



Personnel Policies & Procedures

Adopted XXXX

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*These are the adopted policy(ies) for the Nevada Association of Counties, identified as **employer** from this point forward throughout each document.*

1. GENERAL PROVISIONS

1.1. Purpose

These policies are established to carry out the **employer's** intent to adopt uniform personnel policies. Each employee is responsible for reviewing and complying with the **employer's** personnel policies.

The Employer retains the sole right to manage its affairs and direct its workforce within the existing framework of law (Federal, state, and local), 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; 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. Employer requires all employees to cooperate and be candid and truthful in any internal investigation. These management rights are not subject to the grievance procedure.

1.2. Administration

The **employer** 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 **employer** 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 Executive Director 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.

1.3. Administrative Directive

The **employer** 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 **employer's** personnel program on a consistent basis.

1.4. Personnel Files

1.4.1. *Maintenance of Master Personnel Files*

The **employer** shall maintain a master personnel file for each employee. At the time of hire, each new employee will complete all government-required documentation, all **employer**-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.

1.4.2. ***Employee Access***

An employee may view the contents of his/her personnel file upon request. All inspections must be conducted in the presence of the Executive Director. An employee may request copies of any or all documents in his/her file, but may not remove any documents from the file. The **employer** will provide only one set of copies to the employee without charge per year; additional copies may be provided at cost.

1.4.3. ***Negative Information***

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

1.4.4. ***Employee Information Submitted***

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

1.5. **Confidential Information**

1.5.1. ***Identification of Confidential Information***

The confidential types of personnel information and employment records that the **employer** maintains concerning current employees, former employees, and applicants for employment are 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 **employer** received or compiled concerning the qualifications of an applicant or an employee including, but not limited to, reports by employers, law enforcement officials, or other individuals concerning the hiring, promotion, performance, conduct, or background of applicants or employees.
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. Past or present home address, telephone number, post office box, or relatives; and
 - d. 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. The employer shall keep all information and documents pertaining to an investigation separate from other personnel and employment records ensuring privacy of all employees, witnesses, and other individuals involved. Access is limited to only those individuals with a demonstrable business need-to-know.
8. 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.

1.5.2. *Access to Confidential Information*

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

1. The names of members of an evaluation panel shall not be released, nor shall tests that are governed by confidentiality agreements be released. Access to the materials for an examination and information relating to an applicant that is relevant to a decision to hire that person (e.g., information described in Section 1.5.1, items 1-4) is limited to:
 - a. Employees with a business need-to-know in order to fulfill the responsibilities assigned by **employer**;
 - b. The **employer's** manager/administrator, human resources manager, or his/her designee;
 - c. Persons authorized pursuant to any state or federal law or court order (i.e., governmental/legal/auditing/investigating agencies);
 - d. Counsel retained by or on behalf of the **employer**; and
 - e. Any other parties with whom the **employer** has a contractual relationship in order to enable the **employer** to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the **employer**.

2. Access to an employee's personnel-related confidential file containing those items listed above in *Section 1.5.1., items 5 – 6* is limited to:
 - a. The employee;
 - b. The employee's representative when s/he presents a current signed authorization from the employee;
 - c. The employee's manager/supervisor with a need-to-know and human resources;
 - d. Persons authorized pursuant to any state or federal law or court order;
 - e. Counsel retained by or on behalf of the **employer**;
 - f. **Employer's** workers' compensation carrier in order to address a claim filed for workers' compensation; and
 - g. Any other parties with whom the **employer** has a contractual relationship in order to enable the **employer** to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the **employer**.
3. Access to an employee's personnel-related confidential file containing those items listed above in *Section 1.5.1., item 8* is limited to:
 - a. The employee's manager/supervisor, human resources 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 **employer**; and
 - d. Any other parties with whom the **employer** has a contractual relationship in order to enable the **employer** to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the **employer**.

1.5.3. ***Disposal of Personal Records***

1. NRS 239B.030 states that government agencies shall ensure that personal information, defined as social security numbers, driver's license numbers, or bank account numbers, required to be maintained by state or federal statute and received after January 1, 2007, be maintained in a confidential manner.
2. If the agency has records containing personal information which is not required by specific state or federal statute and the information was received prior to January 1, 2007, the information may be obliterated or removed from documents and computer systems.
3. In compliance with the Fair and Accurate Credit Transactions (FACT) Act Disposal Rule, the **employer** shall dispose of sensitive information derived from consumer reports to ensure there will be no unauthorized access to – or use of – any confidential information.

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

1.5.4. ***Method of Disposal***

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

2. EMPLOYEE RELATIONS

2.1. Fair Employment Practices

2.1.1. ***Policy***

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

The **employer** will:

1. Recruit, hire, train, and promote for all job classifications without regard to protected class membership as well as to ensure that all compensation, benefits, transfers, layoffs, return from layoffs, **employer**-sponsored training, social, and recreation programs will be administered in conformance with the **employer's** policy. In addition, the employer will not discharge, discipline, or discriminate against an individual because of domestic violence as provided for in NRS 613, discussed compensation as provided for in NRS 613, or used leave as a National Guard member as provided for in NRS 412.
2. Hold all supervisors/managers responsible for ensuring that personnel policies, guidelines, practices, procedures, and activities are in compliance with applicable federal and state fair employment practices, statutes, rules, and regulations.

2.1.2. ***Scope***

This policy applies to all persons involved in the operation of the **employer** and prohibits harassment, discrimination, and retaliation by any employee, including supervisors/managers and coworkers,

volunteers, customers or clients of the **employer**, and any vendor or other service provider with whom the **employer** has a business relationship. The **employer** will not tolerate instances of harassment, discrimination, or retaliation.

2.1.3. *Designated Reporting Officer*

The primary responsibilities for ensuring fair employment practices for the **employer** are promoted and adhered to are assigned to the **employer's** designated reporting officer. The designated reporting officer for **employer** is **the Executive Director**. The name and work telephone number of the designated individual will be posted on bulletin boards at **employer** work sites. In the event the designated reporting officer is unavailable, the Deputy Director is designated as the alternative reporting officer.

2.2. **Anti-Harassment**

2.2.1. *Policy*

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

2.2.2. *Prohibited Conduct/Behavior(s)*

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

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

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

2.3.1. *Process*

Employees or applicants who believe they are being subjected to any form of prohibited conduct/behavior(s) as described in this policy by another (e.g. employee, client, customer, vendor, volunteer, contractor, etc.) based on their race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law, as well as those who believe they have witnessed another employee, client or member of the public being subjected to prohibited conduct/behavior(s), have an affirmative duty to bring the situation to the attention of the **employer**.

