



LYON COUNTY

**PERSONNEL POLICY
MANUAL**

July 2019

LYON COUNTY
PERSONNEL POLICY MANUAL
TABLE OF CONTENTS

LYON COUNTY PERSONNEL POLICY MANUAL TABLE OF CONTENTS.....i-viii

1. GENERAL PROVISIONS..... 1-1

 1.1. Purpose..... 1-1

 1.2. Scope..... 1-1

 1.3. Computing Time for Notices..... 1-1

 1.4. Administration..... 1-1

 1.5. Administrative Directive..... 1-1

 1.6. Change of Address..... 1-1

 1.7. Failure to Receive Notices..... 1-1

 1.8. Personnel Files..... 1-1

 1.8.1. Contents----- 1-1

 1.8.2. Employee Access----- 1-1

 1.8.3. Negative Information----- 1-1

 1.8.4. Employee Information Submitted----- 1-1

 1.8.5. Verification of Employment----- 1-1

 1.9. Confidential Information..... 1-1

 1.9.1. Identification of Confidential Information----- 1-1

 1.9.2. Access to Confidential Information----- 1-1

 1.9.3. Disposal of Personal Records----- 1-1

2. EMPLOYEE RELATIONS..... 2-1

 2.1. Equal Employment Opportunity..... 2-1

 2.1.1. Policy----- 2-1

 2.1.2. Scope----- 2-1

 2.1.3. Equal Employment Opportunity Officer Designated----- 2-1

 2.2. Anti-Harassment..... 2-1

 2.2.1. Policy----- 2-1

 2.2.2. Prohibited Conduct/Behavior(s)----- 2-1

 2.3. Dealing w/Allegations of Discrimination and/or Prohibited Conduct/Behavior(s)..... 2-1

 2.3.1. Process----- 2-1

 2.3.2. Employee Responsibilities----- 2-1

 2.3.3. Supervisor/Manager Responsibilities----- 2-1

 2.3.4. Investigation----- 2-1

 2.4. Training..... 2-1

 2.5. Prohibition Against Retaliation..... 2-1

 2.6. Employee Dating..... 2-1

 2.6.1. Policy----- 2-1

 2.6.2. Employee Responsibilities----- 2-1

 2.6.3. Supervisor/Manager Responsibilities----- 2-1

 2.7. Employee Bullying..... 2-1

 2.7.1. Definition----- 2-1

 2.7.2. Purpose----- 2-1

 2.7.3. Prohibited Conduct----- 2-1

 2.7.4. Dealing with Allegations of Bullying----- 2-1

 2.7.5. Prohibition Against Retaliation----- 2-1

 2.8. Employment Disabilities..... 2-1

 2.8.1. Purpose of Policy----- 2-1

2.8.2.	Policy-----	2-1
2.8.3.	Determination of Disability-----	2-1
2.8.4.	Disability-Related Inquiries-----	2-1
2.8.5.	Confidentiality of Medical Records-----	2-1
2.8.6.	Accommodation-----	2-1
2.8.7.	Requirements of Other Laws-----	2-1
2.8.8.	Glossary of ADA-Related Terms-----	2-1
2.9.	Drug and Alcohol-Free Workplace.....	2-1
2.9.1.	Policy-----	2-1
2.9.2.	Employee Responsibilities-----	2-1
2.9.3.	Department Head Responsibilities-----	2-1
2.9.4.	Supervisor Responsibilities-----	2-1
2.9.5.	Lyon County Responsibilities-----	2-1
2.9.6.	Employee Education-----	2-1
2.9.7.	Employee Assistance and Voluntary Referral-----	2-1
2.9.8.	Reasonable Suspicion Testing-----	2-17
2.9.9.	Post-Accident Testing-----	2-1
2.9.10.	Department Safety-Sensitive Positions-----	2-1
2.9.11.	Pre-Employment Testing-----	2-120
2.9.12.	Random Testing-----	2-1
2.9.13.	Return-to-Duty Testing/Follow-up Testing-----	2-1
2.9.14.	Consequence of Refusal to Submit to Testing / Adulterated Specimen-----	2-1
2.9.15.	Testing Guidelines-----	2-1
2.9.16.	Option to Retest-----	2-1
2.9.17.	Requirement for Drug Retest-----	2-1
2.9.18.	Searches-----	2-1
2.9.19.	Disciplinary Action-----	2-1
2.9.20.	Confidentiality-----	2-1
2.10.	Prohibition of Workplace Violence.....	2-1
2.10.1.	Purpose-----	2-1
2.10.2.	Scope-----	2-1
2.10.3.	Policy-----	2-1
2.10.4.	Violations-----	2-1
2.10.5.	Temporary Restraining Orders-----	2-1
2.11.	Employment of Relatives.....	2-1
2.12.	Code of Ethical Standards.....	2-1
2.13.	Political Activity.....	2-1
2.13.1.	Running for or Holding Political Office-----	2-1
2.14.	Solicitation Prohibited.....	2-1
2.14.1.	Employee Activities-----	2-1
2.14.2.	Non-Employee Activities-----	2-1
2.15.	Work Stoppage Prohibited.....	2-1
2.16.	Use of Lyon County Property and Premises.....	2-1
2.17.	Phone Policy.....	2-1
2.17.1.	Personal Phone Calls-----	2-1
2.17.2.	Cell Phone Use in Vehicles-----	2-1
2.17.3.	Phone Use in Business Meetings-----	2-1
2.17.4.	Additional Cell Phone Functions & Services-----	2-1
2.18.	Information Technology.....	2-1
2.18.1.	Policy-----	2-1
2.18.2.	Privacy-----	2-1

2.18.3.	Use-----	2-1
2.18.4.	Prohibited Use-----	2-1
2.18.5.	Violation of Policy-----	2-1
2.19.	Social Media/Networking.....	2-1
2.19.1.	Definitions-----	2-1
2.19.2.	Standards-----	2-1
2.20.	Smoking, E-cigarettes and Tobacco Use.....	2-1
2.21.	Outside Employment.....	2-1
2.21.1.	Policy-----	2-1
2.21.2.	Conflicting Employment-----	2-1
2.21.3.	Procedure-----	2-1
2.22.	Personal Appearance.....	2-1
2.22.1.	Policy-----	2-1
2.22.2.	Enforcement-----	2-1
2.23.	Children, Animals, and Visitors in the Workplace.....	2-1
2.24.	Employee Identification Badges.....	2-1
2.24.1.	General Policy-----	2-1
2.25.	Reporting Convictions.....	2-1
2.26.	Whistleblower Protection.....	2-1
2.26.1.	Purpose-----	2-1
2.26.2.	Definitions-----	2-1
2.26.3.	Filing an Appeal-----	2-1
2.26.4.	Appointment of Hearing Officers-----	2-1
2.26.5.	Appeal Hearings-----	2-1
2.26.6.	Prohibition of Threats or Coercion-----	2-1
2.26.7.	Disclosure of Untruthful Information-----	2-1
2.26.8.	Annual Summary-----	2-1
3.	EMPLOYMENT.....	3-1
3.1.	Scope.....	3-1
3.2.	Source of Candidates.....	3-1
3.3.	Job Announcements.....	3-1
3.3.1.	Open Examinations-----	3-1
3.3.2.	Promotional Examinations-----	3-1
3.4.	General Requirements for Filing of Applications.....	3-1
3.4.1.	Application Forms-----	3-1
3.4.2.	Signatures-----	3-1
3.5.	Application Filing Periods.....	3-1
3.6.	Eligibility of Applicants.....	3-1
3.7.	Reduction of Applicant Pool.....	3-1
3.8.	Examination Process.....	3-1
3.8.1.	Administration of Examinations-----	3-1
3.8.2.	Factors Evaluated-----	3-1
3.8.3.	Types of Examinations-----	3-1
3.8.4.	Minimum Standards-----	3-1
3.8.5.	Probationary Period-----	3-1
3.9.	Eligible Lists.....	3-1
3.9.1.	Removal of Names From List-----	3-1
3.10.	Referral of Applicants for Hire.....	3-1
3.11.	Interviewing Applicants.....	3-1
3.12.	Selection.....	3-1
3.13.	Correction of Administrative Errors.....	3-1

3.14. Reference Checks.....	3-1
3.14.1. Acquiring References-----	3-1
3.14.2. Providing References-----	3-1
3.15. Applicant/Employee Investigations.....	3-1
3.15.1. Reports-----	3-1
3.15.2. Requirements-----	3-1
3.16. Offers of Employment.....	3-1
3.16.1. Job Offer Letters-----	3-1
3.16.2. Pre-employment Drug Screening-----	3-1
3.16.3. Other Conditions-----	3-1
3.17. Orientation.....	3-1
3.18. Failure to Appear for Work.....	3-1
3.19. Rehire.....	3-1
3.20. Casual Employment.....	3-1
3.20.1. Purpose-----	3-1
3.20.2. Authorization to Hire Casual Workers-----	3-1
3.20.3. Duration of Casual Employment-----	3-1
3.20.4. Employment in a Regular Position-----	3-1
3.21. License/Occupational Certification.....	3-1
3.21.1. Purpose-----	3-1
3.21.2. Scope-----	3-1
3.21.3. Employee Responsibilities-----	3-1
3.21.4. Provisions-----	3-1
4. POSITION CLASSIFICATION PLAN.....	4-1
4.1. Policy.....	4-1
4.1.1. Preparation and Adoption-----	4-1
4.1.2. Classification-----	4-1
4.1.3. Maintenance and Revision-----	4-1
4.1.4. New Positions-----	4-1
4.1.5. Reclassification-----	4-1
4.1.6. Reallocation-----	4-1
4.2. Procedure.....	4-1
4.2.1. Requests for Classification Review-----	4-1
4.2.2. Effective Date-----	4-1
4.3. Transfers.....	4-1
4.4. Promotions.....	4-1
5. COMPENSATION PLAN.....	5-1
5.1. Pay Periods and Paydays.....	5-1
5.1.1. Direct Deposit-----	5-1
5.1.2. Replacement Checks-----	5-1
5.2. Work Week Defined.....	5-1
5.3. Work Time.....	5-1
5.3.1. Attendance-----	5-1
5.3.2. Work Schedules-----	5-1
5.3.3. Rest Periods-----	5-1
5.3.4. Meal Periods-----	5-1
5.3.5. Work Assignments-----	5-1
5.4. Time Reporting.....	5-1
5.4.1. Purpose of Time Reporting-----	5-1
5.4.2. Hours Worked-----	5-1
5.4.3. Position Designations – Exempt or Non-Exempt-----	5-1

5.4.4.	Responsibility for Exempt or Non-Exempt Designation-----	5-1
5.4.5.	Responsibility for Time Reporting-----	5-1
5.5.	Overtime-----	5-1
5.5.1.	Non-Exempt Employees-----	5-1
5.5.2.	Exempt Employees-----	5-1
5.5.3.	“Safe Harbor”-----	5-1
5.6.	Shift Differential-----	5-1
5.7.	Rates of Pay-----	5-1
5.7.1.	Compensation Plan-----	5-1
5.7.2.	Hiring Rate of Pay-----	5-1
5.7.3.	Advanced Salary Hire-----	5-1
5.7.4.	Salary on Promotion-----	5-1
5.8.	Salary Increase Schedule-----	5-1
5.8.1.	Step Advancements or Merit Increases Authorized-----	5-1
5.8.2.	Anniversary Date-----	5-1
5.9.	Withholding of Merit Increases-----	5-1
5.9.1.	Job Performance-----	5-1
5.9.2.	Merit Increases and Probationary Periods-----	5-1
5.9.3.	Granting of Withheld Merit Increases-----	5-1
5.10.	Flat Rate Salaries-----	5-1
5.11.	Casual Worker Compensation-----	5-1
5.11.1.	Rates of Pay-----	5-1
5.11.2.	Merit Increases-----	5-1
5.11.3.	Implementing Pay Increases-----	5-1
5.12.	Y-Rate-----	5-1
5.13.	Management Compensation-----	5-1
5.13.1.	Salary Ranges-----	5-1
5.13.2.	Starting Salaries-----	5-1
5.13.3.	Performance Management Evaluations-----	5-1
5.13.4.	Salary Reviews-----	5-1
5.14.	Final Paycheck-----	5-1
5.15.	Stand-by Pay-----	5-1
5.16.	Special Training Pay-----	5-1
6.	LEAVE PLANS-----	6-1
6.1.	Holidays-----	6-1
6.1.1.	Holidays Designated-----	6-1
6.1.2.	Holiday Pay-----	6-1
6.1.3.	Weekend Holidays-----	6-1
6.1.4.	No Accrual-----	6-1
6.1.5.	Work on Holidays-----	6-1
6.2.	Vacation Leave-----	6-1
6.2.1.	Vacation Leave Accrual-----	6-1
6.2.2.	Regular Part-Time Employees-----	6-1
6.2.3.	Eligibility Maximum Accrual-----	6-1
6.2.4.	Use of Vacation Leave-----	6-1
6.2.5.	Vacation Leave Pay at Termination-----	6-1
6.3.	Sick Leave-----	6-1
6.3.1.	Policy-----	6-1
6.3.2.	Procedure-----	6-1
6.4.	Family and Medical Leave-----	6-1
6.4.1.	Policy-----	6-1

