects have been moved to the Nye County area.
4. The cost of traveling by vehicle is reimbursable at the rate of travel by private vehicle as set forth in this policy. The reimbursement is limited to one of the employee's vehicles only.
5. To obtain reimbursement pursuant to this section, the individual must be a County employee at the time reimbursement is sought and paid. The employee must submit original receipts for expenses incurred (except as provided in Subsection 4) to the Comptroller's office. In addition, an employee seeking reimbursement pursuant to this section must sign a disclosure statement certifying that he either has not received, or will not receive reimbursement for moving and travel expenses from any other source(s) or, if he has received or will receive reimbursement, disclose the amount of reimbursement from other source(s). In the event the employee has received or will receive partial reimbursement from other source(s), payment of moving and travel expenses under this section is limited to the difference between the actual costs reimbursable under this section and the amount received or to be received from the other source(s).

8.5. Ineligible Expenditures

8.5.1 Include, but are not limited to the following

- Alcoholic beverages;
- Tobacco;
- Laundry, cleaning, or valet services;
- Personal telephone calls;
- First class travel accommodations when coach is available;
- Priority Boarding
- Meals and lodging if included in registration fee;
- Fines, traffic violations, parking tickets, forfeitures or penalties;
- Towing or impounding fees;
- Rental vehicles for local business trips/meetings;
- Rental vehicle insurance (the County can provide documentation that such coverage is provided)
- Expenses of a spouse or other non-employee;
- Loss or damage to personal property;
- Barber, beauty parlor, shoe shine or toiletries;
- Telephone deposits;
- Personal entertainment;
- Toll fees;
- Other personal or non-business related expenses.

8.5.2 The County discourages combining personal travel with business travel due to the public's perception regarding use of County funds. County officials and employees must clearly disclose any personal travel and/or vacation time to be taken in conjunction with County travel. An employee's family may accompany the employee on County business provided travel is not in a County vehicle. The County will not, however, pay any additional expenses when personal travel is combined with business travel and/or a family member travels with an employee while on County business.

8.5.3 All personal phone charges, video rentals, or other personal items must be paid by the County officer or employee.

8.6. Use of Personal Credit Cards

8.7.1 Use of personal credit cards to pay for County expenditures are at the discretion of the employee with the exception of the purchase of gas for which the County issued Western Energetic card must be used.

8.7.2 If a personal credit card must be used, the receipt must be included with the Travel Claim form for reimbursement. Statements are not an acceptable substitute for the original receipt.

9. EMPLOYEE SEPARATION

9.1. Resignation

9.1.1. Notice

Employees are requested to provide at least two (2) weeks' notice, in writing, to their supervisor or manager of their intent to resign their employment. At the sole discretion of Nye County, an employee may withdraw a resignation at any time prior to its effective date. An employee's failure to give appropriate notice when resigning may constitute cause for denying re-employment with the County.

9.1.2. Return of Employer Property

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

9.1.3. Job Abandonment

Nye County may consider employees who are absent from work without approved leave for a period of three (3) consecutive work days to have abandoned their position and, thus, to have resigned. The County is required to follow due process procedures in this example if the employee has completed their introductory period.

9.1.4. Final Paycheck

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

9.2. Exit Process

The exit process outlined in paragraphs 9.2.1 and 9.2.2 applies to all terminations, whether voluntary or involuntary. Voluntary includes resignation and retirement. Involuntary includes discharge and layoff. It applies to all exiting employees, whether they are leaving the employ of the County, or leaving one department to accept a position in another.

9.2.1. Process

Department Heads and Elected Officials are to complete appropriate forms and procedures prescribed by the Personnel and Payroll Offices in order to facilitate processing and payment timelines for an exiting employee. Each of the following steps is to be completed as soon as possible after a termination process commences.

- a. A completed Employee Payroll Change Request Form is to be forwarded to Human Resources as soon as possible.

- b. A copy of the Exiting Employee Information Sheet is to be provided to the exiting employee regarding pay and benefits. The form includes explanations, instructions, and Human Resources contact information.
- c. A copy of the Employee Exit Questionnaire is to be provided to the exiting employee. As explained therein, the employee is requested to complete and submit the form directly to Human Resources.
- d. A Final Time Sheet and a completed Exit Process Information/Checklist are to be forwarded to Payroll and Human Resources, respectively, no later than noon on the employee's last day of employment.