2.3.2. *Employee Responsibilities*

Employees who believe they personally are being or have been subjected to prohibited conduct/behavior(s) and/or are the target of any form of prohibited conduct/behavior(s), or have witnessed any other employee being subjected to these behaviors are encouraged to inform the alleged harasser that the behavior/conduct is unwelcome and must cease.

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

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

2.3.3. *Investigation*

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

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

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

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

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

2.3.4. *Training*

The **employer** will provide training every two years to all employees on the prevention of 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. A copy of this policy will be made available to applicants upon request.

2.3.5. *Prohibition Against Retaliation*

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

2.4. **Reasonable Accommodation for Victims of Domestic Violence**

2.4.1. *Policy*

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

2.4.2. ***Accommodation***

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

2.4.3. ***Prohibitions***

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

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

2.5. **Drug- and Alcohol-Free Workplace**

2.5.1. ***Policy***

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

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

immediate supervisor/manager is required to report the incident to that individual's supervisor/manager.

4. Specimen collection, drug testing procedures, sample collection, and alcohol testing procedures will comply with all applicable provisions of federal and state law.
5. A positive test result for illegal drugs/prohibited substances/alcohol will be grounds for disciplinary action, up to and including termination.

2.5.2. *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, marijuana, illegal drugs, prohibited substances, 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 **employers** Employee Assistance Program (EAP) provider, a substance abuse professional, or other treatment provider. The **employer's** medical insurance policy may provide for payment of some or all of the treatment costs.
4. Each employee must report the facts and circumstances of any drug or alcohol conviction resulting from an incident that occurred while the employee was on duty or which may impact the employee's ability to perform the duties of his/her job. If duties involve driving a vehicle, the employee must report to his/her supervisor/manager a conviction for driving under the influence (DUI), and/or revocation or suspension of the driver's license pending adjudication. Notification to **employer** must occur before resuming work duties or immediately after the conviction or revocation/suspension. Failure to notify **employer** will result in disciplinary action, up to and including possible termination.
5. Employees must act as responsible representatives of the **employer** and as law-abiding citizens. It is every employee's responsibility to report violations of this policy to the Executive Director. Such reporting is critical in preventing serious injuries or damage to the **employer's** property.
6. Employees who are required to submit to a drug and/or alcohol test must complete and sign the consent form.

2.5.3. *Employee Assistance and Voluntary Referral*

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

the employee assistance or other treatment program will not be a protection or defense from discipline.

2. Any employee who voluntarily requests assistance in dealing with a personal drug and/or alcohol problem may do so through a private treatment program for drug and alcohol problems.
3. The cost of the drug or alcohol rehabilitation or treatment program shall be borne by the employee and, if applicable, the employee's insurance provider. All information regarding an employee's participation in treatment will be held in strict confidence. Only information that is necessary for the performance of business will be shared by the **employer's** management.

2.5.4. ***Reasonable Suspicion Testing***

1. When any supervisor/manager has reasonable suspicion that an employee may be under the influence of alcohol, drugs, or prohibited substances, the employee in question will be directed by the Executive Director to submit to drug and/or alcohol testing.
2. The supervisor/manager 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 supervisor/manager or designee to authorize the drug and/or alcohol test of an employee.
3. The Executive Director shall direct an employee to undergo drug and/or alcohol testing if there is reasonable suspicion that the employee is in violation of this policy. The employee will be placed on administrative leave with pay pending results of the test.

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

- a. Must sign a consent form.
 - b. Will be immediately provided transportation by the **employer** to the location of the test.
 - c. Will be advised to refrain from eating or drinking before being tested.
 - d. The **employer** will provide transportation for the employee to his/her home after the employee submits to the test, or if the employee refuses to be tested.
4. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
 - a. Information provided either by reliable and credible sources or independently corroborated.
 - b. Direct observation of drug, prohibited substance, or alcohol use while on duty.

- c. Employee admits using drugs, prohibited substances, or alcohol prior to reporting to work or while at work.
 - d. Drug, prohibited substance, or alcohol and/or marijuana 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.
 - e. Evidence that the employee has tampered with a previous test for drugs, prohibited substances, or alcohol.
5. The following behaviors will also contribute toward reasonable suspicion and, collectively or independently, on a case-by-case basis may provide a sufficient reason for requesting a test for drugs, prohibited substances, or alcohol:
- a. A pattern of abnormal or erratic behavior.
This includes, but is not limited to a single, unexplainable incident of serious abnormal behavior or a pattern of behavior which is radically different from what is normally displayed by the employee or grossly differing from acceptable behavior in the workplace.
 - b. Presence of physical symptoms of drug and/or alcohol use.
The supervisor/manager 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 supervisor/manager 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 supervisor/manager will request that the employee undergo drug and/or alcohol testing.
 - d. Absenteeism and/or tardiness.
If an employee has previously received disciplinary action for absenteeism and/or tardiness, a continued poor record that warrants a second or subsequent disciplinary action may, in combination with other relevant behaviors, result in drug and/or alcohol testing.

2.5.5. ***Post-Accident Testing***

1. Each employee involved in an accident will be tested for illegal drugs, prohibited substances and alcohol as soon as possible after the accident, but after any necessary emergency medical attention has been provided. Accidents that trigger testing are those that result in:
 - a. Death;
 - b. Medical treatment of employee or another individual, other than first aid;
 - c. Loss of consciousness; or
 - d. Property damage estimated to be valued at or in excess of \$1,000.00.

2. An employee who is subject to a post-accident test must sign a consent form and remain readily available for testing. An employee who leaves the scene before the test is administered or who does not make him/herself readily available may be deemed to have refused to be tested, and such refusal shall be treated as a positive test. The employee will be advised to refrain from eating or drinking before being tested. Further, the employee, subject to a post-accident test, must refrain from consuming alcohol for eight hours following the accident or until the employee submits to an alcohol test, whichever comes first.

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

Upon completion of the test:

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

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

Note: NRS 616C states a positive test for illegal drugs, prohibited substances (including marijuana), or alcohol per limits set forth in NRS 484C can cause the denial of workers' compensation claims. The test for marijuana must be a blood test.

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

indicate the presence of drugs, prohibited substances, or alcohol in the employee's system when the accident occurred.

4. In the event federal, state, or local officials conducted drug and/or alcohol testing following an accident, the employee will be required to sign a release allowing the **employer** to obtain the test results from such officials.

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

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

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

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

2.5.8. ***Testing Guidelines***

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

e. Phencyclidine (PCP)

*Tests for marijuana for workers' compensation purposes must be a blood test.