6.4.2.	Duration of and Reasons for Leave-----	6-1
6.4.3.	Military Caregiver Leave-----	6-1
6.4.4.	Notice of Leave-----	6-1
6.4.5.	Certification of Leave-----	6-1
6.4.6.	Designation Notice-----	6-1
6.4.7.	Benefits Coverage During Leave-----	6-1
6.4.8.	Restoration to Employment-----	6-1
6.4.9.	Return from Leave-----	6-1
6.4.10.	Failure to Return from Leave-----	6-1
6.5.	Leave of Absence Without Pay.....	6-1
6.5.1.	Policy-----	6-1
6.5.2.	Procedure-----	6-1
6.6.	Court Leave.....	6-1
6.6.1.	When Granted-----	6-1
6.6.2.	Compensation-----	6-1
6.6.3.	Late Start/Early Release-----	6-1
6.7.	Military Leave under Federal Law.....	6-1
6.7.1.	Policy-----	6-1
6.7.2.	Notice and Notification-----	6-1
6.7.3.	Salary and Benefits-----	6-1
6.7.4.	Reemployment-----	6-1
6.7.5.	Termination-----	6-1
6.8.	Military Leave under Nevada Statute.....	6-1
6.8.1.	Policy-----	6-1
6.8.2.	Procedure-----	6-1
6.9.	Emergency Volunteer Service.....	6-1
6.10.	Emergency Road Conditions.....	6-1
6.11.	Disaster Area Declaration.....	6-1
6.12.	Blood Donor Leave.....	6-1
6.13.	Bereavement Leave.....	6-1
6.14.	Catastrophic Leave.....	6-1
6.15.	Leave for Parents of Children Enrolled in School.....	6-1
6.15.1.	Policy-----	6-1
6.15.2.	Retaliation-----	6-1
6.16.	Leave for Nursing Mothers.....	6-1
7.	BENEFITS.....	7-1
7.1.	Health Insurance Coverage.....	7-1
7.1.1.	Eligibility-----	7-1
7.1.2.	Benefits-----	7-1
7.1.3.	Plan Changes-----	7-1
7.2.	Life Insurance Coverage.....	7-1
7.2.1.	Eligibility-----	7-1
7.2.2.	Policy-----	7-1
7.2.3.	Coverage-----	7-1
7.2.4.	Optional Policy-----	7-1
7.3.	Retirement.....	7-1
7.4.	Workers' Compensation.....	7-1
7.5.	Modified Duty Policy.....	7-1
7.5.1.	Responsibility for the Policy-----	7-1
7.5.2.	Procedures-----	7-1
7.6.	Deferred Compensation.....	7-1

7.7.	Educational Assistance.....	7-1
7.8.	Reimbursement for Required License or Certification.....	7-1
7.9.	Early Separation Incentive Program.....	7-1
7.9.1.	Purpose.....	7-1
7.9.2.	Incentive.....	7-1
7.9.3.	Eligibility to Apply.....	7-1
7.9.4.	Application Approval Process.....	7-1
8.	TRAVEL EXPENSES.....	8-1
8.1.	Policy.....	8-1
8.2.	Allowances.....	8-1
8.2.1.	Mileage.....	8-1
8.2.2.	Lodging.....	8-1
8.2.3.	Meals.....	8-1
8.2.4.	Other Expenses.....	8-1
8.2.5.	Unallowable Expenses.....	8-1
8.3.	Processing.....	8-1
8.3.1.	Claims.....	8-1
8.3.2.	Advances.....	8-1
9.	EMPLOYEE SEPARATION.....	9-1
9.1.	Resignation.....	9-1
9.1.1.	Notice.....	9-1
9.1.2.	Return of Employer Property.....	9-1
9.1.3.	Withdrawal.....	9-1
9.1.4.	No Notice.....	9-1
9.1.5.	Job Abandonment.....	9-1
9.1.6.	Supervisor/Department Head Responsibilities.....	9-1
9.1.7.	Final Paycheck.....	9-1
9.2.	Layoff.....	9-1
9.2.1.	Reasons for Layoff.....	9-1
9.2.2.	Alternatives to Layoff.....	9-1
9.2.3.	Order of Layoffs.....	9-1
9.2.4.	Designation of Employees to be Laid Off.....	9-1
9.2.5.	Layoff Notice.....	9-1
9.2.6.	Reinstatement.....	9-1
9.2.7.	Reinstatement Process.....	9-1
9.2.8.	Duration of Reinstatement List.....	9-1
10.	PERFORMANCE MANAGEMENT.....	10-1
10.1.	Statement.....	10-1
10.1.1.	Purpose.....	10-1
10.1.2.	Ongoing Communication Regarding Performance.....	10-1
10.1.3.	Frequency of Performance Evaluations.....	10-1
10.1.4.	Written Record.....	10-1
10.1.5.	Personnel Actions Resulting From Performance Evaluations.....	10-1
10.1.6.	Employee Involvement.....	10-1
10.2.	Procedure.....	10-1
10.2.1.	Steps in the Performance Evaluation Process.....	10-1
10.2.2.	Documentation of Performance Evaluations.....	10-1
10.2.3.	Responsibility for Performance Evaluations.....	10-1
11.	DISCIPLINARY ACTION AND APPEAL.....	11-1
11.1.	Justification for Discipline.....	11-1
11.1.1.	Policy.....	11-1

11.1.2. Forms of Disciplinary Action-----	11-1
11.1.3. Due Process-----	11-1
11.1.4. Administrative Leave During Disciplinary Proceeding-----	11-14
12. DISPUTE RESOLUTION.....	12-1
12.1. Definition of Dispute.....	12-1
12.2. No Retaliation.....	12-1
12.3. Time Limits.....	12-1
12.4. Selection of Designated Official.....	12-1
12.5. Dispute Resolution Procedure.....	12-1
12.5.1. Step 1. Discussion with Immediate Supervisor-----	12-1
12.5.2. Step 2. Formal Written Notice of Dispute-----	12-1
12.5.3. Step 3. Lyon County Manager Review-----	12-1
13. DEFINITION OF TERMS.....	13-1
14. APPENDIX A - CONSANGUINITY.....	14-1

1. GENERAL PROVISIONS

1.1. Purpose

These policies are established to carry out the intent of the Board of County Commissioners to adopt uniform personnel policies that will enable each employee to make his/her fullest contribution to the programs and services of Lyon County.

1.2. Scope

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

1.3. Computing Time for Notices

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

1.4. Administration

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

All employees of Lyon County are expected to read and familiarize themselves with the contents of these policies. Each employee is to complete and sign an acknowledgement form to read, understand and abide by these policies. The completed form is to be returned to the Human Resources Department for inclusion into the employee's personnel file. An employee's failure to comply with these policies may result in disciplinary action, up to and including termination.

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

1.5. Administrative Directive

The Human Resources Director 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 Lyon County's Human Resources program on a consistent basis.

1.6. Change of Address

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

1.7. Failure to Receive Notices

Written communications or notices required by these policies shall be hand-delivered with written acknowledgement of delivery to or receipt by the employee or sent by certified mail, return receipt required, to the most current address on record. All written communications to applicants shall be hand-delivered, sent by U.S. mail, or to the applicant's email address to the most current address/email address shown on the application for employment. Lyon County is not responsible in the event that mail is not received. It is the employee's responsibility to respond to all Lyon County communications, including those mailed to the address on record, and the responsibility of the applicant to follow through with all phases of the selection process within the specified time. Failure to respond for any reason, including failure to receive written notice, may have an adverse effect on an individual's applicant status and/or result in disqualification from the selection and hiring process.

1.8. Personnel Files

1.8.1. Contents

A master personnel file will be maintained for each employee. An employee's supervisor or department head may elect to maintain a duplicate copy of the documents; however, this does not supersede or eliminate maintaining the master personnel file. At the time of hire, each new employee will complete all government required documentation, all Lyon County required documentation, and, when applicable, documentation pertaining to such matters as benefit plan enrollments and beneficiary designations. Where required, the employee has the responsibility to provide a copy of his/her driver's license or other required license or certificate. Additionally, an employee must report to his/her supervisor or department head of any suspension, restriction, or revocation of his/her driver's license or other required license or certificate. Employees are expected to report any criminal arrests to their supervisor or department head.

GUIDELINE:

Contents of Personnel Files:

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

Application form and related employment information.

Records of changes in pay - salary history.

Performance reviews.

Disciplinary notices.

Listing of positions or classifications held.

Training or education records.

Emergency notification.

Letters of commendation or congratulations.

All documentation of employer sponsored benefits.

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

Grievances and Investigative Reports or the responses thereto.

The completed I-9 immigration form and supporting documents.

General correspondence.

Any document which describes a medical or psychological condition of the employee or any other individual. (Medical and related documents should be kept in a separate, locked file to which access is strictly limited to those in a "need to know" position.)

1.8.2. Employee Access

An employee may inspect the contents of his/her personnel file upon request. All inspections must be conducted in the presence of the Human Resources Director or his/her designee. Copies of the contents may be made, but employees may not remove any documents in the file. Only one (1) set of copies will be provided per year and, if additional copies are needed, the employee will be asked to pay for the copies.

1.8.3. Negative Information

Negative or derogatory material shall not be placed in an employee's file unless the employee has had a reasonable opportunity to review the material. Employees will be required to sign such material to indicate they have reviewed it. If the employee refuses to sign such material, it may be placed in the employee's file with a dated notation that the employee refused to sign such material after being given an opportunity to do so.

1.8.4. Employee Information Submitted

Employees may submit a factual statement in rebuttal to adverse material placed in his/her personnel file. Lyon County may place other information submitted by the employee in the personnel file if it is found that such information is relevant to the employee's work history with Lyon County.

1.8.5. Verification of Employment

Upon request for verification of employment, only dates of employment, base salary, and job titles will be provided. An employee's address or telephone number will not be given without proper authority; i.e., release signed by the employee, court order, or subpoena.

1.9. Confidential Information

1.9.1. Identification of Confidential Information

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

1. All information related to an employment application including, but not limited to, letters of reference, résumés, or his/her status as an applicant for employment.
2. All information that Lyon County 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. Race, ethnic identity or affiliation, age, gender, marital status, number and names of dependents, military/veteran status, living arrangements, membership in any organization, sexual orientation, national origin, disability, date of birth, or social security number;
 - d. Past or present home address, telephone number, post office box, or relatives; and
 - e. All information concerning the voluntary or involuntary termination of an employee, other than the dates of actual employment.
6. The name of an employee's/former employee's designated beneficiary.
7. All medical information concerning an employee or applicant including, but not limited to:
 - a. Pre-employment and post-employment medical and psychological examinations;
 - b. Disability and documentation relating to reasonable accommodation requested or granted;
 - c. Drug testing;
 - d. Genetic information;
 - e. Pregnancy, doctor's certification and other communication; and
 - f. Any other medical information that an employee or applicant has voluntarily provided or Lyon County has requested.
8. All confidential medical information shall be kept in files segregated from other personnel and employment records. Access to such files shall be strictly limited to those with a demonstrable business need-to-know. This would include:
 - a. Supervisors and managers, regarding necessary restrictions and accommodations in the employee's duties;
 - b. First-aid and safety personnel;
 - c. Government officials investigating compliance with the ADA, on request;
 - d. State workers' compensation office officials; and
 - e. Insurance company employees when the company requires a medical examination to provide health or life insurance (29 C.F.R. §1630.14(c)(1)).
9. Notations on attendance records that an employee took sick leave are not confidential records.

10. All information contained in a confidential investigative file. Lyon County Human Resources shall keep all confidential investigative documentation in files 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 including those outlined within a collective bargaining agreement, state and/or federal laws.

1.9.2. Access to Confidential Information

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

1. Except as otherwise provided in this section, access to the materials for an examination and information relating to an applicant which are relevant to a decision to hire that person is limited to employees with a business need-to-know the information.
2. Access to an employee's file of employment containing those items listed above as confidential is limited to:
 - a. The employee.
 - b. The employee's representative when a signed authorization from the employee is presented.
 - c. Lyon County's Human Resources Director, County Manager, or his/her designated representatives.
 - d. Persons who are authorized pursuant to any state or federal law or an order of court.
 - e. Lyon County District Attorney or counsel retained by Lyon County.
 - f. Arbitrator appointed under a collective bargaining agreement, administrative tribunal, or judicial action where such confidential information is relevant or otherwise related to an employee's claim or to a defense to such employee's claim.

1.9.3. Disposal of Personal Records

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

If the agency has records containing personal information which is not required by specific state or federal statute and the information was received prior to January 1, 2007, the information must be obliterated or removed from documents and computer systems on or before January 1, 2017.

2. As of June 1, 2005, and in compliance with the Fair and Accurate Credit Transactions (FACT) Act Disposal Rule, Lyon County shall dispose of sensitive information derived from consumer reports to ensure there will be no unauthorized access to – or use of – any confidential information. "Consumer Reports" are defined as reports which contain information

from a consumer reporting company, such as reports obtained from third party agencies who conduct employment background checks on behalf of Lyon County.

3. Sensitive information includes any and all documents containing employee information, which can include:
 - a. Employee name
 - b. Social security number
 - c. Driver's license number
 - d. Phone number
 - e. Physical address
 - f. Email address
 - g. Any other personal identifiers
4. *Method of disposal.* Lyon County shall dispose of sensitive information by shredding or burning any and all documents which contain personal information. Although the law specifically applies to consumer reports and the information derived from consumer reports, Lyon County shall, in accordance with good personnel practices, properly dispose of any records containing employee personal or financial information. An electronic record must be destroyed in accordance with the applicable schedule in a manner that ensures the information cannot be retrieved or reconstructed, including, without limitation, overwriting, degaussing and the physical destruction of the storage media.
5. Lyon County will determine whether the disposal of consumer report documents will take place by utilizing an internal process and equipment or by procuring the services of a document destruction contractor to dispose of material that is specifically identified as consumer report information. Lyon County will exercise due diligence to ensure that a contractor disposes of documents as required by law. Due diligence may consist of requiring that the disposal company be certified by a recognized trade association to ensure the disposal company complies with the disposal rule requirements.

2. EMPLOYEE RELATIONS

2.1. Equal Employment Opportunity

2.1.1. Policy

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

Lyon County will:

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

2.1.2. Scope

This policy applies to all persons involved in the operation of Lyon County and prohibits harassment, discrimination, and retaliation by any employee, including supervisors and coworkers, customers or clients of Lyon County, and any vendor or other service provider with whom Lyon County has a business relationship. Lyon County will not tolerate instances of harassment, discrimination, or retaliation, whether or not such behavior meets the threshold of unlawful conduct. While single incidents of alleged harassment, discrimination, or retaliation may not be sufficiently severe or pervasive to

rise to the level of being a violation of the law, Lyon County nevertheless prohibits such conduct and may impose appropriate disciplinary action against any employee engaging in such.

2.1.3. *Equal Employment Opportunity Officer Designated*

The primary equal employment opportunity responsibilities rest with the Equal Employment Opportunity Officer. The Equal Employment Opportunity Officer also has the responsibility of the Americans with Disabilities Act (ADA) Coordinator. The Equal Employment Opportunity Officer shall be designated by the Board of County Commissioners. The name and telephone number of the individual designated will be posted on bulletin boards at Lyon County work sites.