9.2.2. *Exit Interview*

Human Resources will conduct appropriate exiting employee follow-up, based on the Exit Questionnaire and employee scheduling availability.

9.3. Layoffs

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

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

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

9.3.1. *Alternatives to Layoff*

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

9.3.2. *Order of Layoffs*

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

9.3.3. *Designation of Employees to be Laid Off*

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

9.3.4. *Layoff Notice*

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

9.3.5. *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 County may fill the vacancy using the appropriate reinstatement list.

9.3.6. *Reinstatement Process*

The most recently laid-off employee on the applicable reinstatement list who is qualified for the position and is willing to accept employment in the class and department where a vacancy exists shall be reinstated. The Department Head may select the most appropriately qualified employee based upon the same considerations described under *Section 9.3.2., 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.

9.3.7. *Duration of Reinstatement List*

The names of persons laid off shall be maintained on a reinstatement list for one (1) year from the date of layoff. Persons on this list who are hired in positions in the same or (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 position 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.

10. PERFORMANCE MANAGEMENT

NOTE: The Nye County Sheriff has adopted a separate performance review policy which covers employees of the Sheriff's Office.

10.1. Statement

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

10.1.1. Purpose

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

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

10.1.2. Ongoing Communication Regarding Performance

It is the policy of Nye County and the responsibility of each supervisor to routinely provide employees with accurate, constructive feedback regarding job performance expectations, accomplishments, deficiencies, and opportunities for growth. Recognizing that periodic formal performance evaluations cannot take the place of ongoing communication and feedback, the County encourages frequent, ongoing discussions of job performance and expectations between employees and supervisors. Performance evaluations, whether formal or informal, do not create a contract or other right to continued employment.

10.1.3. Frequency of Performance Evaluations

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

1. For new employees, no later than five (5) months after initial hire and at eleven (11) months after hire.
2. Six (6) 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 (3) months following an evaluation documenting that the employee's performance needs substantial improvement. (The County

encourages frequent, ongoing meetings between the employee and supervisor.)

5. At any other more frequent interval as the supervisor deems appropriate. In addition, informal performance communications (feedback) should occur routinely and regularly throughout an evaluation cycle.

10.1.4. *Written Record*

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

10.1.5. *Personnel Actions Resulting from Performance Evaluations*

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

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

10.1.6. *Employee Involvement*

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

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

10.2. Procedure

10.2.1. *Steps in the Performance Evaluation Process*

As part of the performance evaluation process, supervisors will:

1. Establish and communicate a written performance plan at the beginning of the evaluation period which states expectations the employee must meet.

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

10.2.2. *Documentation of Performance Evaluations*

Supervisors must use the County's approved performance evaluation form and ensure that the completed and signed form becomes a permanent record in the employee's personnel file. The employees' signature acknowledges receipt of the evaluation, not necessarily agreement to the content of the document.

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

12. Violating or failing to comply with federal, state, or local law or Nye County's policies, rules, regulations, and/or procedures.
13. Unsatisfactory work performance.

11.1.2. Forms of Disciplinary Action

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

1. Verbal warning (document time, date, and subject)
2. Written reprimand
3. Suspension *(See Note Below)
4. Pay reduction *(See Note Below)
5. Demotion (see NRS 62.G.060 for Juvenile court employees)
6. Termination (Reference: *Section 11.1.4. Public Hearing for Dismissed Employees of Counties and Unincorporated Towns* and *NRS 63G.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 employee.

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

- a. Pay deductions imposed as 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 in explosive plants or around flammable material. Deductions can be made in any amount.
- b. Pay reductions, as a form of discipline, may be imposed as long as the employee is paid at least \$455 per week.
- c. Unpaid suspensions may be imposed for infractions of workplace conduct rules, such as rules prohibiting sexual harassment, workplace violence, drug or alcohol use, or for violating state or federal laws. The suspension must be for serious misconduct, not for performance issues. Suspensions must be in full-day increments and must be imposed pursuant to a written policy applicable to all employees
- d. Suspensions for performance issues must be made in full-week increments.