2.5.9. *Searches*

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

2.5.10. *Discipline Related to Abuse*

1. Employees in violation of the provisions of this policy will be subject to disciplinary action, up to and including termination.
2. An employee may be found to have violated this policy on the basis of any appropriate evidence including, but not limited to:
 - a. Direct observation of illegal use of drugs or use of prohibited substances, prohibited use of alcohol, marijuana, or possession of illegal drugs, prohibited substances, alcohol, marijuana or related contraband;
 - b. Evidence obtained from an uncontested motor vehicle citation or a conviction for use or possession of illegal drugs or for the use, or being under the influence, of alcohol and/or marijuana on the job;
 - c. A verified positive test result; or
 - d. An employee's voluntary admission.
3. Prior to determining its course of action, the **employer** may direct an employee who has tested positive to submit to an evaluation by a substance abuse professional. The evaluation will attempt to determine the extent of the employee's use of or dependence on the abused substance(s) and, if necessary, recommend an appropriate program of treatment.

4. If an evaluation is conducted which results in a recommendation for treatment, continued employment may, but is not required, to be allowed if the recommended treatment is immediately begun and successfully completed. The treatment program may include, but is not limited to, rehabilitation, counseling, and after-care to prevent future substance use/abuse problems. The treatment program will **not** be at the **employer's** expense; however, employees may use benefits provided by applicable insurance coverage. Failure by the employee to enroll, within the required timeframe, in the recommended treatment program, to consistently comply with the program's requirements, to complete it successfully, and/or to complete any continuing care program shall be grounds for immediate termination from employment.
5. When an employee is required to undergo treatment under this policy, the employee may be required to comply with the following as a condition of continued employment:
 - a. Monitoring of the treatment program and the employee's participation by the **employer**;
 - b. Submission to return-to-work testing as required under this policy and continuing follow-up testing as provided in the *Return-to-Work Testing/Follow-Up Testing, section 2.5.8*; and
 - c. Any other reasonable condition that the **employer** deems necessary to maintain a safe and healthy workplace for all employees.

Failure by the employee to enroll in a required treatment program, to consistently comply with the program requirements, to successfully complete the program, and/or to complete any continuing care program will be grounds for immediate termination of employment.
6. Disciplinary action will also be taken for any job performance or behavior that would otherwise be cause for disciplinary action.

2.5.11. ***Confidentiality***

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

2.6. **Prohibition of Workplace Violence**

2.6.1. ***Policy***

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

2.6.2. ***Scope***

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

2.6.3. *Implementation of Policy*

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

3. The **employer** desires to detect and deter real, potential, or threatened violence. Every employee is required to report immediately any acts of violence or any threat of violence against any coworker, supervisor, manager, elected official, volunteer, visitor, or other individual. Supervisory and managerial personnel who witness or become aware of any acts or threats of violence must notify their superior immediately. Every other person on **employer** property is encouraged to report incidents of threats or acts of violence of which s/he is aware.
4. Reports of violence or threatening behavior should be made to the Human Resources Department, an employee's immediate supervisor or manager, or any other supervisory or management employee. The **employer** is committed to ensuring that employees reporting real or perceived threats in good faith will not be subject to harassment or retaliation. Nothing in this policy alters any other reporting obligation established in the **employer's** policies or in state, federal, or other applicable law.

2.6.4. *Violations*

1. Violations of this policy by any employee will lead to disciplinary action, up to and including termination and/or appropriate legal action. The **employer** may also take appropriate disciplinary action against any employee who intentionally makes a false or malicious statement about coworkers or others.

2.6.5. *Temporary Restraining Orders*

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

2.7. **Employment of Relatives**

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

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

2.8. **Political Activity**

2.8.1. *Policy*

Employees shall not engage in political activity of any kind during working hours. This includes, but is not limited to: soliciting money, influence, service, or any other valuable thing to aid, promote, or defeat any political committee or the nomination or election of any person to public office; wearing or displaying of apparel, buttons, insignia, or other items which advocate for or against a political candidate or a political cause and engaging in personal political activity on social media during

work hours, is prohibited. Furthermore, no person shall attempt to coerce, command, or require a person holding or applying for any position, office, or employment, including a citizen requesting service supplied by **employer**, to influence or to give money, service, or other valuable thing to aid, promote, or defeat any political committee, or to aid, promote, or defeat the nomination or election of any person to public office.

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

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

2.8.2. *Running for or Holding Political Office*

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

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

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

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

The maximum duration of unpaid leave time approved will be three (3) days. **Employers** leave policies addressing continuation of health insurance, retirement benefits, accrual of additional leave time, and job and seniority status will be applied in this situation.

2.8.3. *Election-Related Communications*

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

2.9. **Work Stoppage Prohibited**

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

2.10. Use of Employer Property and Premises

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

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

2.11. Information Technology

2.11.1. Policy

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

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

2.11.2. Privacy

Employees should not expect privacy with respect to any of their activities when using the **employer's** computer and/or electronic and telecommunication property, systems, or services even when accessing from a personal device. Use of passwords or account numbers by employees does not create a reasonable expectation of privacy and

confidentiality of information being maintained or transmitted. The **employer** reserves the right to review, retrieve, read, and disclose any files, messages, or communications that are created, sent, received, or stored in the **employer's** network, or on the **employer's** computer systems and/or equipment. The **employer's** right to review, also called monitoring, is for the purpose of ensuring the security and protection of business records, preventing unlawful and/or inappropriate conduct, and creating and maintaining a productive work environment.

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

2.11.3. *Use*

1. The computers, electronic equipment, associated hardware and software, including, but not limited to, electronic mail (email or instant messaging "IM") and access to online services, as well as voice mail, pagers, smart phones and faxes, even when accessed from a personal device, belong to the **employer** and, as such, are provided for business use. Very limited or incidental use by employees of **employer**-owned equipment for personal, non-business purposes is acceptable as long as it is:
 - a. Conducted on personal time (i.e., during designated breaks or meal periods);
 - b. Does not consume system resources or storage capacity;
 - c. Does not involve any prohibited uses; or
 - d. Does not reference **employer** or themselves as an employee without prior approval. This includes, but is not limited to:
 - Text which identifies **employer**.
 - Photos which display **employer** logos, patches, badges, or other identifying symbols of **employer**.
 - Information of events which occurs involving **employer** without prior approval.
 - Any other material, text, audio, video, photograph, or image which would identify **employer**.
2. Employees loading, importing, or downloading files from sources outside the **employer's** system, including files from the Internet, World Wide Web, social media sites, and any computer disk, must ensure the files and disks are scanned with the **employer's** current virus detection software before installation and execution. Compliance to copyright or trademark laws prior to downloading files or software must be adhered to explicitly.
3. Employees may use information technology, including the Internet, World Wide Web, and social media sites during work hours on job-related matters to gather and disseminate

information, maintain their currency in a field of knowledge, participate in professional associations, and communicate with colleagues in other organizations regarding business issues.