2.2. *Anti-Harassment*

2.2.1. *Policy*

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

2.2.2. *Prohibited Conduct/Behavior(s)*

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

1. Offensive verbal communication including slurs, jokes, epithets, derogatory comments, degrading or suggestive words or comments, unwanted sexual advances, invitations, or sexually degrading or suggestive words or comments.
2. Offensive written communication including notes, letters, notices, emails, texts, or any other offensive message sent by electronic means.
3. Offensive gestures, expressions and graphics including leering, obscene hand or finger gestures, sexually explicit drawings, derogatory 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 Discrimination and/or Prohibited Conduct/Behavior(s)*

2.3.1. *Process*

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

2.3.2. *Employee Responsibilities*

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

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

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

2. If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the prohibited conduct/behavior(s) to cease, but the request did not produce the results desired, the employee should report the conduct/behavior(s) as soon as possible to any supervisor or manager, Lyon County's designated EEO Officer, or the HR Representative.
3. Employees who believe the EEO Officer has engaged in prohibited conduct/behavior(s) should bring such concerns to the attention of the alternate EEO Officer or to the County Manager. The County Manager will designate an objective person to conduct an investigation of such allegations. Employees may also report the conduct/behavior(s) to the Lyon County District Attorney's Office.
4. An employee who witnesses or obtains information regarding prohibited conduct/behavior(s) by his/her immediate supervisor is required to report the incident to the EEO Officer or HR Representative.
5. Applicants are encouraged to contact the designated EEO Officer or the alternate.

2.3.3. *Supervisor/Manager Responsibilities*

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

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

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

2.3.4. *Investigation*

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

Lyon County will make efforts to ensure that all investigations are kept as confidential as reasonably possible. Employees will be strongly advised to refrain from discussing the subject content with others, particularly while the investigation is in progress. Employees may be required to provide information to regulatory agencies and/or the employee's union representative or attorney. Lyon County will release information obtained only to those individuals involved in the investigation and the administration of the complaint with a business need-to-know, or as required by law.

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

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

If it is determined that a violation of this policy has occurred, Lyon County 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, transfer, demotion, suspension without pay, or termination. Lyon County will also initiate action to deter any future prohibited conduct/behavior(s) from occurring.

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

2.4. Training

Lyon County will provide training once a year to all employees on the prevention of discrimination and prohibited conduct/behavior(s) in the workplace. All new employees will be provided a copy of this policy upon hire and the contents will be discussed during the new hire orientation process. New employees will participate in training on the prevention of discrimination and prohibited conduct/behavior(s) within thirty (30) days of hire. A copy of this policy will be made available to applicants upon request.

2.5. Prohibition Against Retaliation

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

2.6. Employee Dating

2.6.1. Policy

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

2.6.2. Employee Responsibilities

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

2.6.3. Supervisor/Manager Responsibilities

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

2.7. Employee Bullying

2.7.1. Definition

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

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

2.7.2. Purpose

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

2.7.3. Prohibited Conduct

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

- a. *Verbal Bullying*: Slandering, ridiculing or maligning an employee or his/her family; persistent name calling which is hurtful, insulting, or humiliating; yelling, screaming, and cursing; chronic teasing; belittling opinions or constant criticism.
- b. *Physical Bullying*: Pushing, shoving, kicking, poking, tripping, *assault* or threat of physical assault, damage to an employee's work area or property.
- c. *Nonverbal Bullying*: Nonverbal threatening gestures or glances which convey threatening messages; threatening actions; socially or physically excluding or disregarding a person in a work-related activity.
- d. *Cyber Bullying*: Repeatedly tormenting, threatening, harassing, humiliating, embarrassing, or otherwise targeting an employee using email, instant messaging, text messaging, social media, or any other type of digital technology.
- e. *Workplace Interference*: Sabotaging which prevents work from getting done; deliberately tampering with a person's work area or property; unreasonably assigning menial tasks outside of a person's normal job duties.

2.7.4. Dealing with Allegations of Bullying

1. Process

Employees or applicants who believe they are being bullied by another (e.g. employee, customer, vendor, contractor, volunteer, etc.), as well as

those who believe they have witnessed another employee, client or member of the public being subjected to bullying behavior, have an affirmative duty to bring the situation to the attention of Lyon County.

2. Supervisor/Manager Responsibilities

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

3. Investigation

Upon being made aware of allegations or complaints of bullying, Lyon County will ensure that such allegations or complaints are evaluated and investigated where deemed necessary.

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

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

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

2.7.5. Prohibition Against Retaliation

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

2.8. Employment Disabilities

2.8.1. Purpose of Policy

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

2.8.2. Policy

It is Lyon County's policy to comply proactively with the applicable employment provisions of disability laws, including the Americans with Disabilities Act (ADA), as amended. Lyon County does not tolerate discrimination against any qualified individual with a disability in regard to

any terms, conditions, or privileges of employment and prohibits any type of harassment or discrimination based on the physical or mental disability, history of disability, or perceived disability of an individual holding or seeking employment with Lyon County.

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

2.8.3. *Determination of Disability*

In determining whether an employee or an applicant has a disability under the law, the employee/applicant must have a physical or mental impairment that substantially limits one or more life activities, have a record of such an impairment, or is regarded as having such an impairment. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

2.8.4. *Disability-Related Inquiries*

Lyon County shall adhere to the provisions of applicable laws regarding an employer's limitations on making disability-related inquiries or requiring medical examinations at each of the three stages of the employment process: pre-offer, post-offer/pre-employment, and employment.

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

Lyon County may require the employee to provide a fitness-for-duty certification consistent with the business necessity of Lyon County from a certified medical provider whenever Lyon County has reason to believe the employee may be unable to perform the essential functions of his/her job.

2.8.5. *Confidentiality of Medical Records*

Lyon County shall treat any medical information or genetic information obtained from a disability-related inquiry or medical exam, as well as any medical information voluntarily disclosed by an employee, as a confidential medical record. Confidential medical records also include medical information from voluntary health or wellness programs. Lyon County will share such information only with appropriate supervisors, managers, first aid and safety personnel, and officials investigating compliance claims on a need-to-know basis. Such information may be disclosed to appropriate Lyon County personnel or outside consultants and attorneys in relation to any

employment issue between the employee and the employer, if the medical records are relevant to any such dispute. Any medical information shall not be kept in or with the employee's personnel or "site" file. Such medical information shall be kept in a separate secure confidential medical file.

2.8.6. Accommodation

1. Accommodation for Applicants

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

2. Accommodation for Employees

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

2.8.7. Requirements of Other Laws

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

SB447 of the 2015 Nevada Legislature: employees of law enforcement are not subject to reasonable accommodation for the use of medical marijuana (NRS 453A). For the purposes of NRS 453A, Law Enforcement is defined as:

- Any attorney, investigator, special investigator, or employee who is acting in his/her professional or occupational capacity for the district attorney's office, or

- Any peace officer or employee who is acting in his/her professional or occupational capacity.

2.8.8. *Glossary of ADA-Related Terms*

1. An “**essential function**” is a fundamental job duty of the position held or desired. A function is essential if the job exists to perform that function, a limited number of other employees are available to perform the function, or the function requires special skill or expertise. Determinations as to essential functions must be made on a case-by-case basis and are normally determined based on such factors as:
 - a. The written job description prepared before advertising or interviewing applicants for the job;
 - b. In Lyon County’s judgment, the amount of time spent performing the function;
 - c. Input as to the actual work experience of past employees in the job or current employees in similar jobs; and
 - d. The nature of the work operation and the consequences of not having the function performed.

Marginal functions associated with any job should not be considered essential functions. Punctuality and regular work hours may not be an essential function of some jobs. For example, if the job functions can be performed without the presence of a supervisor, adhering to established work hours may not be an essential function. Therefore, reasonable accommodations to the contrary may be necessary.

2. A “**disability-related inquiry**” is a question (or series of questions) likely to elicit information about a disability. Generally, disability-related inquiries are not allowed during the hiring process. Examples of disability-related inquiries not permitted include:
 - a. 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;
 - b. Asking an employee/applicant a broad question about his/her impairments that is likely to elicit information about a disability;
 - c. Asking an employee/applicant whether s/he is currently taking any prescription drugs or medication; and
 - d. Asking about an employee’s/applicant’s genetic information.

Other examples of prohibited disability-related questions include, but are not limited to, asking about an employee’s/applicant’s prior workers’ compensation history, and asking an employee’s/applicant’s coworker, family member, doctor, or other person about the employee’s/applicant’s disability.

Questions that are not likely to elicit information about a disability are not prohibited under the ADA. These types of inquiries include asking employees/applicants about their general well-being, whether they can perform the essential job functions and whether they currently use illegal

drugs. Lyon County may also ask an employee, but not a job applicant, about non-disability-related impairments such as how s/he broke his/her arm.

3. A “medical examination” is a procedure or test usually given by a licensed 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:
 - a. Vision tests conducted and analyzed by an ophthalmologist or optometrist; blood, urine, and breath analyses to check for alcohol use;
 - b. Blood pressure screening and cholesterol testing; nerve conduction tests;
 - c. Range-of-motion tests that measure muscle strength and motor function;
 - d. Pulmonary function tests;
 - e. Psychological tests designed to identify a mental disorder or impairment; and
 - f. Diagnostic procedures such as x-rays, CAT scans, and MRI’s.

Procedures and tests that employers may require that are generally not considered medical examinations include:

- a. Blood and urine tests to determine the current illegal use of drugs;
 - b. Physical agility and physical fitness tests; and
 - c. Tests that evaluate an employee’s/applicant’s ability to read labels or distinguish objects as part of a demonstration of the ability to perform actual job functions.
4. Under the ADA, an “employee” is an individual employed by an employer. Generally, an individual is an employee if the employer controls the means and manner of his/her work performance. Where more than one entity controls the means and manner of how an individual’s work is done, the individual may be an employee of each entity.

2.9. Drug and Alcohol-Free Workplace

2.9.1. Policy

1. Lyon County is committed to:
 - a. Maintaining a safe and healthy workplace for all employees, volunteers and the public;
 - b. Assisting employees who recognize they have a problem with drugs or alcohol in receiving appropriate treatment;
 - c. Periodically providing employees and volunteers with information about the dangers of workplace drug and alcohol abuse; and

- d. When appropriate, taking disciplinary action for failure to comply with this policy.
2. Lyon County recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. This drug and alcohol free workplace policy applies to employees and volunteers;
3. Lyon County strictly prohibits the following:
 - a. The use, sale, attempted sale, manufacture, attempted manufacture, purchase, attempted purchase, possession or cultivation, distribution, and/or dispensing of illegal drugs by an employee, at any time and in any amount. This prohibition includes the use or possession of prescription medicines for which the individual does not have a valid prescription and the inappropriate use of prescribed medicines for which the employee has a valid prescription. The prohibition also includes using over-the-counter medications or consumer products not meant for human consumption contrary to instructions provided by the manufacturer.
 - b. In addition, Lyon County prohibits employees from:
 - Possessing open containers of alcoholic beverages while on Lyon County premises;
 - Working with a blood alcohol level of .02 or more at any time;
 - Driving a County vehicle on or off duty with a blood alcohol level of .02 or more or under the influence of an illegal drug regardless of the amount.
 - c. Lyon County permits consumption of alcoholic beverages during certain non-work related events on Lyon County property, e.g., the County Fair, certain community fund-raisers, and other community-sponsored activities. Employees may consume alcohol during such events without violating this policy provided that their participation in the event is not on Lyon County time and not a part of their duties as a Lyon County employee. Employees choosing to consume alcohol at these events must conduct themselves properly at all times and should ensure that they do not become impaired or intoxicated.
4. Reporting Requirements:
 - a. A supervisor who receives information or is a witness to any use of drugs or alcohol by an employee which violates Lyon County policies or the law, is required to report this information to his/her Department Head and Human Resources immediately. The information reported must include:
 - The persons(s) involved, including all witnesses;

- Any information gathered, such as actual observation of drug /alcohol use, the presence of paraphernalia, observation of any unusual physical signs or behaviors;
 - A written record of specific conversations held with the accused and any witnesses;
 - All pertinent facts, including date(s), time(s), and locations(s).
- b. An employee who witnesses or obtains information regarding illegal drug/alcohol use by his/her immediate supervisor is required to report the incident to that individual's supervisor.
5. Specimen collection and drug testing procedures and sample collection and alcohol testing procedures will comply with all applicable federal and state law provisions.
 6. A positive test result or a refusal to take a test following reasonable suspicion or refusal to take a random test for certain safety-sensitive positions for alcohol or drugs or other evidence of use of drugs or alcohol in violation of this policy will be grounds for disciplinary action, up to and including termination.
 7. Employees in safety- sensitive positions as defined in 49 CFR Part 382, et seq., are subject to the Federal Department of Transportation (DOT) (49 CFR Part 40) and the Federal Motor Carrier Safety Regulations (FMCSR), as prescribed by the Federal Motor Carrier Safety Administration (FMCSA) (49 CFR Parts 382, 383, 387, 390-397, and 399), as well as Lyon County's Drug and Alcohol-Free Workplace Policy.
 8. Lyon County receives funding through federal grants and is therefore subject to the Drug-Free Workplace Act of 1988. Marijuana (including medical marijuana), cocaine, opiates, amphetamines (including methamphetamines), phencyclidine (PCP), MDMA are considered illegal Schedule I or II drugs through the federal government. All employees must comply with the Drug-Free Workplace Act of 1988 and may not have any detectable level of Schedule I or II drugs in their system while at work. Failure to comply will result in disciplinary action, up to and including termination.
 9. As provided in NRS 453A, Lyon County is not required to provide reasonable accommodation for the medical use of marijuana for:
 - a. Attorneys, investigators, special investigators or other employees acting in his/her professional or occupational capacity within the District Attorney's Office, and
 - b. Law Enforcement Officers or other employees acting in his/her professional or occupational capacity in a law enforcement agency.