11.1.3. Due Process

Prior to taking disciplinary action involving suspension, reduction in pay, demotion, or termination against any regular employee, Nye County 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.

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 Human Resource Director, within five (5) work 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.

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, if any (except for confidential and privileged documents), on which the proposed disciplinary action is based. If the employee requests, the County will provide a copy of the documents used to support the proposed disciplinary action, including names of witnesses.

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 Human Resource Director 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 County will also provide the employee 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 (5) 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

- a. The affected employee may appeal the disciplinary action to the County Manager by filing a written appeal with the Human Resource Director within five (5) work days of the effective date of the disciplinary action. 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. 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.
- b. After an employee has submitted a timely appeal to the County Manager, the Human Resource Director will set a date for a disciplinary appeal hearing. 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 County Manager will issue to the parties a decision following such hearing within five (5) work days. The decision of the County Manager is final and may only be appealed as provided for in a collective bargaining agreement or as provided under NRS 245.065 (Counties) or NRS 269.083 (Unincorporated Towns).

11.1.4. Public Hearing for Dismissed Employee of Counties or Unincorporated Towns

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

11.1.5. Administrative Leave during Disciplinary Proceeding

By notifying the employee in writing, Nye County may place an employee on administrative leave, with or without pay, pending an investigation of alleged misconduct or performance deficiencies, prior to or during a disciplinary proceeding, or during the review of the employee's response to a proposed

disciplinary action. The notice of administrative leave will include a statement that the leave is not a disciplinary action. An employee placed on administrative leave without pay who is later reinstated without disciplinary action being imposed will be reimbursed for any pay lost during the administrative leave.

12. DISPUTE RESOLUTION

12.1. Definition of Dispute

Subject to the exclusions listed below, a dispute is any disagreement between Nye County and an employee pertaining to the application of the County's personnel policies, or an allegation by an employee that the County has failed to provide a condition of employment established by the County's compensation plan. The term "**dispute**," as used herein, shall exclude the following:

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

12.2. No Retaliation

Nye County 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 County.
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 County 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 the County 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 ten (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 (6) 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 ten (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 (5) work days after receipt of the immediate supervisor's verbal response and a copy must be filed with the Human Resource Director. 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 Nye County and the employee. However, corrections in citations can be made at any time by the employee or the employee's representative.
3. The Department Head and the Human Resource Director 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 the County Manager before the resolution is effective. Such review will occur within fourteen (14) work days and the confirmation shall be final and binding.

13. DEFINITION OF TERMS

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

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

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

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

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

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

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

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

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

At-will: Employment status wherein the employee may be terminated at any time, with or without cause. An employee in an at-will status has neither a property right nor an expectation of continued employment with Nye County 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 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 Nye County Board of County Commissioners.

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

Child: (Son or daughter) For purposes of FMLA, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing In Loco Parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability."

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

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

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

Contraband: Any item such as illegal drugs, 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.

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 the federal or state criminal drug or alcohol statutes.

County Commissioner: Authorized to set policy for the county. Policy-maker means defining high-level goals and long-range outcomes for county government. Responsible for implementing policy through direction of staff.

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 an appointed official who is directly responsible to the electorate (if an elected official) or to the County Manager or his/her designee (if appointed) for the overall administration of an office or department in the County.

Diluted Specimens: Diluted specimens have creatinine and specific gravity values that are lower than expected for human urine. The HHS has determined specimens with creatinine levels greater than or equal to 2.0 mg/dL and have a specific gravity greater than 1.0010 but less than 1.0030 are dilute. Individuals with creatinine levels greater than or equal to 2.0 mg/dL but less than 5.0 mg/dL are required to be retested under direct supervision.

Disability-Related Inquiry: A question (or series of questions) that is likely to elicit information about a disability. Generally, disability-related inquiries are not allowed during the hiring process. Examples of disability-related inquiries not permitted include:

- Asking whether the employer/applicant currently has or has ever had a disability, how s/he became disabled, or inquiring about the nature or severity of an employee's/applicant's disability;
- Asking an employee/applicant a broad question about his/her impairments that is likely to elicit information about a disability;
- Asking an employee/applicant whether s/he is currently taking any medication any prescription drugs or medication; and
- Asking about an employee's/applicant's genetic information.
- Asking about an employees'/applicant's genetic information.