4. An employee's use of the **employer's** computer systems, telecommunication equipment and systems, and other devices or the employee's use of personally owned electronic devices to gain access to **employer's** files or other work-related materials maintained by **employer** constitutes the employee's acceptance of this policy and its requirements.

2.11.4. *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 any protected class membership.
2. Subscriptions to newsletters, advertising, "clubs," or other periodic email which is not necessary for the performance of the employee's assigned duties.
3. Engaging in political activities including, but not limited to, solicitation or fund raising.
4. Engaging in religious activities including, but not limited to, proselytizing or soliciting contributions.
5. Conducting outside employment in any manner.
6. Engaging in illegal, fraudulent, defamatory, or malicious conduct.
7. Writing or participating in blogs that injure, disparage, and/or defame the **employer**, members of the public, and/or its employees' reputations by name or implication.
8. Downloading, uploading, or otherwise transmitting without authorization:
 - a. Confidential or proprietary information or material
 - b. Copyrighted material
 - c. Illegal information or material
 - d. Sexually explicit material
9. Obtaining unauthorized access to other systems.
10. Using another person's password or account number without explicit authorization by the **employer**.
11. Improperly accessing, reading, copying, misappropriating, altering, misusing, or intentionally destroying the information/files of the **employer** and other users.
12. Loading unauthorized software or software not purchased or licensed by the **employer**.

13. Breaching or attempting to breach any security systems or otherwise maliciously tampering with any of the **employer's** electronic systems including, but not limited to, introducing viruses.
14. Using the **employer's** information technology for personal, non-business purposes in other than a limited or incidental way.

2.12. Use of Tobacco or Smoking Products

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

2.13. Reporting Convictions, Investigations, and Change of License

2.13.1. *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 volunteer's assignment.

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

2.13.2. *Reporting Investigations*

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

2.13.3. *Reporting Changes 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.

2.14. Workplace Safety

Employees have a duty to comply with all safety rules and are expected to take an active part in maintaining a hazard-free environment. Nevada OSHA requires

that each new employee reads, understands, and signs the Nevada Workplace Safety Rights and Responsibilities form. Employees are to direct questions to his/her supervisor.

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

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

3. EMPLOYMENT

3.1. Source of Candidate

Regular positions may be filled by applicants from within the organization or from the outside. 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.

After **employer** has determined how they will announce the vacancy, they will determine what types of media (e.g., internet, newspapers, trade journals) will be used to advertise; ensuring outreach efforts reach diverse applicant groups.

3.2. Job Announcements

Prior to initiating recruitment, the **employer** 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.

3.2.1. Open Recruitments

The **employer** will announce all vacancies for regular positions. Position vacancies will be publicized to allow potentially qualified and interested individuals to apply. Recruitment announcements will always be posted at the discretion of the **employer** and in such other places as the **employer** feels appropriate. The announcement will normally include:

1. Title and pay range of the class of the vacancy;
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

3.3. **General Requirements for Filing of Applications**

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

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

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

3.3.2. **Signatures**

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

3.4. **Eligibility of Applicants**

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

1. The application does not indicate the applicant possesses the qualifications required for the position.
2. The application is not fully and/or truthfully completed.
3. The applicant has prior convictions that relate to the position for which s/he is being considered. 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. The **employer** 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.
4. The applicant has been discharged from or resigned in lieu of dismissal from any prior employment for any cause which would constitute a reason for dismissal from employment with the **employer**.

5. The applicant does not appear at the time and place designated for an examination or interview.
6. The applicant does not possess required license, certificate, permit, etc.
7. The applicant is a former employee whose performance evaluations indicated below acceptable performance and/or behavioral problems, such as insubordination, leave abuse, excessive tardiness, or quit without notice.

3.5. **Interviewing Applicants**

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

Once applications have been evaluated and a determination has been made regarding which applicants are selected for an interview vs. those who will not be interviewed based on applicants' education, experience, and other job-related qualifications, all applicants should be notified as to their status.

Prior to conducting an employment interview, managers should:

1. Review the job descriptions.
2. Create job-related questions to ask each candidate 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.

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. Whenever necessary, ask follow-up questions to clarify the response of the applicant. Avoid asking questions which are unlawful or on inappropriate subjects.

3.6. **Selection**

Employment decisions must be based solely on merit. Consistent with applicable federal, state, and local laws and regulations employment decisions may not be influenced by any protected class status. The **employer** will not request usernames and passwords for personal social media accounts.

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.

3.7. **Reference Checks**

3.7.1. *Acquiring References*

Reference and background checks are conducted to assist the **employer** in assessing an applicant's fitness for employment with the **employer**. Only those employees so designated by the **employer** may acquire employment references. Any authorized employee of the **employer** who

attempts to acquire reference information on an applicant must comply with the following:

1. Obtain an **employer** employment application that is signed and dated by the applicant. The applicant must have completed all relevant sections of the application.
2. Obtain authorization from the applicant by means of his/her signature directly on the application and/or separate release form for the release of information from former employers, military, educational institutions, other institutions, personal references, and other individuals listed on the application. Missing the following language: "Authorization for release of such information by the applicant shall include a release from liability of any company, institution, or individual providing such information. If an applicant refuses to sign such a release, s/he will be eliminated from further consideration for employment with the **employer**."
3. Inform the applicant that the **employer** will conduct a 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 and quality of work, and ability to work with others are examples of appropriate inquiries. Discriminatory or non-work-related questions such as family or marital status, disabilities, age, and related areas are not appropriate.
5. Identify the appropriate individual(s) to question regarding the applicant's work performance, knowledge, skills, and abilities related to the essential functions of the position.
6. Adequately document the conversation and record refusals to provide information.
7. Maintain strict confidentiality of all reference information. Only employees, supervisors, or management officials of the **employer** who have a demonstrable work-related need-to-know should be accorded access to such information.