2.9.2. Employee Responsibilities

1. Each employee is responsible for reviewing and complying with Lyon County's Drug and Alcohol-Free Workplace policy.

2. Each employee is responsible for meeting standards for work performance and safe on-the-job conduct.
3. Employees shall not report to work under the influence of alcohol, illegal drugs, or misused prescription or over-the-counter drugs.
4. Employees who suspect they may have a substance abuse problem are encouraged to seek counseling and rehabilitation from Lyon County's Employee Assistance Program (EAP) Provider, a substance abuse professional or other treatment provider. Lyon County's medical insurance policy may pay some or all of the cost of the treatment.
5. It is the employee's responsibility and obligation to determine, by consulting a physician if necessary, whether or not a legal drug s/he is taking may, or will affect his/her ability to safely and effectively perform his/her job duties. An employee in a safety-sensitive position whose medication may affect their ability to safely perform their job must contact his/her supervisor or Human Resources who will attempt to find an appropriate alternative assignment. If none is available, the employee may take sick leave or be placed on a medical leave of absence (if available and the employee otherwise qualifies) or take other steps consistent with the advice of a licensed health care provider. If an employee reports to work under the influence of prescription medication and, as a result, endangers self or others, the employee will be disciplined, up to and including termination.
6. Each employee must immediately report the facts and circumstances of a conviction for violating any criminal drug or alcohol statute (including driving under the influence [DUI] convictions) to his/her supervisor who will then inform Human Resources. If duties involve driving a vehicle, the employee must report the DUI and/or revocation or suspension of the driver's license pending adjudication. Notification to Lyon County must occur before resuming work duties or immediately after the conviction or revocation/suspension. Failure to notify Lyon County will result in disciplinary action up to and including termination.
7. Employees in safety-sensitive positions, as defined in 49 CFR Part 382, et seq., are subject to the U.S. Department of Transportation's regulations, as well as Lyon County's drug and alcohol policy. Law enforcement employees and applicants for positions in the Sheriff's Department are also subject to Lyon County's drug and alcohol testing policy.
8. Employees in department safety-sensitive positions, identified by Lyon County, are subject to random drug and alcohol testing as provided in this policy and the Lyon County Department of Transportation (DOT) Drug and Alcohol Testing policy.
9. Employees must act as responsible representatives of Lyon County and as law-abiding citizens. It is every employee's responsibility to report violations of this policy to your immediate supervisor or to the Human Resources Director. Such reporting is critical in preventing serious injuries or damage to Lyon County's property.

10. Employees who are required to submit to a drug/alcohol test must sign the Pre-employment Drug Testing Acknowledgement and the Safety-Sensitive Employee Application Supplement form.

2.9.3. Department Head Responsibilities

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

1. Identifying department safety-sensitive positions.
2. Notifying employees in department safety-sensitive positions that they are subject to random drug and/or alcohol testing.
3. Authorizing and coordinating drug and/or alcohol testing.
4. Notifying employees of positive test results and their right to a retest of the same sample.
5. Implementing disciplinary action against employees who fail to comply with provisions outlined in this policy.

2.9.4. Supervisor Responsibilities

Supervisors are responsible for:

1. Determining if reasonable suspicion exists to warrant drug and/or alcohol testing and detailing in writing the specific facts, symptoms, or observations which are the basis for the reasonable suspicion.
2. Submitting the documentation to the department head or designee.
3. Comply with the appropriate provisions outlined in this policy which applies to supervisory personnel.

2.9.5. Lyon County Responsibilities

1. Providing communication and training for departments on this policy to include a training program to assist supervisors to recognize the conduct and behavior that gives rise to a reasonable suspicion of drug and/or alcohol use by employees and how to take appropriate corrective action.
2. Designating department safety-sensitive positions in consultation with the department head and ensuring that they comply with the Lyon County Department of Transportation (DOT) Drug and Alcohol Policy as prescribed by FTA and FMCSA (49 CFR Part 40, and 49 CFR Parts 382, 383, 387, 390-397, and 399).
3. Receiving and maintaining employee drug and alcohol testing records and files from all sources and assuring that they are kept confidential.
4. Making drug testing and notice forms available.
5. Notifying department heads of their employees randomly selected for drug and/or alcohol testing.
6. Notifying department heads of positive results of drug and alcohol tests.
7. Ensuring the administration of all pre-employment drug testing.
8. Issuing a request for proposal and administering the contract to provide drug and/or alcohol testing.

9. Overseeing the administration of Lyon County's Drug and Alcohol-Free Workplace policies that include the DOT Drug and Alcohol Testing Policy and the Comprehensive Safety Policy.
10. Notifying the District Attorney of an employee's conviction of a federal or state criminal drug or alcohol statute violation.
11. Ensuring that the drug and/or alcohol test forms and results are kept confidential, and only distributed to employees with a business need for the information

2.9.6. Employee Education

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

2.9.7. Employee Assistance and Voluntary Referral

1. Lyon County strongly encourages employees who suspect they have substance abuse problems to voluntarily refer themselves to a treatment program. A voluntary referral is defined as being one that occurs prior to any positive test for illegal drugs or alcohol under this policy or prior to any other violation of this policy, including a criminal conviction of that individual for a drug or alcohol related offense. A decision to participate in the Employee Assistance Program will not be a protection or defense from discipline.
2. Any employee who voluntarily requests assistance in dealing with a personal drug and/or alcohol problem may do so through a private treatment program for drug and alcohol problems. An employee who is being treated for substance abuse in a recognized rehabilitation program shall be entitled to reasonable accommodation so long as the employee is conforming to the requirements of the program and is abstaining from the use of controlled substances and/or alcohol.
3. The employee must agree to release treatment information to Lyon County to permit the monitoring of the employee's ongoing compliance with the treatment recommendation. Any related leave will be considered to be medical leave under the provisions of the Family and Medical Leave Act if the employee is eligible. Employees requiring in-patient treatment are requested to notify the Human Resources Director in advance of their treatment admission. After such accommodation, the discontinuation of any involvement with alcohol or drugs is an essential requisite for continued employment. Upon completion of a substance abuse program, employees must take and pass a return-to-work test, and sign a return-to-work agreement that will include a commitment to follow recommendations given by the treatment provider and other conditions as Lyon County deems appropriate.
4. The cost of the drug or alcohol rehabilitation or treatment program shall be borne by the employee and/or 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 normal business will be shared by Lyon County's management.

2.9.8. Reasonable Suspicion Testing

1. When any supervisor has a reasonable suspicion that an employee may be under the influence of alcohol or drugs, the employee in question will be asked by the department head or designee or Lyon County's Human Resources Director to submit to drug and/or alcohol testing.
2. Each supervisor shall be responsible to determine if reasonable suspicion exists to warrant drug and/or alcohol testing, and shall be required to document in writing the specific facts, symptoms, or observations which form the basis for such reasonable suspicion. When possible, the documentation will be forwarded to the department head or designee to authorize the drug and/or alcohol test of an employee.
3. The department head or designee or Lyon County's Human Resources Director shall require an employee to undergo drug and/or alcohol testing if there is reasonable suspicion that the employee is in violation of this policy.
4. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
 - a. Information provided either by reliable and credible sources or independently corroborated.
 - b. The first line supervisor or another supervisor/manager receives information from a reliable and credible source as determined by the department head that an employee is violating Lyon County's policy.
 - c. Direct observation of drug or alcohol use.
 - d. The first line supervisor or another supervisor/manager directly observes an employee using drugs or alcohol while an employee is on duty. Under these circumstances, a request for testing is mandatory.
 - e. Drug or alcohol paraphernalia possibly used in connection with illicit drugs or alcohol found on the employee's person or at or near the employee's work area may trigger a request for testing.
 - f. Evidence that the employee has tampered with a previous drug and/or alcohol test.
5. The following behaviors will also contribute toward reasonable suspicion and collectively or independently, on a case-by-case basis, may provide a sufficient basis for requesting a drug and/or alcohol test:
 - a. A pattern of abnormal or erratic behavior.

This includes, but is not limited to a single, unexplainable incident of serious abnormal behavior or a pattern of behavior which is radically different from what is normally displayed by the employee or grossly differing from acceptable behavior in the workplace.
 - b. Presence of physical symptoms of drug and/or alcohol use.

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

c. Violent or threatening behavior.

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

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

d. Absenteeism and/or tardiness.

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

If the test is positive, the specimen will undergo a confirmation using a more accurate test. The U.S. Department of Transportation's regulations for confirmation testing will be followed.

An employee who is required to submit to reasonable suspicion testing will be provided transportation by Lyon County to the location of the test. After the employee submits to the test, or if the employee refuses to be tested, Lyon County will provide transportation for the employee to his/her home.

2.9.9. Post-Accident Testing

1. Each employee involved in an accident will be tested for drugs and/or alcohol as soon as possible after the accident, but after any necessary emergency medical attention has been provided. Accidents that trigger testing are those that result in:
 - a. Death;
 - b. Medical treatment other than first-aid;
 - c. Loss of consciousness; or
 - d. Property damage – any accident in which there is property damage valued at or in excess of five hundred dollars (\$500.00).

An employee who is required to submit to post-accident testing will be immediately provided transportation by Lyon County to the location of the test. The employee will be advised to refrain from eating or drinking before being tested. After the employee submits to the test or if the

employee refuses to be tested, Lyon County will provide transportation for the employee to his/her home.

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

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

2.9.10. Department Safety-Sensitive Positions

1. Lyon County shall conduct pre-employment testing for drugs and random testing for drugs and alcohol for positions identified as department safety-sensitive by Lyon County. All employees in safety sensitive positions will be required to adhere to the Lyon County DOT Drug and Alcohol Testing Policy. Drug and alcohol testing of applicants and employees in department safety-sensitive positions is mandatory and successfully passing these tests is a condition of either future or continued employment. Employees testing positive for legal prescription drugs will be given the opportunity to discuss such drug use in confidence with a medical review officer, who will verify the prescription. Information provided to the medical review officer will be kept confidential except in limited circumstances in which the medical review officer determines Lyon County should obtain a doctor's statement from the employee regarding any work-related restrictions associated with the medication use.
2. Department safety-sensitive positions means employment positions which may, in the normal course of business:
 - a. Require the employee to operate Lyon County's vehicles or heavy equipment.
 - b. Involves job duties which, if performed with inattentiveness, errors in judgment, or diminished coordination, dexterity, or composure, may result in mistakes that could present a real and/or imminent

threat to the personal health and safety of the employee, coworker, and/or the public.

3. Lyon County shall maintain a list entitled “List of Positions Designated as Department Safety-Sensitive.”

2.9.11. Pre-Employment Testing

All applicants being considered for employment in non-DOT department safety-sensitive positions will be required to submit to a urinalysis test for the detection of illegal drugs as part of a post-offer, pre-employment drug test. All such offers of employment are conditioned upon the ability to pass this drug test. Applicants for DOT Safety-Sensitive positions which require testing will be given a copy of the Lyon County DOT Drug and Alcohol Testing Policy and must complete Lyon County’s Employee Acknowledgement, Authorization for Release of Information from Previous Employer, Pre-Employment Drug Testing Acknowledgement, and the Safety-Sensitive Employee Application Supplement forms in advance of the post-offer, pre-employment drug test.

An applicant refusing to complete any part of the drug testing will not be considered a valid candidate for employment with Lyon County and such refusal will be considered a withdrawal of the individual’s application for employment. An applicant who refuses to test or tests positive will not be permitted to reapply for employment with Lyon County for at least twelve (12) months. When an applicant applies for a position that has been identified as being a department safety-sensitive position, the applicant will be subject to drug testing in accordance with the procedures contained in this policy or the DOT Drug and Alcohol Testing Policy before the applicant will be considered a valid candidate for that job opening.

An applicant who tests positive for illegal drugs will no longer be considered an applicant for that position. An applicant may withdraw the application for the position up until the applicant is scheduled for pre-employment testing. Once an applicant is scheduled for pre-employment testing, if that applicant refuses to submit to the test, s/he will be disqualified for consideration for the position and subject to discipline, up to and including termination. Under no circumstances will this applicant be considered as a candidate for any future openings in a department safety-sensitive position until the applicant has signed a release for drug testing at the time of submitting the application for the position in connection with the job posting.

2.9.12. Random Testing

1. All employees in positions identified as department safety-sensitive by Lyon County shall be subject to random drug and alcohol testing.
2. Lyon County will drug test, at a minimum, 25% of the average number of employee positions designated as department safety-sensitive each calendar year. Lyon County will alcohol test, at a minimum, 10% of the average number of employee positions designated as department safety-sensitive each calendar year. The selection of employees for random testing shall be on a non-discriminatory basis and made from a

computer-based random number generator that is matched with the employee's social security number. Random testing will be unannounced and the dates for administering the tests will be spread reasonably throughout the year. Random drug testing will be performed at any time while the employee is at work. Random alcohol testing will be performed just before, during, or just after the employee performs safety-sensitive functions.

3. An employee selected for random testing shall proceed immediately to the test site. An employee who engages in conduct which does not lead to testing as soon as possible after notification may be considered to have refused to be tested.
4. Employees selected for a random test but absent due to vacation, sick leave, other leave, or on urgent Lyon County business approved by their department head will not be notified to take the random test until the first day they return to work after random selection. Random selection means that some employees may be tested more than once each year; some may not be tested at all.

2.9.13. Return-to-Duty Testing/Follow-up Testing

1. An employee who violated this policy and has been given the opportunity to undergo rehabilitation for drugs or alcohol will, as a condition of returning to duty, will be required to undergo follow-up testing established by Lyon County's Human Resources Director. The extent and duration of the follow-up testing will depend upon the safety and security nature of the employee's position and nature and extent of the employee's substance abuse problem. Lyon County's Human Resources Director 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. Lyon County's Human Resources Director may consult with the employee's rehabilitation program in determining an appropriate follow-up testing program, including the frequency of any substance screening contained in a follow-up testing program.
2. Any employee subject to return-to-duty testing that has a confirmed positive drug or alcohol test will be in violation of this policy and subject to termination.

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

1. An employee who refuses to submit to testing for alcohol and/or drugs will be treated as a refusal to submit to a drug or alcohol test. Such refusal shall be treated as a positive test and will result in disciplinary action, up to and including termination.
2. Submission of an altered or adulterated specimen, or substitution of a specimen by a specimen donor will be considered a refusal to comply with this policy and subject the employee to disciplinary action, up to and including termination.

2.9.15. Testing Guidelines

1. Lyon County will test for the following types of substances:

- Marijuana (THC)
 - Cocaine, including crack
 - Opiates, including heroin, codeine, and morphine
 - Amphetamines, including methamphetamines
 - Phencyclidine (PCP)
 - Alcohol
2. Lyon County will follow federal testing procedures set forth in 49 CFR Part 40, which are the rules adopted by the Department of Transportation (DOT) for testing employees in the transportation industry. In addition to testing for the above substances, DOT positions are subject to testing for the following substances:
- 6-Acetylmorphine
 - MDMA (Ecstasy)
3. A management representative will provide transportation and accompany the County employee to a designated medical facility whenever a post-accident or reasonable suspicion alcohol and drug test is required per Lyon County's policy. Lyon County will bear the cost of all testing it requires of any employee or job applicant.