- Asking about an applicant's prior workers' compensation history.
- Asking an employee's/applicant's coworker, family member, health care provider, or other person about the employee's/applicant's disability.

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

Discipline: A suspension (generally without pay), involuntary demotion, reduction in pay, discharge, or written reprimand or verbal warning.

Discrimination: Employment decisions or actions which are inappropriately taken because of the applicant's or employee's race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, disability, membership in the Nevada National Guard or union activity.

Dispute: Any disagreement between Nye County and an employee pertaining to the application of the County's personnel policies, or an allegation by an employee that Nye County has failed to provide a condition of employment established by the County's compensation plan.

Domestic Partner: Persons who are registered as domestic partners with the state of Nevada per NRS 122A.

Drug Test: A test to determine the presence of prohibited drugs or their metabolites that includes specimen collection and testing by a Department of Health and Human Services (DHHS)-certified laboratory. Both a screening test and a confirmation test must be used to establish a positive test result.

Eligible List: A list of names of persons who have satisfactorily completed an examination for a position and are qualified for employment.

Employee: A person employed in a budgeted position on a full- or part-time basis. For purposes of those sections of these policies covering discipline, layoff, hiring and dispute resolution, the term employee **excludes** elected officials, Department Heads, casual/temporary/seasonal workers, and others specified in 2.38.030 E of the Nye County Code Title 2. Under ADA an "employee" is an individual employed by an employer. Generally, an individual is an employee if the employer controls the means and manner of his/her work performance. Where more than one entity controls the means and manner of how an individual's work is done, the individual may be an employee of each entity.

Regular Full-time Employee: A person who has successfully completed an initial introductory period in a regular budgeted position with a normally scheduled work week of at least forty (40) hours.

Regular Part-Time Employee: A person who has successfully completed an initial introductory period in a regular budgeted position which requires a minimum number of hours per week (typically twenty (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 County 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 overtime provisions of the Fair Labor Standards Act. (Such determination is made on the basis of duties and responsibilities performed and the method of pay computation.)

Non-Exempt Employee: An employee who is subject to the overtime provisions of the Fair Labor Standards Act.

Non-Employee: A term used to describe all persons, subject to this policy, other than paid employees, elected officials, department heads, volunteers, and casual/temporary/seasonal workers.

Employer Premises: All County property and facilities, the surrounding grounds and parking lots, leased space, County motor-driven equipment/vehicles, offices, desks, cabinets, closets, etc.

Equal Employment Opportunity (EEO) Officer: staff member assigned the responsibility and authority to receive, investigate, and resolve complaints of alleged discrimination/harassment. This individual also has the responsibility to provide training to the County and assure appropriate notices are posted.

Essential Function: A fundamental job duty of the position held or desired. A function is essential if the job exists to perform that function, a limited number of other employees are available to perform the function, or the function requires special skill or expertise. (Marginal functions associated with any job should not be considered essential functions.)

Examination/Test: Any measure, combination of measures, or procedures used as a basis for any employment decision. Examinations include the full range of assessment techniques from traditional paper and pencil tests, performance tests, assessment centers, introductory periods, and evaluation of physical, educational, and work experience qualifications through informal interviews and scored application forms. **Open** examinations are open to all applicants, internal and external. **Promotional** examinations are open only to selected categories of employees of the County.

Full-Time: Work which requires hours of work as established by the County as full-time. A full-time employee is regularly scheduled to work a normal work week of forty (40) hours. Note: For the purpose of determining eligibility for benefits and layoff, collective bargaining agreements may provide alternate definitions of full-time.

Grade: The designation of a salary range for a class.

Illegal Drugs: Any controlled substance or drug 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 County receives a certification, but one or more of the applicable entries have not been completed. A medical certification is considered insufficient if the County receives a complete certification, but the information provided is vague, ambiguous, or non-responsive.

In Loco Parentis: A relationship in which a person has put him/herself in the situation of a parent by assuming and discharging the obligations of a parent to a child, with whom he or she has no legal or biological connection, including day-to-day responsibilities to care for or financially support a child.

Introductory Period: A trial or working test period which is an integral part of the examination and selection process during which an employee serves in an at-will status and is required to demonstrate fitness for the position for which s/he was hired by actually performing the duties of the position.