3.7.2. *Providing References*

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

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

1. Name

2. Class/Job Title
3. Dates of Employment
4. Salary
5. Information regarding an employee terminated for violent actions in the workplace or who may have demonstrated dangerous behavior in the workplace will be provided only after consultation with **employer's** legal counsel.
6. Employment information and documented incidents regarding the character, honesty, and potential for violence of the **employer's** employees may be provided to governmental employers, including, but not limited to, any federal, state, county, municipality or city employers, or any other private (non-governmental) employer where the employee's character, honesty, sexual misconduct, and potential for violence are relevant issues. Examples include, but are not limited to, jobs which involve public safety, entrustment for the care or safety of children, the elderly or health care patients, or positions having access to money and/or valuables. Information in this section may be provided after consultation with the **employer's** legal counsel.

In addition, employers will:

1. Provide information requested by public safety agencies in accordance with NRS 239B.
2. Provide information requested by public schools, private schools, charter schools, university schools for profoundly gifted pupils, and/or contractors or agents who work at schools in this state in accordance with Nevada law.
3. Shall make available to subsequent employers upon receipt of written request from the employee or former employee, records which are required for employees in safety-sensitive positions, as defined in 42 CFR Part 382 and U.S. Department of Transportation regulations.
4. In accordance with NRS 239.012, a public officer or employee who acts in good faith in disclosing or refusing to disclose information and his/her employer are immune from liability for damages, either to the requester or to the person whom the information concerns.

3.8. **Offers of Employment**

3.8.1. ***Job Offer Letters***

After an applicant has been selected for employment or promotion, the **employer** will extend an official written offer of employment or if further non-medical (background, criminal, DMV, consumer reporting, drug test) or medical exams are required a conditional offer of employment. The **employer** may contact the selected 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.

The hiring supervisor/manager will notify all unsuccessful applicants that they have not been selected, either verbally or in writing. The hiring supervisor/manager will document any verbal notification.

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

3.8.2. ***Other Conditions***

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

3.8.3. ***Job Offer Letters***

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

3.9. **Orientation**

The Executive Director will be responsible for the orientation of each new employee. Orientation may include, but is not limited to, a review of the organization and services of the **employer**, work rules, standards of performance, and personnel policies and procedures including the policies relating to fair employment practices, prohibited conduct/behavior, workplace violence, alcohol, marijuana, and drug abuse, and workplace safety. Additionally, the supervisor/manager will ensure that the new employee:

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

3.10. **Introductory Period**

All new and rehired regular employees, except elected officials, casual, temporary, or seasonal employees, and those identified as “at-will,” will serve a six-month introductory period beginning with the day the employee initially reports for work. During this “introductory period,” the employee and the **employer** have the opportunity to evaluate one another and determine whether the employment relationship should be continued. At its sole discretion, the **employer** may extend this introductory period up to six months when the **employer** 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 **employer** at any time during the introductory period or during the extension of the introductory period, with or without cause or advance notice. The introductory period may be prorated for employees working less than full-time.

The Executive Director will conduct performance evaluations as outlined in Section 9 of this policy manual, to ascertain the advisability of continued employment.

3.11. **Failure to Appear for Work**

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

3.12. **Transfers**

A transfer is a lateral move to a job in the same pay range as the employee’s present position for which the employee meets the minimum education and/or experience requirement. Approval of the transfer request is at the sole discretion of the **employer**.

The employer may transfer an employee to another position or location for the purpose of providing continued service to the citizens of the **employer** or other appropriate cause.

3.13. **License/Occupational Certification**

3.13.1. *Purpose*

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

3.13.2. *Employee Responsibilities*

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

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

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

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

3.13.3. *Driving Records*

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

4. **COMPENSATION PLAN**

4.1. **Pay Periods and Paydays**

Employees are paid biweekly on Friday. If a payday falls on a Saturday or holiday, employees are paid on the preceding workday.

4.2. **Workweek Defined**

The workweek begins at 12:00A, on Monday and ends seven days (168 hours) later at 11:59P on the next Sunday.

4.2.1. *Attendance*

Employees are expected to be available and ready for work at the beginning of their normal work schedule as determined by the Executive Director. Rest and meal periods include the time spent going to and from the place where the break is taken.

4.2.2. *Work Schedules*

The Executive Director shall schedule work hours according to the needs of the **employer**. The standard work schedule for full time employees is a five-day, forty-hour week.

1. Employees working a five-day, forty-hour week (designated 5/40) shall work eight hours per day for five days in any workweek and shall receive two days off.

4.2.3. *Rest Periods*

Employees will be granted one ten-minute break or rest period during each work period of four or more hours. Employees may not take rest periods at the beginning or at the end of the work period. Rest periods may not be scheduled or taken consecutively or in conjunction with meal periods.

4.2.4. *Meal Periods*

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

4.2.5. *Work Assignments*

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

4.3. **Time Reporting**

4.3.1. *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, the Fair Labor Standards Act (FLSA) requires non-exempt employees report all time spent performing work.)

4.3.2. *Hours Worked*

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

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

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

- a. Voluntary attendance, outside of work hours, at an independent school, college, trade school, or similar training offered by the employer at the employee's own initiative even if the courses are related to the employee's current job or paid for by the employer.
 - b. Training outside of regular work hours 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.

*Under NRS 608.016, the Labor Commissioner has concluded private employers, including hospitals, must account for all time worked.

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

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

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

The Executive 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 Executive Director when the duties of a position have substantially changed in order to ensure an accurate designation.

4.3.5. *Responsibility for Time Reporting*

Employees are responsible for accurately completing their own timesheets. Supervisors/managers shall **not** alter or adjust the hours that an employee reports on his/her timesheet. If the supervisor/manager

believes the employee has completed his/her timesheet in error, the supervisor/manager 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.

4.4. **Overtime**

4.4.1. *Non-Exempt Employees*

1. Except as provided below, employees in positions designated as “non-exempt” will be eligible for overtime compensation as follows:
 - a. Employees whose normal work schedule is eight hours a day will receive overtime compensation for hours worked in excess of eight hours in a day.
 - b. Employees whose normal work schedule is between eight and ten hours in a day will receive overtime compensation for hours worked in excess of their normal daily work schedule.
 - c. Employees who request and are approved for a variable workday as provided in NRS 281.100, 3b(2) will receive overtime compensation for hours worked in excess of 40 hours in the workweek
 - d. Employees whose hours are established by collective bargaining agreement will receive overtime accordingly.
2. All overtime hours must be specifically authorized in advance by the Executive Director. Overtime will be compensated at time and one half the employee’s regular rate of pay. An employee’s regular rate includes all payments made by the **employer** to the employee. Examples of payments to be included are on-call pay, shift differential, hazard duty pay, and longevity pay. Paid overtime will be included in the same paycheck covering the pay period in which the overtime was earned unless the correct overtime amount cannot be determined until after the regular pay period. Employees who earn overtime may, with the approval of the Executive Director, elect to receive compensatory time off in lieu of overtime pay. Requests for compensatory time off in lieu of overtime must be made in writing and, once approved, will be placed in the employee’s payroll file. Compensatory time will be earned at the rate of one and one-half hours off for each overtime hour worked. Employees who elect compensatory time off may accrue up to 150 hours of compensatory time. When an employee has exceeded the maximum number of hours specified, the excess hours will be paid out as overtime. Employees will be allowed to use compensatory time within a reasonable period of request unless it unduly disrupts the operations of the **employer**.