2.9.16. Option to Retest

1. No later than seventy-two (72) hours after receipt of a positive drug test, an employee who tests positive may request a confirmatory retest of the same sample at his/her expense at a certified laboratory of his/her choice.
2. Upon request, the medical review officer will authorize the laboratory holding the employee's sample to release to a laboratory approved by the Department of Health and Human Services a sufficient quantity of the sample to allow a second laboratory to conduct a drug testing analysis.
3. The employee will be required to authorize the laboratory to provide Lyon County with a copy of its test results. The accuracy of the test results will be verified by the laboratory conducting the analysis.

2.9.17. Requirement for Drug Retest

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

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

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

2.9.18. Searches

1. If Lyon County suspects that an employee or on-site contractor is in possession of illegal drugs, alcohol, or contraband in violation of this policy, Lyon County may search employer vehicles, lockers, desks, and work areas. By entering into or being present at a job site, while on Lyon County time, or representing Lyon County in any way, an individual is deemed to have consented to such searches. If an individual is asked to submit to a search and refuses, that individual will be considered insubordinate and will be escorted off the job site and disciplined, as appropriate. Lyon County may take whatever legal means are necessary, consistent with this policy to determine whether alcohol or illegal drugs are located or being used on Lyon County property. Lyon County may call upon law enforcement authorities to conduct an investigation if deemed necessary.
2. Searches will be conducted by management personnel and may or may not be conducted in the presence of the person whose property or work area is 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 Lyon County representative conducting the search.
3. Nothing in this policy shall be construed to restrict the right of Lyon County to effectuate, to the fullest extent permitted by law, any other type of work-related search or seizure not expressly referenced above. Additionally, nothing in this policy shall be construed to restrict the right of any duly-authorized Lyon County law enforcement personnel to effectuate any lawful search or seizure in the course of their duties.

2.9.19. Disciplinary Action

1. Employees in violation of the provisions of this policy will be subject to disciplinary action, up to and including termination.
2. An employee may be found to have violated this policy on the basis of any appropriate evidence including, but not limited to:
 - a. Direct observation of illegal use of drugs, prohibited use of alcohol, or possession of illegal drugs or alcohol or related contraband;
 - b. Evidence obtained from a motor vehicle citation or a criminal conviction for use or possession of illegal drugs, or for alcohol on the job;
 - c. A verified positive test result; or
 - d. An employee's voluntary admission.
3. Prior to determining its course of action, Lyon County may, but is not required to, 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 Lyon County'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 requirement, to complete it successfully, and/or to complete any continuing care program shall be grounds for immediate termination from employment. Employees are limited to substance abuse treatment one time only under this policy.
5. When an employee is required to undergo treatment under the 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 Lyon County;
 - b. Submission to return-to-duty testing as required under this policy and continuing follow-up testing as provided in the Return-to-Duty Testing/Follow-up Testing section; and
 - c. Any other reasonable condition that Lyon County deems necessary to maintain a safe and healthy workplace for all employees.
 - d. 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 or testing 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. Disciplinary action under this policy is not stayed or postponed for any referral for treatment or counseling under this policy.
7. Any disciplinary action imposed as a result of the violation of this policy or appeal thereof will be in accordance with the applicable Lyon County policy or, if the employee is covered by the terms of a collective bargaining agreement, in accordance with the disciplinary and grievance procedures in the applicable agreement.

2.9.20. Confidentiality

Positive test results may only be disclosed to: the applicant or employee; the appropriate medical and substance abuse treatment providers; Lyon County's attorney; Lyon County representatives necessary to respond to an alleged violation of this policy; supervisory chain of command; and a court of law or administrative tribunal.

2.10. Prohibition of Workplace Violence

2.10.1. Purpose

To provide for the safety and security of all employees, customers, visitors, and property.

2.10.2. Scope

This policy applies to all employees, including regular, temporary, casual, provisional, and elected officials, as well as contract and temporary workers, and anyone else on Lyon County's property.

2.10.3. Policy

1. Lyon County will not tolerate workplace violence. Acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect Lyon County or which occur on Lyon County property or during the course of Lyon County's business will not be tolerated.

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 Lyon County's premises, regardless of the relationship between Lyon County and the parties involved in the incident.
- b. All threats or acts of violence occurring off Lyon County's premises involving someone who is acting in the capacity of a representative of Lyon County.
- c. All threats or acts of violence occurring off Lyon County's premises involving an employee of Lyon County if the threats or acts affect the legitimate interests of Lyon County.
- d. Any acts or threats resulting in the conviction of an employee or agent of Lyon County, or of an individual performing services, for Lyon County on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate interests and goals of Lyon County.

Actions of law enforcement personnel which are necessary in the performance of their duties and are consistent with policies or sound law enforcement procedures shall not be considered to violate this policy. In addition, actions necessary for bona fide self-defense or protection of Lyon County property shall not be considered to violate this policy.

2. Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:
 - a. Hitting or shoving an individual.
 - b. Threatening an individual or his/her family, friends, associates, or property with harm.

- c. The intentional destruction or threat of destruction of Lyon County property.
 - 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, explosives, or hazardous biological or chemical substances while on Lyon County business.
3. Lyon County desires to detect and deter real or threatened violence. Every employee is required to report immediately any acts of violence or threat of violence against any coworker, supervisor, manager, elected official, visitor, or other individual. Every other person on Lyon County property is encouraged to report incidents of threats or acts of violence of which s/he is aware. These reports should be made to the Human Resources Director, an employee's immediate supervisor or department head, or any other supervisory or management employee. Supervisory and managerial personnel who witness or become aware of any acts or threats of violence must notify their superior immediately. 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 Lyon County's policies or in state, federal, or other applicable law.

2.10.4. Violations

Violations of this policy by any individual on Lyon County property, by any individual acting as a representative of Lyon County while off Lyon County property, or by any individual acting off Lyon County property when his/her actions affect Lyon County's interests may lead to disciplinary action, up to and including termination and/or legal action as appropriate. Lyon County may also take appropriate disciplinary action against any employee who intentionally makes a false or malicious statement about other employees.

2.10.5. Temporary Restraining Orders

- 1. Lyon County may apply for an order for protection against harassment in the workplace under the terms of NRS 33.200 – 33.360 when it has reason to believe that:
 - a. A person knowingly threatens to cause or commits an act that causes:
 - Bodily injury to him/herself or to another person;
 - Damage to the property of another person; or
 - Substantial harm to the physical or mental health or safety of a person.
 - b. The threat is made or an act committed against Lyon County, any employee of Lyon County while performing employment duties, or against a person present at a Lyon County workplace; and
 - c. The threat would cause a reasonable person to fear that the threat will be carried out, or the act would cause a reasonable person to feel terrorized, frightened, intimidated, or harassed.

2. Such order of protection against harassment in the workplace may:
 - a. Enjoin the alleged harasser from contacting Lyon County, an employee of Lyon County while performing his/her duties, and any person while the person is present at Lyon County's workplace;
 - b. Order the alleged harasser to stay away from the workplace; and
 - c. Order such other relief as the court deems necessary to protect Lyon County, the workplace of Lyon County, Lyon County employees while performing their employment duties, and any other persons who are present at the workplace.

2.11. *Employment of Relatives*

Pursuant to the provisions of NRS 281.210, no officer or appointing authority of Lyon County may employ in any capacity on behalf of Lyon County any relative of such a person who is within the third degree of consanguinity or affinity. (Appendix A is a chart that defines the degree of consanguinity and 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. For purposes of this paragraph, supervision includes second or higher levels of supervision.

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

2.12. *Code of Ethical Standards*

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

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

- All elected officials and employees will conduct themselves with honesty and integrity in the course of performing their duties and responsibilities.
- They will act with care and diligence in the course of their employment.
- They will treat everyone, including coworkers, subordinates, supervisors, customers and the public, with the utmost respect and courtesy.
- They will comply with all applicable federal, state, and local laws.
- They will comply with any lawful and reasonable direction given by someone in the employee's agency who has authority to give the direction.
- They will maintain appropriate confidentiality.
- They will disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with their employment.

- They will use employer resources in a proper manner.
- They will not provide false or misleading information in response to a request for information that is made for official purposes in connection with their employment.
- They will, at all times, act in a way that upholds the values and the integrity and good reputation of Lyon County.
- They will comply with any other conduct requirement that is prescribed by Lyon County.

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

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

agency, except the board or commission of which s/he is a member, if s/he has not taken part in developing the contract plans or specifications and s/he will not be personally involved in opening, considering, or accepting offers.

- b. A public officer or employee, other than an officer or employee described in a. above, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, s/he has not taken part in developing the contract plans or specifications, and s/he will not be personally involved in opening, considering, or accepting offers.

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

2.13. Political Activity

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

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

2.13.1. Running for or Holding Political Office

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

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

If there is a conflict with, or the activities hinder the performance of the duties with Lyon County, the employee will comply with one of the following: (final approval is at Lyon County'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 paid or unpaid leave time approved will be ninety days or three (3) months. Lyon County’s leave policies addressing continuation of health insurance, retirement benefits, accrual of additional leave time, and job and seniority status will be applied in this situation.

2.14. Solicitation Prohibited

2.14.1. Employee Activities

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

2.14.2. Non-Employee Activities

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

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

2.15. Work Stoppage Prohibited

No employee will instigate, promote, encourage, sponsor, or engage in any strike, picketing, slowdown, concerted work stoppage, or any other intentional interruption of work.

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

2.16. Use of Lyon County Property and Premises

Employees will use Lyon County’s property and equipment including, but not limited to, monies and funds, telephones, vehicles, tools, equipment, and facilities only for work purposes as directed by management. When using Lyon County property and equipment, employees are expected to exercise care, perform required maintenance, and follow all operating instructions as well as safety standards and guidelines. Employees will not misuse, destroy, or otherwise use in an improper or unsafe manner any property of Lyon County. Employees cited by law enforcement for

minor or major vehicle/traffic violations must complete the Accident/Incident report located in each vehicle and report to their supervisor.

Employees will not use in an unauthorized manner, make unauthorized copies, or have or allow unauthorized possession of Lyon County keys. Employees are prohibited from transporting family members in Lyon County's vehicles unless specifically authorized to do so by their supervisor.

Lyon County may authorize the examination of lockers, desks, vehicles, and all other property and spaces owned or controlled by Lyon County to check for the presence of any unauthorized material including, but not limited to, alcohol and illegal drugs. Notice to employees for search of Lyon County-owned property or spaces are not required and a search may be conducted either in or outside the employee's presence.

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

2.17. Phone Policy

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

2.17.1. Personal Phone Calls

1. Personal phone calls, whether via your private cell phone or Lyon County's telephone equipment, are restricted to authorized break periods, except under obvious emergency situations. Excessive personal calls can result in lost productivity and distract coworkers. Lyon County issued cell phones are to be used only for official business reasons.
2. If an emergency situation arises and Lyon County issued cell phone must be used for a personal call and the employee is not able to obtain prior authorization from a supervisor, the employee is required to notify the supervisor as soon as is practicable. The employee is required to furnish the reason for the call and, if requested, the number called. Violation of this policy may result in the employee being responsible for reimbursing any costs incurred.
3. Employees are expected to protect Lyon County issued cellular equipment from loss, damage or theft.

2.17.2. Cell Phone Use in Vehicles

1. Employees on duty and/or conducting official business at any time while operating motor vehicles are prohibited from using cell phones while the vehicle is in motion. This includes dialing, answering, and checking messages. Employees are neither required nor expected to use a cell phone while the vehicle is in motion.
2. Employees shall pull off the road and safely stop before placing or accepting calls or checking messages.
3. This policy does not include passenger use of cell phones.
4. This prohibition is in effect regardless if the cell phone is issued by Lyon County or is privately owned by the employee.
5. An exception to this rule is the legitimate use of cell phones by specific departments and for specific reasons as established by each department.

For example: the police, fire, ambulance, and EMT departments may operate vehicles while using cell phones only in direct response to emergency calls, but must always keep safety a paramount concern.

2.17.3. *Phone Use in Business Meetings*

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

2.17.4. *Additional Cell Phone Functions & Services*

In addition to telephone service, many cell phones or cellular providers offer various functions and/or services, including text messaging and digital photography. Employees are strictly prohibited from using any of these or similar features not directly related to work while at work.

2.18. *Information Technology*

2.18.1. *Policy*

Lyon County requires employees to use information technology (computer systems, telecommunication and other devices, and electronic information) responsibly.

2.18.2. *Privacy*

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

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

2.18.3. *Use*

1. The computers, associated hardware and software, including electronic mail (email or instant messaging "IM") and access to on-line services (the Internet), as well as voice mail, pagers, phones, and faxes, are Lyon County's property and, as such, are to be used for business purposes. Very limited or incidental use for personal, non-business purposes is acceptable as long as it is:
 - a. Conducted on personal time (i.e., during breaks or meal periods);

- b. Does not consume system resources or storage capacity; or
 - c. Does not involve any prohibited uses and is not visible to the public.
2. Employees loading, importing, or downloading files from sources outside Lyon County's system, including files from the Internet and any computer disk, must ensure the files and disks are scanned with Lyon County'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, 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.
 4. Use of Lyon County's computer systems and telecommunication and other devices or the employee's use of personally-owned electronic devices to gain access to Lyon County's files or other work-related materials maintained by Lyon County constitutes acceptance of this policy and its requirements.

2.18.4. Prohibited Use

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

1. Sending, receiving, or storing messages that a "reasonable person" would consider to be offensive, disruptive, harassing, threatening, derogatory, defamatory, pornographic, indicative of illegal or prohibited activity, or any that contain belittling comments, slurs, or images based on race, color, gender, sexual orientation, national origin, ancestry, veteran status, domestic partnership, genetic information, gender identity or expression, religion, age, pregnancy, political affiliation, disability, or membership in the Nevada National Guard.
2. Subscriptions to newsletters, advertising, "clubs," or other periodic email which is not necessary for the performance of the employee.
3. Sending, receiving, or storing union-related solicitations.
4. Engaging in political activities.
5. Engaging in religious activities.
6. Conducting, in any manner, outside employment.
7. Engaging in illegal, fraudulent, or malicious conduct.
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, without explicit authorization, another person's password or account number.
11. Improperly accessing, reading, copying, misappropriating, altering, misusing, or destroying the information/files of other users.
12. Loading unauthorized software or software not purchased or licensed by Lyon County.
13. Breaching or attempting to breach any security systems or other malicious tampering of any of Lyon County's electronic systems including, but not limited to, introduction of viruses.
14. Using Lyon County's information technology in other than a very limited or incidental way for personal, non-business purposes.
15. Writing or participating in blogs that injure, disparage, and/or defame Lyon County, members of the public, and/or its employees' reputations by name or implication.