Invalid Specimens: An invalid specimen is one that contains an unidentified adulterant, contains an unidentified interfering substance, has an abnormal physical characteristic, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing testing or obtaining a valid drug test result.

Key Employee: A salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite.

Layoff: A separation from the County'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.

Manager: An employee who has been authorized to select, train, schedule, and evaluate the work of other employees, and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees. This person may also serve as the department head.

Medical Examination: A procedure or test usually given by a health care professional or in a medical setting that seeks information about an individual's physical or mental impairments or health. Medical examinations include, but are not limited to:

- Vision tests conducted and analyzed by an ophthalmologist or optometrist;
- Blood, urine, and breath analyses to check for alcohol use;
- Blood pressure screening and cholesterol testing; nerve conduction tests;
- Range-of-motion tests that measure muscle strength and motor function;
- Pulmonary function tests;
- Psychological tests designed to identify a mental disorder or impairment; and
- Diagnostic procedures such as x-rays, CAT scans and MRI's.

Next of Kin: For purposes of FMLA, the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provision, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

Parent: For purposes of FMLA, includes a biological, adoptive, step or foster father or mother, or any other individual who stood In Loco Parentis to the employee or covered servicemember.

Personnel Action: Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting an employee's employment status.

Position: A group of duties and responsibilities requiring the ongoing services of one or more employees, which is listed in the authorized position list contained in the currently approved County 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.

Promotion: The movement of an employee from one class to another class having a higher maximum base rate of pay, usually as a result of some type of examination.

Rate of Pay: An employee's salary as shown in the County's compensation plan.

Reallocation: A change in the classification and pay grade of a position to a higher or lower pay grade.

Reasonable Accommodation:

- a modification or adjustment to a job application process that enables a qualified applicant with a disability 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 to perform the essential functions of that position; or
- a modification or adjustment that enables a covered employee, with a disability, to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

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 the County moving an employee to a lower pay level in the same class and same pay grade.

Regular Position: An authorized position which appears in the authorized position list contained in the County's budget documents or its amendments approved by the Board of County Commissioners. (Normally a regular position consists of duties which must be performed at least twenty [20] hours per week on a regular, year-round basis.)

Reinstatement: The restoration of a laid-off employee or an employee rejected during a promotional introductory period to a position in a class in which the employee formerly served as a regular employee.

Reinstatement List: A list of names of persons who have been laid off and are available for reinstatement (rehire without examination).

Reprimand: A written notice to an employee stating specific performance and/or behavioral deficiencies and the improvements in behavior and/or performance which the employee must make, and that further disciplinary action will follow if the employee does not make the required improvements. (A performance evaluation form shall not be considered a reprimand.)

Resignation: A notice by an employee that s/he intends to separate from County's service. The County may require that resignations be in writing.

Salary Range: The minimum and maximum salary set for each classification, grade, or level as designated by the position compensation plans. (Also see Grade.)

Seasonal Employee: See Casual Worker.

Son or Daughter on Covered Active Duty or Call to Covered Active Duty Status: For purposes of FMLA, employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood In Loco Parentis who is on covered active duty or call to covered active duty status, and who is of any age.

Spouse: A husband or wife as defined or recognized under State Law. For purposes of FMLA the definition of spouse includes marriage of individuals in the state in which the employee resides.

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: Substituted specimens have creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine. The HHS has determined that specimens with creatinine levels of less than 2.0 mg/dL are substituted.

Supervisor: An employee, or an elected official who has been authorized to select, train, schedule, and evaluate the work of other employees, and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees. This person may also serve as the Department Head.

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

Temporary Employee: See Casual Worker.