3. 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.

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 Executive Director. An investigation will be conducted on a timely basis and **employer** will act to correct any errors as soon as practicable.

4.4.2. *Exempt Employees*

Generally, exempt employees are hired with the understanding that they are responsible for accomplishing the duties required for their assigned position.

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

1. Deductions from salaried pay 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. **Employer** will prorate an employee's salary based upon the days worked during the initial and terminal pay period of employment.
2. 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 for exempt employees to complete their assigned work from time to time, it will be necessary that they work beyond the normal workdays and business hours of the **employer**. If, however, an exempt employee is working well beyond a 40-hour work week on a regular recurring basis, the **employer** may examine staffing levels and the employee's work habits and procedures.
3. Exempt employees who have completed an extraordinary work assignment and/or spent substantially more time than a typical workweek to accomplish the job, may be recognized at the sole discretion of the **employer** with:
 - a. Up to 40 hours of time off without using accrued annual or sick leave. The time off granted under this provision does not constitute compensation and, thus, has no cash value.
 - b. Additional compensation (e.g., flat sum, bonus payment, straight-time hourly amount, time and one half, or any other basis). Such additional compensation will not void their otherwise exempt status as specifically provided under the FLSA.

4.5. "Safe Harbor"

Employer will classify employees as exempt or non-exempt, in accordance with the provisions of the Fair Labor Standards Act (FLSA) and applicable state law.

If an employee feels s/he is improperly classified, s/he should request a review of the classification from the Executive Director. An investigation will be conducted on a timely basis and employer will act to correct any errors as soon as practicable. The employer will not make improper deductions of pay from any employee, regardless of exempt or non-exempt status. Improper deductions should be reported to The Executive Director. The complaint will be investigated, and employer will act to reimburse the employee if an error is found. Employer will continuously make a good faith commitment to comply with all provisions of FLSA and state laws and intends this policy of correction to satisfy the “safe harbor” provisions of the FLSA.

4.6. **Rates of Pay**

4.6.1. *Compensation Plan*

Each regular position will be assigned to a salary range or pay scale based on the relative level and complexity of the duties, responsibilities, and authority of the job. The **employer** shall determine the salary ranges based on these considerations:

1. Rates paid by the **employer** for comparable work;
2. Internal relationships of other positions that are the same or similar;
3. Rates paid by other employers for comparable work;
4. Other financial commitments of the **employer**; and
5. Funds available to the **employer** for salaries.

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

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

5. **LEAVE PLANS**

5.1. **Holidays**

5.1.1. *Holidays Designated*

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

New Year’s Day – January 1

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

President’s Day – Third Monday in February

Memorial Day – Last Monday in May

Independence Day – July 4

Labor Day – First Monday in September
 Nevada Day – Last Friday in October
 Veterans Day – November 11
 Thanksgiving Day – Fourth Thursday in November
 Family Day – Friday following the fourth Thursday in November
 Christmas Day – December 25

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

5.1.2. **Holiday Pay**

1. Recognized holidays are typically non-workdays. Each employee in a full-time, non-exempt position who is on paid status on his/her regularly scheduled workday before and after a holiday will be paid eight hours of pay at his/her rate of pay for each recognized holiday. Employees who work seven or seven- and one-half 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, and temporary employees will not be paid unless they work on the holiday.

5.1.3. **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.

5.2. **Annual Leave**

5.2.1. **Annual Leave Accrual**

1. All full-time employees will earn annual leave beginning from their initial date of hire as follows:

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	Termination of employment	.0461538

2. Except as noted, all accrual rates are expressed in terms of fractions of an hour earned for each regularly scheduled hour worked or on paid leave. Annual leave is not accrued for any other hours.

3. Annual leave is earned and credited to the employee on a biweekly basis coinciding with pay periods.

5.2.2. *Eligibility Maximum Accrual*

Accrued annual leave may not exceed 240 hours in non-legislative years and 320 hours in legislative years unless it is determined that the employee requested and was denied leave because of the **employer's** business requirements. When allowing accrual above the maximum, the **employer** 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.

5.2.3. *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.

5.2.4. *Annual Leave Pay at Termination*

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

5.3. **Sick Leave**

5.3.1. *Policy*

1. Accrual

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

- a. Employees will accrue sick leave at the rate of .075463 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 bi-weekly basis, coinciding with pay periods.

2. Use of Sick Leave

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

- a. His/her own physical illness or injury.
- b. His/her own exposure to contagious diseases or when attendance at work is prevented by public health requirements.
- c. The need to provide medical care for an ill or injured dependent child, spouse/domestic partner, or parent who resides in the employee's household. Medical care includes accompanying a dependent child, spouse/domestic partner, or parent who resides in the employee's household to medical appointments.

- d. Medical or dental appointments for the employee provided that the employee makes a reasonable effort to schedule such appointments at times which have the least interference with the workday.
- e. Any disability.

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

3. Abuse of Sick Leave

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

4. Illness During Annual Leave

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

5. Placing an Employee on Sick Leave

The **employer** may place an employee on sick leave if s/he has an illness that appears to be contagious or due to a known or suspected illness or injury, or the employee is not able to perform the essential functions of their position.

6. Return to Work

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

5.3.2. *Procedure*

1. Leave Approval

An employee shall submit an appropriate leave request as soon as the need for leave is known. The **employer** shall determine whether to approve use of accrued leave and shall approve such a request whenever it is deemed reasonable. An employee must complete and submit a leave request form at the end of the next full workday following their return from leave.

2. Notification

Any employee who is ill or unable to report to work for any reason shall notify his/her immediate supervisor/manager no later than 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/manager daily or at appropriate intervals agreed on by the supervisor/manager of his/her condition. The **employer** may deny sick leave requests which are not in compliance with this policy.

3. Health Care Provider's Certification

The **employer** may require an employee, who has been absent for three or more days, to provide a health care provider's certification that the illness/injury incapacitated the employee from performing his/her duties, was necessary for the employee to make full and timely recovery, or was appropriate to avoid the spread of a contagious disease. The certification will also verify the employee's fitness for return to work. A health care provider's statement is required when specifically requested by the supervisor or manager.