2.18.5. Violation of Policy

Improper or prohibited use of Lyon County's property, systems, or services will result in discipline, up to and including termination.

2.19. Social Media/Networking

Lyon County respects the right of employees to write blogs and use social networking sites and does not want to discourage employees from self-publishing and self-expression, and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes. Employees are expected to follow the guidelines and policies set forth to provide a clear line between the person as an individual and as employee. This policy is not intended to infringe on employee rights to engage in protected concerted activity under Section 7 of the National Labor Relations Act or other applicable country/regional legislation covering such areas.

2.19.1. Definitions

Social Networking – refers to participation in social media sites that allow users to interact with each other. Examples of social media include, but are not limited to:

- Message boards - an online discussion site where people can hold conversations in the form of posted messages.
- Blogs - (a blend of the term web log) is a type of website or part of a website. Blogs are usually maintained by an individual with regular entries of commentary, descriptions of events, or other material such as graphics or video. Entries are commonly displayed in reverse-chronological order.
- Podcasts - (or non-streamed webcast) is a series of digital media files (either audio or video) that are released episodically and often downloaded through web syndication. The word usurped webcast in common vernacular, due to rising popularity of the iPod and the innovation of web feeds.

- Photo and video sharing sites (i.e. Flickr.com and YouTube.com)
- Social networks refers to building and maintaining online business and social connections through sites such as LinkedIn, Twitter, Facebook and YouTube.
- Blogging is a personal chronological log of thoughts published on a web page/weblog.

2.19.2. Standards

1. Employer Monitoring

- a. Employees are cautioned that they should have no expectation of privacy while using the Internet. An individual’s postings can be reviewed by anyone, including Lyon County, and employees need to remember that once posted, the content is in the public domain and control can be lost by the individual. Lyon County reserves the right to monitor comments or discussions about the County, its employees, clients and the industry, including products and competitors, posted on the Internet by anyone, including employees and non-employees.
- b. Employees are cautioned that they should have no expectation of privacy while using County equipment or facilities for any purpose, including authorized blogging.
- c. Lyon County reserves the right to use content management tools to monitor, review or block content on County blogs that violate County blogging rules and guidelines.

2. Reporting Violations

Lyon County requests and strongly urges employees to report any violations or possible or perceived violations to supervisors, managers or Human Resources. Violations include any discussion of confidential or proprietary information; discriminatory statements or sexual innuendo regarding co-workers, management, customers or vendors; defamatory statements regarding the County, its employees, customers or vendors; or any unlawful activity related to blogging or social networking. This policy applies to postings or blogging occurring at any time, on any computer or other device.

3. Discipline for Violations

Lyon County investigates and responds to all reports of violations of the social media policy and other related policies. Violation of the County’s social media policy will result in disciplinary action up to and including termination, where legally possible. Discipline or termination will be determined based on the nature and factors of any blog or social media post. Lyon County reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

4. Authorized Social Networking

The goal of authorized social networking and blogging is to become a part of the public conversation and promote web-based sharing of ideas and exchange of information. Authorized social networking and blogging is used to convey information about County services, promote and raise awareness of the Lyon County brand, attract new businesses to our communities, communicate with employees and customers to brainstorm, issue or respond to breaking news or publicity, and discuss business-related topics, activities and events.

When social networking, blogging or using other forms of web-based forums, Lyon County must ensure that use of these communications maintains our brand identity, integrity and reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

5. Only authorized employees can prepare and modify content for any Lyon County blogs and/or social networking sites. Content must be relevant, add value and meet at least one of the specified goals or purposes developed by Lyon County. If uncertain about any information, material or conversation, discuss the content with management.

- All employees must identify themselves as employees of Lyon County when posting comments or responses on a Lyon County blog or social networking site.
- Any copyrighted information where written reprint information has not been obtained in advance cannot be posted on Lyon County's social media sites.
- Business units and departments are responsible for ensuring all blogging and social networking information complies with Lyon County's written policies. Department Heads are authorized to remove any content that does not meet the rules and guidelines of this policy or that may be illegal or offensive. Removal of such content will be done without permission of the blogger or advance warning.
- Lyon County expects all guest bloggers to abide by all rules and guidelines of this policy. The County reserves the right to remove, without advance notice or permission, all guest bloggers' content considered inaccurate or offensive. Lyon County also reserves the right to take legal action against guests who engage in prohibited or unlawful conduct.

6. Personal Expression

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

The following is a representation of guidelines for individual expression and may subject the employee to disciplinary action up to and including termination:

- Employees cannot use County emails or County time to conduct personal blogging or personal social networking activities.
- Employees cannot use blogs or social networking sites to harass, threaten, discriminate or disparage against employees or anyone associated with or doing business with Lyon County.
- If an employee chooses to identify as a Lyon County employee, some readers may view the employee as a spokesperson for Lyon County. Because of this possibility, employees must state that their views expressed within their blog or social networking area are their own and not those of the County, nor of any person or organization affiliated or doing business with Lyon County. This includes recommendations or references for co-workers or past employees.
- Employees cannot post on personal blogs or other sites the name, trademark or logo of Lyon County or any business with a connection to Lyon County. Employees cannot post County-related documents or information including privileged information, confidential matters, proprietary or copyrighted information, or County-issued documents intended for internal distribution.
- Employees cannot post on personal blogs or social networking sites photographs of other employees, clients, vendors or suppliers, nor can employees post photographs of persons engaged in County business or at County events without prior consent.
- Employees cannot post on personal blogs and social networking sites any advertisements or photographs of County products, nor sell or endorse County products and services.
- Employees cannot link from a personal blog or social networking site to Lyon County's internal web site.

If contacted by the media or press about their post that relates to Lyon County business, employees are required to speak with their manager before responding.

2.20. Smoking, E-cigarettes and Tobacco Use

Lyon County is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. As required by NRS 202.2483 Nevada Clean Indoor Act and also motivated by Lyon County's desire to provide a

healthy work environment for all employees, smoking, e-cigarettes and the use of tobacco products is prohibited within any building owned, leased, contracted for and utilized by Lyon County. This prohibition extends to anywhere within work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies, and reception areas. Lyon County may designate an outdoor smoking area for its employees. Lyon County shall not allow the use of tobacco products during staff and training meetings. Further, Lyon County bans smoking (tobacco and e-cigarettes) and the use of tobacco products in all vehicles it owns or uses.

2.21. *Outside Employment*

2.21.1. *Policy*

In order to maintain a work force that is fit and available to provide proper services and carry out functions of Lyon County, employees are prohibited from engaging in outside employment which conflicts with the employee's employment.

2.21.2. *Conflicting Employment*

Outside employment is considered to conflict with Lyon County employment if it:

1. Interferes with the employee's ability to perform his/her assigned job.
2. Prevents the employee's availability for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job.
3. Is conducted during the employee's work hours.
4. Requires the services of other employees during their normally scheduled work hours.
5. Utilizes Lyon County's telephones, computers, supplies, or any other resources, facilities, or equipment.
6. Is represented as an activity of Lyon County or an activity endorsed / recommended by Lyon County.
7. Takes advantage of the employee's employment with Lyon County, except to the extent that the work with Lyon County may demonstrate expertise or qualification to perform the outside work.
8. Requires the employee to schedule vacation time at specific times that could disrupt the operation of Lyon County.
9. Is employment with a firm that has contracts or does business with Lyon County? Exceptions to this policy have been identified in Section 2.12., items 10.a. and b., Code of Ethical Standards.

2.21.3. *Procedure*

1. Each employee will determine whether the proposed outside employment may conflict with his/her employment with Lyon County.
2. When outside employment may be reasonably perceived to be in conflict with his/her employment, or if the employee is unsure about a perceived conflict, the employee must notify his/her supervisor or department head of the outside employment.

3. The supervisor or department head will review the outside employment and determine if there is a conflict with the current employment. The supervisor or department head may request information including the name of the outside employer, the hours of work, the job site, and the duties performed.
4. The supervisor or department head will inform the employee that the outside employment is not allowed if there is a conflict with the employee's employment.
5. The supervisor or department head will advise Lyon County Manager of instances of outside employment conflict and/or perceived conflict.
6. The employee must terminate the outside employment if s/he wishes to remain an employee of Lyon County.
7. Employees who engage in outside employment which is prohibited by this policy are subject to discipline, up to and including termination.
8. Provisions of policies and procedures of the Sheriff's Department may provide additional restrictions or conditions for approval of outside employment and will remain in effect as they are currently written or as they may be modified.

2.22. Personal Appearance

2.22.1. Policy

1. Each employee is expected to dress and groom appropriately for the job, presenting a clean, safe, and neat appearance. An employee unsure about whether attire or grooming is appropriate should consult with his/her supervisor or manager.
2. Employees working in office areas should dress professionally. Appropriate attire includes, but is not limited to, slacks, khakis, capri or crop pants (if they portray a business appearance), knit blouses or tops, dress shirts, polo and cotton shirts, skirts and dresses, turtlenecks, sweaters, loafers, and sandals. Blue jeans, T-shirts, sweat suits, and leggings are not appropriate office dress. Individual Department Managers may allow exceptions to these guidelines.
3. For those employees who do not have direct contact with the public, dress should still be neat and clean and pose no safety hazard to themselves or others.
4. On approved casual days, employees may dress in casual clothing, including blue jeans and T-shirts, although dress standards still require a neat, clean appearance.
5. Field employees are required to wear the assigned work uniform provided by Lyon County. If a work uniform has not been assigned, employees may wear jeans and T-shirts as well as shorts that are no more than 3 inches above the knee. Any employee who performs any work assignments in the field must wear closed-toe shoes. Long hair must be tied back to ensure the employee's personal safety. Loose clothing or dangling jewelry that poses a safety hazard to employees also is prohibited.

6. Under no circumstances may employees wear halter tops, strapless tops, spaghetti straps, tank tops, cropped tops, clothing with offensive wording (sexually-related references or inappropriate language) or that promotes the use of illegal drugs, clothing that shows undergarments (sheer), torn clothing, clothing with holes in it, or tight-fitting, revealing, or oversized clothing. All clothing must be clean, neat, and fit properly. Safe, neat, and clean shoes should be worn at all times.
7. For all employees, professional appearance means that Lyon County expects employees to maintain good hygiene and grooming while working. Facial hair is permitted as long as it is neat and well-trimmed. Earrings are acceptable; however, no excessive number of earrings may be worn on each ear while working. Rings through the nose, eyebrow, tongue, or body parts other than the ear lobe that are visible to the public may not be worn while working. All tattoos must be small in size or covered at all times and may not be offensive in nature (sexually-related references, inappropriate wording, and the promotion of illegal drugs is prohibited). Employees are expected to be conservative in the wearing of makeup, scented products, and hairstyles.
8. If an employee requires a reasonable accommodation regarding his/her dress for bona fide health and/or religious reasons, s/he should contact his/her supervisor or manager to discuss an exception to the personal appearance guidelines. Unless it would constitute an undue hardship or safety hazard, Lyon County will accommodate such requests.

2.22.2. Enforcement

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

2.23. Children, Animals, and Visitors in the Workplace

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

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

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

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

2.24. *Employee Identification Badges*

2.24.1. *General Policy*

It is the intent of Lyon County to provide a safe environment free of crime and disorder. Lyon County is committed to: eliminating the perception and associated reality concerning non-affiliates accessing personal workspaces and living areas; increasing accountability of staff moving about Lyon County; giving the staff and citizens a greater impetus to call attention to suspicious persons; and encouraging members of our communities to verify non-affiliates before allowing them access to personal space.

1. Each employee will be provided with a Lyon County issued identification badge. All employees will wear/carry their badges unless otherwise authorized by their supervisor. It is suggested that the identification badge be worn on the upper chest, clearly visible to others. Badges will be issued by the Human Resources Department during new hire processing/orientation.
2. Employees who separate from Lyon County, or are transferred to a department with a different classification must return the badges issued to them.
3. All employees must notify Human Resources as soon as possible or at least within 24 hours after a badge is lost.
4. Some departments may be required to wear specific badges due to the nature of the job.
5. Employees that are designated “field” employees, due to the nature of their work, may be issued ID cards instead of proximal badges.

2.25. *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. Convictions shall not automatically impact the employees’ employment or the volunteers’ assignment.

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

2.26. Whistleblower Protection (Required for County and Incorporated City Employees per NRS 281.611)

2.26.1. Purpose

The purpose of this policy is to establish “whistleblower protection” for employees of the **employer** who report improper governmental action, per NRS 281.611-671.

2.26.2. Definitions

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

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

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

An officer or employee who claims that a reprisal or retaliatory action was taken against the officer or employee for disclosing information concerning improper governmental action as defined above may file a written appeal with the human resources manager or appropriate authority.

“Reprisal or retaliatory action” includes:

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

A written appeal must be filed by the officer or employee within 60 days after the date the alleged reprisal or retaliatory action took place. The reprisal or retaliatory action must have occurred within two years after the date the officer or employee disclosed information concerning improper governmental action. ***The appeal must be filed with the human resources***

manager or appropriate authority on a form provided by the employer. The appeal must contain a statement that sets forth with particularity:

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

2.26.4. Appointment of Hearing Officers

As set forth by ordinance, hearing officers shall be appointed by the employer's governing board upon the recommendation of the appropriate authority. The qualifications of the hearing officers require a combination of education and experience in resolving disputes, adjudicating issues through the interpretation of statutes, rules or regulations, or serving as a hearing officer with the state.

2.26.5. Appeal Hearings

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

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

That the officer or employee was an officer or employee on the date of the alleged reprisal or retaliatory action;

That the officer or employee disclosed information concerning improper governmental action; and

The alleged reprisal or retaliatory action was taken against him/her within two years after the date s/he disclosed the information concerning improper governmental action.

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

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

2.26.6. Prohibition of Threats or Coercion

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

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

2.26.7. *Disclosure of Untruthful Information*

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

2.26.8. *Annual Summary*

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

3. EMPLOYMENT

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

3.1. *Scope*

It is recognized that the role of the department is critical in the hiring process; therefore, department management will be involved in every phase of the recruitment, examination, and selection process. The subject matter expertise of those in the hiring department will help ensure that the most appropriately qualified candidate is selected for the position.