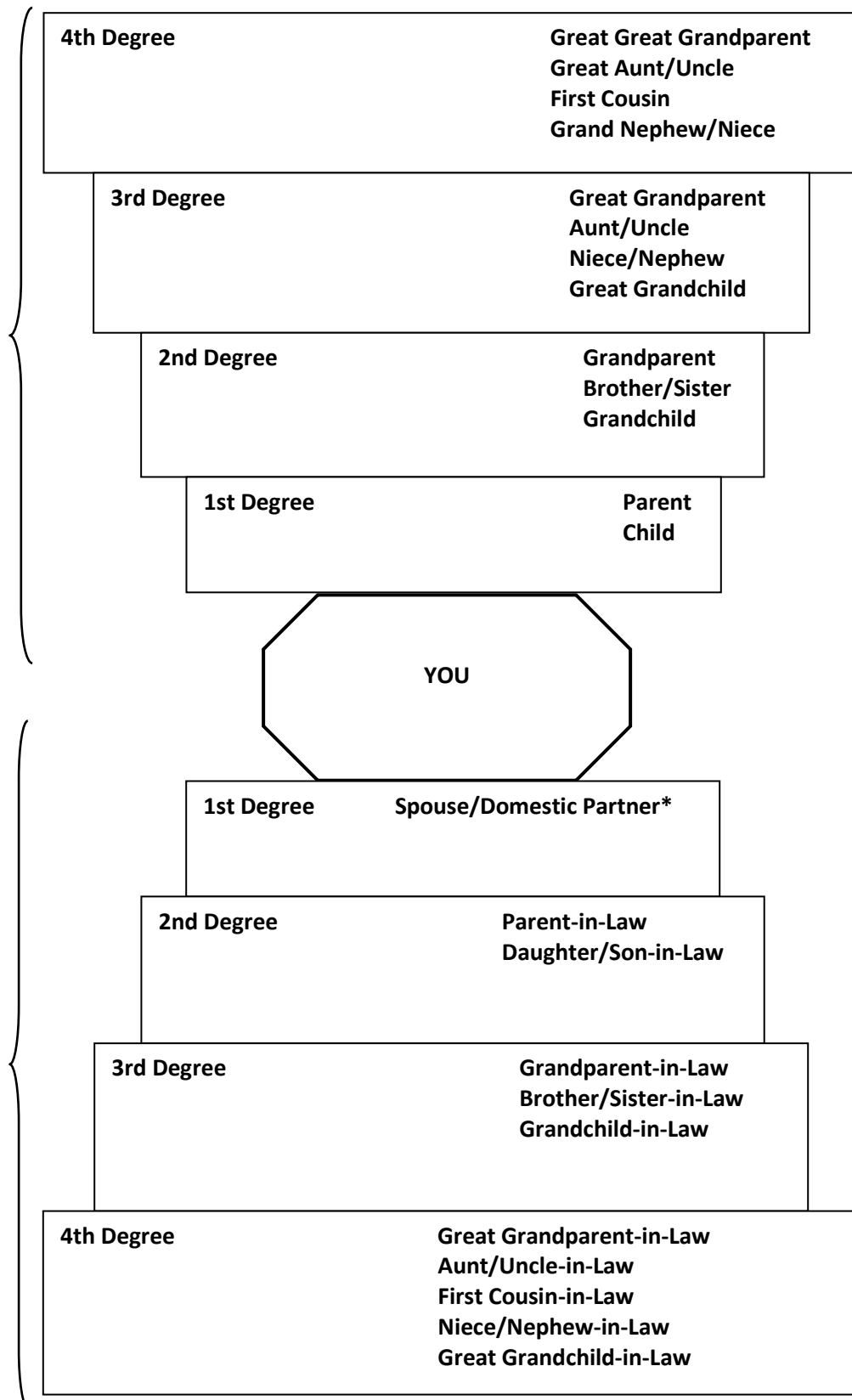
Transfer: A lateral change of an employee from one position to another position in the same class or to a different class in the same salary range.

Transitional Duty: A temporary assignment of an employee who is unable to perform the essential functions of their job but has been cleared by a health care provider to perform other assignments for the employers.

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.

14. NEVADA CONSANGUINITY/AFFINITY CHART



15. Acknowledgment of Nye County Personnel Policy Manual

This form is used to acknowledge receipt of, and compliance with, the “Nye County Personnel Policy Manual”.

Procedure

Nye County employees shall complete the following steps:

- Read the “Nye County Personnel Policy Manual”, (this Policy).
- Sign and date in the spaces provided below.
- Return this page only to the Nye County Human Resources Department.

Signature

By signing below, I agree to the following terms:

- I have received and read a copy of the “Nye County Personnel Policy Manual” and agree to address any questions to the Nye County Human Resource Director

Employee signature: _____

Employee name: _____

Date: _____

Department: _____