5.4. Family and Medical Leave

5.4.1. Policy

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

Employer must provide employees Form WHD-1420 and are also required to post and keep posted the notice in a conspicuous place that can readily be seen by employees and applicants alike, even if no employees are eligible.

Employees who have been employed by the **employer** for a total of 12 months and worked for the **employer** at least 1,250 hours during the preceding 12-month period and are employed at a work site where 50 or more employees work for the **employer** within 75 surface miles of that work site are eligible for FMLA leave.

Employer does not employ 50 or more individuals; therefore, employees are not eligible for FMLA leave benefits.

5.5. Court Leave

5.5.1. Policy

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

5.5.2. Compensation

Subject to the following conditions, eligible employees shall receive their base rate of pay for those hours spent in court and traveling to and from court when such time occurs during employee's regular scheduled workdays and hours of work, not to exceed 40 hours.

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

5.5.3. ***Late Start/Early Release***

1. An employee who is serving as a witness and is not required to report to court until after the start of their workday 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 lasts four hours or more, including time going and returning from court, the employee will not be required to work between 5 p.m. of the day of jury duty and 3 a.m. the following day per NRS 6.190.

5.6. **Military Leave under Federal Law**

5.6.1. ***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 4301 et. seq. The uniformed services covered include the Army, Navy, Marines, Air Force, Coast Guard, Public Health Service Commissioner Corps, the reserve components of these services, and any other category dispatched by the President in time of war or national emergency. The Army National Guard and Air National Guard are also covered.

5.7. **Military Leave under Nevada Statute**

5.7.1. ***Policy***

Public officers and/or employees who are active members of the United States Army Reserve, United States Naval Reserve, United States Marine

Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, or the Nevada National Guard are entitled to leave to serve under orders including, without limitation, orders for training or deployment, as provided in NRS 281.145.

5.7.2. ***Procedure***

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

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

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

5.8. **Emergency Conditions/Disaster Leave**

5.8.1. ***Policy***

An employee who is a participant in any volunteer emergency service shall remain in full employment status and shall receive total regular compensation while performing the volunteer service emergency service for the period that s/he would have been working for the **employer**.

5.9. **Leave for Nursing Mothers**

5.9.1. ***Policy***

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

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

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

5.9.2. ***Prohibition Against Retaliation***

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

5.10. **Retirement**

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

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

5.11. **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/manager as soon as reasonably possible or within 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 NRS 616A to 616D, inclusive, or NRS 617, and for any leave benefit s/he may, by giving notice to the supervisor or manager, elect to continue to receive his/her normal salary instead of the benefits under those statutes until his/her accrued sick leave, comp time, annual leave, or approved catastrophic leave (if any), in this order, is exhausted. The **employer** will notify the Workers' Compensation Administrator of the election. The **employer** will continue to pay the employee his/her normal salary, but charge against the employee's accrued leave time as taken during the pay period an amount which represents the difference between his/her normal salary and the amount of any benefit for temporary total disability received, exclusive of

reimbursement or payment of medical or hospital expenses under NRS 616A to 616D, inclusive, or NRS 617 for that pay period.

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

6. TRAVEL EXPENSES

6.1. Policy

Employees will be reimbursed for reasonable and necessary travel expenses when directly related to the performance of their assigned duties and which are appropriately authorized. Employees will be reimbursed for necessary meals, mileage, and lodging based on the rates allowed per adopted Federal guidelines.

To obtain reimbursement, employees must submit an expense report on a proper claim form and substantiate the amounts claimed by providing required receipts or proper documentation within five working days following a trip.

Reimbursement shall be made only for expenses actually incurred, paid, and authorized.

Employer will not reimburse or otherwise pay any expense that violates commonly accepted standards of sound judgment and good taste. This is a non-exclusive list of non-refundable items:

- Fines and avoidable parking tickets
- Towing or impounding fees
- Traffic violations
- Alcoholic beverages
- Personal entertainment
- Tobacco and smoking products (to include vapes etc.)

- Marijuana
- Unnecessary or extravagant costs of any kind

7. EMPLOYEE SEPARATION

7.1. Resignation

7.1.1. *Notice*

Employees are requested to provide at least two weeks' notice, in writing, of their intent to resign their employment. At the sole discretion of the **employer**, 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 **employer**.

7.1.2. *Return of Employer Property*

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

7.1.3. *Job Abandonment*

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

7.1.4. *Final Paycheck*

The **employer** shall issue a paycheck by the next payday following the effective date of resignation if sufficient notice was given by the employee and may issue a paycheck sooner when the employee resigns in good standing. Whenever an **employer** discharges an employee, the wages and compensation earned and unpaid at the time of such discharge shall become due and payable on the next regular payday.

8. PERFORMANCE MANAGEMENT

8.1. Policy

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

8.2. Purpose

The purpose of the performance appraisal is to let employees know how well they are performing their assigned job duties, where they can grow or develop, and whether they have any performance problems.

Performance appraisals are not considered to be discipline.

The **employer** strongly encourages employee participation in the performance evaluation process. Employees will be allowed to comment on the performance appraisal, sign it, and receive a copy. The original will be placed in the employee's personnel file.

8.3. **Process of Performance Evaluations**

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

8.3.1. *Frequency of Performance Appraisals*

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

1. For new employees, no later than five months after initial hire and at eleven months after hire.
2. Six months following transfer to a new position within the same class.
3. When there is a significant change (either improvement or deterioration) in performance or behavior affecting the job.
4. Within three months following an evaluation documenting that the employee's performance needs substantial improvement. (The **employer** encourages frequent, ongoing meetings between the employee and supervisor/manager.)
5. At any other more frequent interval as the supervisor/manager deems appropriate.

9. **DISCIPLINARY ACTIONS AND APPEALS**

9.1. **Discipline and Appeal**

9.1.1. *Justification for Discipline*

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

1. Conduct unbecoming an employee in the **employer's** service, or discourteous treatment of members of the public or a fellow employee, or any other act of omission or commission that impacts negatively on the public's perception of the integrity or credibility of the **employer** or erodes the public confidence in the **employer**.