3.2. *Source of Candidates*

Regular positions may be filled by applicants selected from eligible lists. If no eligible list exists, Lyon County may use an examination process (open or promotional) to create an eligible list to fill the position(s). Employee applicants may be considered for open positions before non-employee applicants are given consideration. For open examinations, the position vacancy announcement will be posted internally and externally for at least five (5) working days.

Promotional examinations are limited to qualified employees of a single employer department (departmental/promotions) or to qualified employees in all departments (employer-wide/promotional) only. Departmental/promotional vacancies shall be limited to employees in non-probationary status who are currently working in the department for which the vacancy is announced. Lyon County-wide/promotional vacancies are limited to employees in non-probationary status. Promotional considerations under this policy do not apply to employees within the Lyon County Sheriff's Employees Association.

When deciding whether to use an open or promotional examination, Lyon County will consider such factors as the impact of the decision on Lyon County's efforts to have a workforce which is representative of the population in the local community; the qualifications and level of responsibility required by the position; the extent to which the qualifications for the position can readily be gained while on the job; the qualifications of employees potentially available for placement on a promotional list; and the likelihood of attracting well-qualified outside applicants.

3.3. *Job Announcements*

3.3.1. *Open Examinations*

All examinations for regular positions will be announced. An announcement may be for establishing an eligible list for one or more positions in the same job class. Examinations will be publicized to allow potentially qualified and interested members of the community to learn of employment opportunities and to encourage applications from representatives of all segments of the community. The announcement will normally include the title and pay of the class for which the examination is announced; the nature of the work to be performed, including the essential job functions; qualifications for the performance of the work, including essential knowledge, skills, and abilities; the manner of making application; and a declaration that Lyon County is an Equal Employment Opportunity employer and ADA accommodations are

available. Regular employees may take an examination for a position during their paid work time. Casual workers will not be paid for time spent taking examinations.

3.3.2. *Promotional Examinations*

Notice of promotional examinations will be posted in work locations throughout Lyon County, as appropriate. When an eligible list will be established as a result of a promotional examination and used to fill more positions than the current vacancy, the announcement will state the time period during which the list will be used and also announce that only the most appropriately qualified applicants will be placed on the list. Regular employees may take a promotional examination during their paid work time. Casual workers will not be paid for time spent taking promotional examinations.

3.4. *General Requirements for Filing of Applications*

3.4.1. *Application Forms*

Applications for employment must be made online through the Lyon County website. A separate application submittal must be completed for each vacancy unless otherwise stated in the job announcement. Resumes, completed supplemental questionnaires, and other evidence of education, training, experience, or other lawful requirements may be required from applicants.

3.4.2. *Signatures*

Online applications are considered to have electronic signatures which will be accepted.

3.5. *Application Filing Periods*

Examination announcements will specify the application filing period and will be posted a minimum of five (5) working days. The filing period may end on a specific date and/or may allow acceptance of applications until a sufficient number of appropriately qualified candidates have applied. The Human Resources Department, in consultation with department management, will determine when sufficient applications have been received.

Application periods will end at the time stated on the examination announcement or at the close of a business day. An application period may be ended when no job openings are anticipated, or for other reasons as determined by Lyon County.

3.6. *Eligibility of Applicants*

An applicant may be disqualified from further participation in the examination process and/or from placement on an eligible list by Lyon County for the reasons listed below and for any other material reason:

1. The completed application does not demonstrate possession of the minimum qualifications/education 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 someone

from employment, provided, however, this does not preclude the fact of any prior conviction of a crime from being considered in the employment decision. Further, if the crime for which the candidate was convicted directly relates to the position of employment sought, the applicant may be denied employment.

4. The applicant has been discharged from or resigned in lieu of dismissal from any employment for any cause which would be a cause for dismissal from Lyon County's employment.
5. The applicant does not appear at the time and place designated for an examination.
6. Candidate's failure to possess a valid license, certificate, permit, etc. If a prospective candidate for a position cannot obtain the required license, certificate, permit, or occupational certification required for the job, s/he will not be given any further employment consideration. Any job offer, offer of promotion, or offer of transfer previously made will be withdrawn.
7. The applicant does not meet the age requirement for the position in which they have applied. Employees must be eighteen (18) years of age; CDL drivers must be twenty-one (21) years of age; recreational employees must be sixteen (16) years of age at the date of hire (in accordance to NRS 609); and Sworn Officers must be twenty-one (21) years of age.

3.7. *Reduction of Applicant Pool*

Lyon County may determine at any point in the examination process that only those applicants who are most appropriately qualified will continue to be considered.

3.8. *Examination Process*

3.8.1. *Administration of Examinations*

All examinations for employment are conducted under the direction of the Human Resources Director or his/her designee. Examinations shall be conducted when there is a need to establish an eligible list.

3.8.2. *Factors Evaluated*

Examinations will be used to evaluate applicants' qualifications and suitability for the position to be filled. Factors evaluated through the examination process may include, but are not limited to, the knowledge, ability, skill, achievement, physical and mental fitness, personal competencies, and aptitude of applicants.

3.8.3. *Types of Examinations*

The techniques used in the examination process shall be impartial and practical, and shall relate to the qualifications and suitability of the applicants to execute the duties and responsibilities of the job. Examinations may include any or a combination of the following selection techniques: evaluation of applications; appraisal of experience; training and/or education; certifications; written tests; references; personal interviews; performance tests; physical ability tests; evaluation of work performance and work samples; and certificates of one or more medical and psychological evaluations; other assessment methods as deemed appropriate for the class/position.

Background investigations and fingerprint checks may be a part of any selection process to ensure a safe work environment. Lyon County requires all prescribed consent forms and/or waivers be signed prior to submitting to any criminal background investigation. Negative results and/or related falsification of applicant records may be grounds for disciplinary action up to and including termination.

3.8.4. *Minimum Standards*

In any examination, Lyon County may include qualifying and/or competitive components and may set minimum standards for passing each component and/or the entire examination.

3.8.5. *Probationary Period*

New and rehired employees, except elected officials, casual, temporary, or seasonal employees and those identified as “at-will,” serve a six (6) month probationary period beginning their first day of employment. Employees who are promoted or transferred also serve a three (3) month probationary period. During this “probationary period,” the employee and Lyon County have the opportunity to evaluate one another and the employee’s compatibility, ability, and interest in the job. Lyon County reserves the right to extend the duration of this probationary period up to three (3) months when such an extension is determined appropriate in Lyon County’s sole and absolute discretion. The employment relationship can be terminated by the employee or by Lyon County at any time during the probationary period or during the extension of the probationary period, with or without cause or advance notice. The probationary period for Sheriff’s Deputies, Sergeants, Lieutenants and Dispatchers is established by the applicable collective bargaining agreement(s). Juvenile Probation Officers will serve a one (1) year probation period.

Prior to completion of the probationary period, the employee’s performance will be assessed to ascertain the advisability of continued employment on a regular basis.

3.9. *Eligible Lists*

Lyon County may maintain eligible lists consisting of the names of applicants who are eligible for hire based on their scores in the examination process. Eligible lists **will** generally be used to fill a single position, but may be used to fill additional positions which occur within the specified period of time from the establishment of the list or until a published expiration date, whichever occurs first.

3.9.1. *Removal of Names From List*

The name of any applicant will be removed from an eligible list if the applicant submits a written request to be removed, or if the applicant fails to respond within an allotted time period to instructions regarding participation in an examination or selection interview mailed to the eligible applicant. An eligible applicant who refuses an offer of employment may be removed from an eligible list unless Lyon County determines the specific circumstances of the refusal warrant otherwise.

3.10. Referral of Applicants for Hire

When the hiring department requests that a vacancy be filled, the Human Resources Department will provide the department head with the names of a sufficient number of applicants from the appropriate eligible list. Any person on an appropriate reinstatement list shall be considered first in accordance with Lyon County's layoff policy and procedure. If the department head decides to fill a vacancy by hiring from a promotional eligible list, such a list will be created and eligible applicants from the promotional list will be referred for consideration. Eligible applicants will be referred for consideration on the basis of the results of competitive examination scores, or in the case of reinstatement lists, the date of layoff.

When an eligible list (except a reinstatement list) contains the names of fewer than three eligible applicants willing to accept appointment, the department head may make an appointment from among such eligible applicants or may request the Human Resources Department to provide a new list. When so requested, the Human Resources Department will provide the department head with eligible applicants from another appropriate eligible list or, if no other list exists, hold a new examination and establish a new eligible list.

3.11. Interviewing Applicants

Selecting the most appropriately qualified candidate 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, all applicants should be notified as to their status. The interviewing portion of the selection process is critical for determining which applicants are best qualified to do the job.

Prior to conducting an employment interview, managers should:

1. Review the job descriptions.
2. Create job-related questions to ask each candidate to help ensure consistency. Ask open-ended, job-related questions about past work experiences to identify skills and strengths. Have candidates describe an actual situation or instance that allows him/her to demonstrate how s/he really responded to that situation, rather than what s/he thinks you want to hear.
3. Prepare a Candidate Interview Evaluation Form to measure strengths and weaknesses.
4. Convene an interview team, if possible, of approximately three members who are representative of both genders and ethnically diverse.

Each candidate applying for the same position should be asked the same, job-related questions on the question guide and rated using the same evaluation form. The evaluation form will help the evaluator measure the extent to which each candidate possesses the necessary knowledge, skills, and abilities required for the position. Whenever necessary, ask follow-up questions to clarify the response of the candidate. Avoid asking questions which are unlawful or on inappropriate subjects. A representative from the Human Resources Department shall review all interview questions prior to interviews and may participate as a panel member of the interview team.

3.12. Selection

Employment decisions must be based solely on merit. Consistent with applicable federal, state, and local laws and regulations, employment decisions may not be influenced by race, religion, gender, sexual orientation, age, disability, national origin, ancestry, color, or veteran status. The hiring manager has ultimate responsibility for selection of the candidate for hire; however, s/he should take into consideration the input of the other members of the interview team. The hiring manager is responsible for ensuring the selected candidate meets the required level of education, experience, certification, license, etc. The hiring manager will notify the Human Resources Department of the selected candidate.

3.13. Correction of Administrative Errors

Any administrative error may be corrected by the Human Resources Department at any time during the life of the eligible list, but no such correction shall affect an appointment made prior to the correction.

3.14. Reference Checks

Acquiring and providing accurate employment references is important to Lyon County. This policy is to be followed whenever a reference or background check is being conducted for a prospective applicant for employment with Lyon County or when an inquiry is received for information regarding a current or former employee of Lyon County.

3.14.1. Acquiring References

Reference and background checks are conducted to assist the department head in assessing an applicant's fitness for employment with Lyon County. Only those employees designated by the Human Resources Director may acquire employment references. Any Lyon County employee who attempts to acquire reference information on an applicant for Lyon County employment must comply with the following:

1. Obtain a Lyon County employment application that is signed and dated by the applicant, also online application forms have authorized electronic signature to allow for reference checks. All sections of the application must be completed.
2. Obtain approval from the applicant on the application and/or separate release form authorizing the release of information from former employers, military, educational institutions, other institutions, personal references, and other individuals listed on the application. Authorization shall include indemnification of prior employers and prospective employers for liability arising from such inquiries. Refusal to sign such a release shall eliminate the applicant from further consideration for employment.
3. Inform the applicant that you may conduct a reference/background check.
4. Identify questions to be asked that are related to the essential functions of the job and are legal (non-discriminatory). A person's training, knowledge, skills, production, timeliness of work, and ability to work with others are good examples of appropriate questions. Avoid

discriminatory or non-work related questions that have nothing to do with the job such as family or marital status, disabilities, age, and related areas. Note: For safety-sensitive positions, as defined by 42 CFR Part 382 and U.S. Department of Transportation regulations, Lyon County must obtain, pursuant to an employee's written consent, information on the employee's alcohol tests with a concentration result of .04 or greater, verified positive controlled substances test results, and refusals to be tested within the preceding two (2) years from date of application which are maintained by the previous employers.

5. Identify the proper individual(s) to question regarding the applicant's work performance, knowledge, skills, and abilities necessary to perform the essential functions of the job.
6. Adequately document the conversation and record refusals to provide information.
7. Keep all background/reference information strictly confidential. No employee, supervisor, or management official of Lyon County has access to such information without demonstrating a work-related need for the information as provided in this policy.

3.14.2. *Providing References*

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

Lyon County has a neutral reference policy as well as a confidential information policy. As such, only the following personal information and employment records that Lyon County maintains concerning current employees and former employees shall be provided upon request:

1. Name
2. Class/Job Title
3. Dates of Employment
4. Salary
5. Lyon County may release negative or derogatory information when the failure to release the information may subject Lyon County to liability or where otherwise approved by the Lyon County District Attorney. All releases of information beyond the dates of employment, base salary, and job titles will be reviewed and approved by the Lyon County District Attorney.
6. Information regarding an employee who was terminated for violent actions in the workplace only after consultation with Lyon County's legal counsel about providing reference information about ex-employees who may be dangerous.
7. Employment information and opinions regarding the character, honesty, and potential for violence of Lyon County 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, 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. Information requested by law enforcement agencies, in accordance with NRS 239B, will be provided.

8. Records which are required for employees in safety-sensitivity positions, as defined in 42 CFR Part 382 and U. S. Department of Transportation regulations, must be made available to subsequent employers upon receipt of a written request from the employee or former employee.
9. 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.

3.15. Applicant/Employee Investigations

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

3.15.1. Reports

The types of reports that may be requested from "consumer reporting agencies" under this policy include, but are not limited to: credit reports, criminal records checks, court records checks, driving records, and/or summaries of educational and employment records and histories. These reports or checks are also called "consumer reports." The information contained in these reports may be obtained by a consumer reporting agency from public record sources or through personal interviews with your coworkers, neighbors, friends, associates, current or former employers, or other personal acquaintances. These are sometimes referred to as "investigative consumer reports." Any information contained in such reports may be taken into consideration in evaluating your suitability for employment, promotion, reassignment, or retention as an employee.

3.15.2. Requirements

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

1. All applicants for employment will be required to complete a notice and authorization form concerning consumer and investigative consumer reports. In the event of an external third party investigation, existing employees will be required to complete a notice and authorization form concerning consumer and investigative consumer reports.