2. Falsification of or making a material omission on forms, records, or reports including applications, time cards, and other **employer** records.
3. Absence from work without permission or without notification to an appropriate supervisor/manager, habitual absence or tardiness, or misuse of sick leave.
4. Unauthorized possession, removal, or use of the **employer's** property including, but not limited to, funds, records, keys, confidential information of any kind, equipment, supplies, or any other materials.
5. Insubordination, refusing to follow directions, or other unprofessional 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 **employer**, or anyone present on premises owned or controlled by the **employer**.
7. Actual or threatened physical violence including, but not limited to, intimidation, overt or subtle threats, harassment, stalking, or any form of coercion, except as may be required of a peace officer in the course of his/her duties.
8. Possession or inappropriate use of drugs, prohibited substances, marijuana, or alcohol on property owned or controlled by the **employer** or while on duty or during an on-call status.
9. Possession, bringing, or aiding others in bringing unauthorized firearms, weapons, hazardous biological material or chemicals, or other dangerous substances onto property owned or controlled by the **employer**.
10. Violation of safety or health policies or practices, or engaging in conduct that creates a safety or health hazard to other employees, the public, vendors, or him/herself.
11. Dishonesty, including intentionally or negligently providing false information, intentionally falsifying records, employment applications, or other documents.
12. Violating or failing to comply with federal, state or local law, or the **employer's** policies, rules, regulations, and/or procedures.
13. Unsatisfactory work performance.

9.1.2. ***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)

Demotion Employees' signed copies of the above items 1-4 must be placed in employees' master personnel file, and a copy provided to employees.

*Note: Exempt employees are subject to the following rules regarding unpaid suspensions:

- Unpaid suspensions may be imposed for infractions of workplace conduct rules, such as rules prohibiting sexual harassment, workplace violence, drug, marijuana, 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.
- Suspensions for performance issues must be made in full-week increments.

9.1.3. *Due Process*

Prior to taking disciplinary action involving suspension, reduction in pay, demotion, or termination against any regular employee, the **employer** will take action intended to ensure that the employee is afforded due process. Due process in regard to employment-related disciplinary action includes, among other actions, making certain the employee is provided notice of the reason for the disciplinary action and is given the opportunity to provide a response to the proposed disciplinary action prior to an appropriate supervisor making a final decision regarding the disciplinary action.

1. Written Notice

In situations where the proposed disciplinary action involves a suspension, 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 Executive Director, within five 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 **employer** 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 Executive 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 **employer** 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 work days from receipt of the employee's written response or conclusion of the pre-disciplinary conference, the Executive Director 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.

9.1.4. Administrative Leave During Disciplinary Proceeding

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

10. 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 **employer**.

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

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

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

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

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

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

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

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

Board: The governing body of the **employer**.

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

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

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

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

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

Conviction: A finding of guilt, including a plea of no contest or imposition of sentence or both, by any judicial body charged with the responsibility to determine violations of federal or state laws.

Corrective Action: Action taken to improve unacceptable behavior or performance; correction action may include coaching sessions, counseling sessions, training, and disciplinary actions including verbal warnings, written reprimands, suspensions, demotions, pay reductions, and discharge.

Date of Hire/Hire Date: The actual date an employee first renders paid service in a regular position.

Day: Calendar days unless work days are specified.

Demotion: Involuntary movement of an employee from one job class to another job class having a lower maximum base rate of pay, as a result of disciplinary action.

Diluted Specimens: Diluted specimens have creatinine and specific gravity values that are lower than expected for human urine as determined by U.S. Department of Health and Human Services.

Disability-Related Inquiry: A question (or series of questions) 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 employee/applicant currently has or has ever had a disability, how s/he became disabled, or inquiring about the nature or severity of an employee's/applicant's disability;
- Asking an employee/applicant a broad question about his/her impairments that is likely to elicit information about a disability;
- Asking an employee/applicant whether s/he is currently taking any prescription drugs or medication;
- Asking about an employee's/applicant's genetic information;
- Asking about an applicant's prior workers' compensation history; and
- Asking an employee's/applicant's coworker, family member, health care provider, or other person about the employee's/applicant's disability.

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

Discipline/Disciplinary Action: 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, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law.

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

Domestic Partner: Persons who are registered as domestic partners with the state of Nevada per NRS 122A.120 or have a legal union validly formed in another jurisdiction that is substantially equivalent.

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

Employee: A person employed in a budgeted position on a full- or part-time basis.

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 20) hours, but less than full-time employment.

Introductory Employee: A person who serves in an at-will status for a specified period of time during which s/he is evaluated by the **employer** to ensure that s/he has demonstrated fitness for a position by actually performing the duties of the position.

Exempt Employee: An employee who is exempt from the 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.

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

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.)

Full-Time: Work which requires hours of work as established by the **employer** as full-time. A full-time employee is regularly scheduled to work a normal work week of 40 hours.

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

Illegal Drugs: Any controlled substance or drug under Federal or Nevada law, which is illegal to sell, possess, cultivate, transfer, use, purchase, or distribute. 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.

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.

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

Leave Without Pay: Authorized leave in a non-paid status.

Legal Drugs: Prescription drugs and over-the-counter drugs that have been legally obtained and are being used in the manner, combination, and quantity for which they were prescribed or manufactured.

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

Marijuana: Cannabis, whether in medical or recreational form.

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 functions;
- 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.

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

Position: A group of duties and responsibilities requiring the ongoing services of one or more employees, which is listed in the authorized position list contained in the currently approved **employer's** budget or established by formal action of the Board of Directors.

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

Prohibited Substances: Prescription drugs not legally obtained, not being used in the manner, combination, or quantity prescribed, or by the individual for whom prescribed; over-the-counter medications used contrary to manufacturer instructions; or consumer products not meant for human consumption.

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

Protected Class: Individuals or groups of individuals protected from employment discrimination, harassment, and retaliation by federal and/or state laws. Protected classes include race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Nevada National Guard, and any other class that becomes protected by federal and/or state law.

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

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

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

Reduction in Pay: Disciplinary action by an **employer** moving an employee to a lower pay level in the same class and pay grade.

Regular Employee: See "Regular Full-time Employee" and "Regular Part-time Employee" listed under "Employee".

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

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

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

Reporting Officer: The staff member assigned the responsibility and authority to receive, investigate, and resolve complaints of alleged discrimination/harassment. This individual also has the responsibility to provide training for the **employer** and assure appropriate notices are posted.

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

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

Salary Range: The minimum and maximum salary set for each position.

Seasonal Employee: See Casual Worker.

Spouse: A husband or wife of a person, regardless of gender.

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 or manager.

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 his/her job, but has been cleared by a medical provider to perform other assignments for the **employer**.

Volunteer: An individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. An individual is not considered a volunteer if the individual is otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.

Warning: Verbal notice or counseling of an employee specifying required changes in work performance or on-the-job behavior.

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