2. Lyon County will certify to the “consumer reporting agency” that:
 - The notice and authorization requirement has been met;
 - The information received is only used for employment purposes;
 - The information will not be used to violate any Equal Employment Opportunity (EEO) legislation;
 - Pre-adverse action requirements will be followed;
 - Any additional investigative consumer report disclosures, if applicable, have or will be issued within three days; and
 - Upon request from the applicant or employee, Lyon County will comply with applicable additional disclosure requests including, but not limited to, information as to the nature and scope of an investigative consumer report.
3. Prior to making a final adverse or negative employment decision that, in whole or in part, is influenced by a “consumer report” or an “investigative consumer report,” Lyon County will provide a copy of the “consumer report” and a summary of the individual’s rights under the FCRA to the applicant or employee.
4. After Lyon County has complied with item 3 above and waited a “reasonable” period of time, Lyon County may take the adverse or negative action. After taking such action, Lyon County must provide to the applicant or employee an adverse action notice that contains:
 - The name, address, and telephone number of the consumer reporting agency;
 - A statement that the consumer reporting agency did not make the adverse action decisions and will be unable to inform the individual of the specific reason(s) for the adverse action;
 - A statement that the individual is entitled to obtain an additional free copy of the consumer report; and
 - A statement of the individual’s right to dispute the accuracy or completeness of any information in the report.

3.16. Offers of Employment

3.16.1. Job Offer Letters

After an applicant has been selected for employment or promotion, the department head will notify the Human Resources Department, who will extend an official written offer of employment. The department head may contact the selected applicant by telephone to determine whether s/he is still willing to accept employment and to indicate that a request to hire has been made, **but** must state that a job offer can only be made in writing. As appropriate for the particular job, offers of employment may be made contingent upon the results of a criminal background check, the applicant passing certain additional tests, physical evaluations, and/or submitting other documentation of qualifications when such are relevant to the specific job in question. The Personnel Action form or a written request to the Human Resources Director are used to notify the Human Resources Department of the desire to hire.

3.16.2. Pre-employment Drug Screening

1. Lyon County will require successful applicants for regular positions and casual work in selected **“safety sensitive”** job classes who are offered employment to consent to a pre-employment drug screen. The applicant will be advised that the presence of one or more drugs may be cause for rejection from further consideration for employment, and that an offer of employment is contingent upon a negative drug test result. The applicant may be asked to authorize Lyon County to conduct, through Lyon County’s designated physician or laboratory testing facility, a drug screen test as a requirement of employment. Refusal to authorize and participate in a drug screen shall eliminate the applicant from further consideration for the position.
2. Applicants may be directed to an appropriate collection facility. The drug test must be undertaken as soon after notification as possible, and no later than 48 hours after notice to the applicant.
3. Applicants may be advised of the opportunity to submit medical documentation that may support a legitimate use for a specific drug and that such information will be reviewed only by medical consultants to determine whether the individual is lawfully using an otherwise illegal drug.
4. Lyon County will decline to extend a final offer of employment to any applicant with a verified positive test result, and such applicant may not reapply to Lyon County for a period of twelve (12) months. Lyon County shall disqualify the applicant on the basis of failure to pass the applicable test(s).

3.16.3. Other Conditions

All offers of employment and continued employment are conditioned on 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 accordance with the applicable federal statute by completing and signing INS Form I-9 (Employment Eligibility Verification). Depending on the individual position, offers of employment may also be contingent upon passing a pre-employment physical examination, background investigation, submitting documentation of qualifications, and/or obtaining job required licenses.

The hiring supervisor or department head will notify all unsuccessful applicants either verbally or in writing. Documentation of verbal notification is required.

3.17. Orientation

The hiring supervisor or department head will be responsible for the orientation of each new employee. Orientation will include, but is not limited to, a review of the organization and services of Lyon County, work rules, standards of performance, personnel policies and procedures, including the policies relating to equal employment opportunity, unlawful harassment, workplace violence, and alcohol and drug abuse. Additionally, the supervisor or department head will ensure that all new hire paperwork, including payroll and benefit forms, has been completed,

introductions to other employees have been made, and that the employee has the opportunity to have all questions answered.

3.18. *Failure to Appear for Work*

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

3.19. *Rehire*

A regular employee, or an employee serving a probationary period following promotion who resigns, may be rehired without examination within one (1) year of the effective date of the resignation. The rehire must be to a position in the same class or a class comparable to the one in which the employee formerly served as a regular employee.

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

Upon rehire, the employee shall serve a probationary period. The employee must successfully complete the probationary period to remain employed. No credit for former employment shall be granted in determining eligibility for leave or other benefits, except PERS.

3.20. *Casual Employment*

3.20.1. *Purpose*

Some of Lyon County's work is indefinite and/or irregular with regard to schedule and duration. As a result, Lyon County recognizes the need to employ casual workers at all levels of responsibility from time to time on an as-needed basis or to work for limited periods of time at the discretion of Lyon County. Casual workers are hired into seasonal or temporary classifications as "at-will" employees.

3.20.2. *Authorization to Hire Casual Workers*

In general, a casual worker may be hired for work which will require fewer than twenty (20) hours per week or fewer than 120 consecutive working days to complete, provided Lyon County has appropriated sufficient funds in the budget to pay the worker. Work requiring more hours to complete will usually require the establishment of a regular position. However, Lyon County may, from time to time, find that its best interests are served by assigning work to a casual worker for greater periods of time. Casual hires will not be made to avoid establishing a regular position when the work to be performed is ongoing work of Lyon County.

3.20.3. *Duration of Casual Employment*

A casual worker has no right to continued employment or any property right regarding employment. A casual worker is "at-will" and may be terminated at any time with or without cause, with or without notice, and shall have no right to appeal except when the action is alleged to have violated Lyon County's policies regarding equal employment opportunity and/or prevention of unlawful harassment.

3.20.4. *Employment in a Regular Position*

A casual worker may be employed in a regular position only after successfully completing an authorized recruitment and selection process for that position. The employee's service date will be determined according to the date of hire in the regular position. No credit will be given for the time an employee was hired for casual work.

3.21. License/Occupational Certification

3.21.1. Purpose

To ensure that all employees obtain and maintain a valid license, certificate, permit, or other occupational certification issued by the state, county, city, or other applicable agency as required for their current jobs.

3.21.2. Scope

All employees whose job requires a license, certificate, permit, or other occupational certification issued by the state, county, city or other agency.

3.21.3. Employee Responsibilities

Any employee in a position that requires a license, certificate, permit, or other occupational certification to practice his/her profession through the State of Nevada, County Board of Commissioners, town boards, and/or city and county law enforcement agencies must adhere to the provisions of Chapter 425 of the Nevada Revised Statutes. This statute establishes procedures under which the agency granting the license, certificate, permit, or occupational certification may withhold, suspend, or restrict the issuance of professional and/or occupational certificates, licenses, or certifications for individuals who:

1. Have not complied with a subpoena or warrant relating to child paternity or child support obligations; or
2. Are in arrears in child support payments.

An employee who applies for renewal of his/her license, certificate, permit, or other occupational certification, and receives notice that s/he is not in compliance with the provisions of Chapter 425 of the NRS, will have thirty (30) days after s/he receives the notice to:

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

If the employee has been notified and does not satisfy one of the above items within thirty (30) days from receipt of the above 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 one of the above items. 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.

3.21.4. Provisions

1. All employees must possess such valid license, including a driver's license, certificate, permit, or other occupational certification as required by their position.
2. In the event the employee receives notice of revocation or non-renewal of a license, certificate, permit, or occupational certification, s/he shall immediately notify his/her supervisor. The employee shall not perform any task for which the license, certificate, permit, or other occupational certification is required after the license, certificate, permit, or occupational certification has been non-renewed or revoked. By statute, the employee has thirty (30) days to satisfy one of the items listed below:
 - e. Comply with the court order, subpoena, or warrant;
 - f. Satisfy any arrears payments due; or
 - g. 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.

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. If the employee is covered by a collective bargaining agreement, any provisions covering the situation will be followed in processing disciplinary action.
4. If a prospective candidate for a position cannot obtain the required license, certificate, permit, or occupational certification required for the job, s/he will not be given any further employment consideration. If a job offer, offer of promotion, or offer of transfer has been made, it will be withdrawn.

4. POSITION CLASSIFICATION PLAN

4.1. Policy

4.1.1. Preparation and Adoption

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

4.1.2. Classification

1. Each position shall be classified consistent with these personnel policies and in accordance with the relative complexity of the duties, responsibilities, and authority of the position. Classification of a position shall be effective when approved by Lyon County.
2. Positions will be allocated to the same class when the following conditions exist:
 - a. The same descriptive title may be used to designate the positions;
 - b. Substantially the same level of education, experience, knowledge, ability, and other qualifications are required to perform the duties;
 - c. Similar tests may be used to select employees for the positions; and
 - d. The same compensation is appropriate for the positions.
3. Classes will be allocated to a pay grade based on comparison to other classes and salaries paid by other comparable employers.

4.1.3. Maintenance and Revision

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

4.1.4. New Positions

When a new position is to be created, the Human Resources Director will recommend to the Lyon County Manager an appropriate class for the new position. When submitting grant applications or preparing a request for a new position, the department heads shall consult the Human Resources Director to determine the appropriate classification for the duties to be assigned to the new position.

4.1.5. Reclassification

1. When the duties assigned to a position have been changed to the extent that they no longer fit within the current class, the duties will be

reviewed and, if approved, the position will be reclassified to an appropriate class. Reclassification will not be undertaken as a substitute for discipline or hiring practices, nor to effect a change in salary in the absence of a significant change in assigned duties and responsibilities.

2. Reclassification must be confirmed by the Human Resources Director and will become effective no earlier than the first day of the next pay period following the approval.
3. A change in a position's classification does not constitute a sole basis for determining whether the employee in a position will also be assigned to the new position.
 - a. The decision as to reclassification of a position shall be made by the department head with the concurrence of the Human Resources Director. The decision to place the current employee in the new class shall be based upon the qualifications and job performance of the employee. Whenever a position is reallocated to a higher level class and the employee has satisfied the following requirements, the employee will be assigned to the class:
 - i) Completed the probationary period for the position as previously allocated;
 - ii) Demonstrated at least acceptable job performance; and
 - iii) Possesses the knowledge, skills, and ability for the higher class.
 - b. Whenever a position is reclassified to a lower level class, the employee will be placed in the lower level class effective the first day of the pay period in which the reclassification is approved by the Human Resources Director. (See also Y-Rate, Section 5.12.)
 - c. At the discretion of the Lyon County Manager, out-of-class pay may be paid back to the date on which a formal reclassification request was made **if** the reclassification is subsequently approved.

4.1.6. Reallocation

A class may be reallocated to a higher pay grade or to a lower pay grade based on a change in duties/essential functions and responsibilities for all positions in the class, or based upon salaries paid by other comparable employers. Whenever a class is reallocated to a different grade level, the employees below the new grade level will be placed at the minimum of the new grade or an appropriate step in the new grade effective the first day of the pay period following the date that the reallocation is approved by Lyon County. Reallocation to a higher salary grade is not considered a promotion nor is reallocation to a lower salary grade considered a demotion.

4.2. Procedure

4.2.1. Requests for Classification Review

1. Submission Process

- a. Requests for classification review are made by department heads to the Human Resources Director. An employee may request that the department head submit a request for classification review to the Human Resources Director. The department head will review the

request and, if appropriate, send it with a written memorandum explaining the reasons the request meets the criteria for a classification study to the Human Resources Director. The Human Resources Director will review the request and indicate whether or not s/he will conduct a study.

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

2. *Criteria for Determining the Need for a Study*

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

4.2.2. *Effective Date*

The effective date of a reclassification or a class reallocation shall be the first day of the pay period following Lyon County's approval of the action. The anniversary date for future step or merit increases shall be established as the first day of the pay period following twelve (12) months in the new classification, and will not include the period for which retroactive pay is granted, if any.

In the event of a reclassification to a lower paid class, the action will be effective the first of the pay period following Lyon County's approval of the reclassification. In the event of a reclassification to a lower paid class, salary may be a Y-Rate (see Section 5.12) on approval of the Lyon County Manager, with concurrence of the bargaining unit representative, if applicable.

4.3. *Transfers*

A transfer involves a move to a job in the same pay range as the employee's present position. Any employee who wants to transfer to another available position must first talk with his/her supervisor or department head. The employee must be qualified for the identified position. If the transfer is to another department, the employee must contact the hiring supervisor or department head, who will consider the transfer request. This will include discussions with the employee and appropriate supervisors or department heads. The employee's past performance, qualifications, potential, abilities, and job experience are the key factors in evaluating transfer requests. Approval of the transfer is at the sole discretion of Lyon County.

4.4. Promotions

Lyon County encourages employees to apply for promotional opportunities for which they are qualified. Promotions will be based on the ability, qualifications, and potential of the candidates for the positions. Employees who are interested in announced positions should contact the hiring supervisor or department head expressing their interest, in writing, in the position. Selection decisions will be consistent with Lyon County's hiring policy.

5. COMPENSATION PLAN

5.1. Pay Periods and Paydays

Employees are paid bi-weekly, every other Friday. If a payday falls on a holiday, employees are paid on the preceding work day.

5.1.1. Direct Deposit

Effective upon adoption of these policies, all Lyon County employees will be required to be paid via automatic payroll deposit to an approved financial institution. Exceptions will be made for good cause and are subject to the approval of the Lyon County Manager or his/her designee.

5.1.2. Replacement Checks

If payroll checks are lost in the mail or not received by Saturday following the issuance of the check, on written request by the employee not later than 9:00 a.m., Monday, or Tuesday if Monday is a holiday, Lyon County will issue a stop payment and reissue the payroll check for delivery to the employee on Monday, or Tuesday if Monday is a holiday. Payroll checks received after a stop payment is requested will be returned to Lyon County and will not be cashed, endorsed, or deposited by the employee.

Employees who lose their payroll check for any reason other than Lyon County error will have the check replaced under the provisions in the above paragraph for the first incident. If an employee loses a payroll check for any reason other than Lyon County error a second time, the check will be replaced under the provisions in the above paragraph. Exceptions will be made for good cause and are subject to the approval of Lyon County manager or his/her designee.

5.2. Work Week Defined

The work week begins at 12:01 a.m. on Saturday and ends at 12:00 midnight on the next Friday.

5.3. Work Time

5.3.1. Attendance

Employees are expected to be available and ready for work at the beginning of their assigned shifts and at the end of their scheduled rest and meal periods. Required preparation for rest and meal periods, as well as the end of the work day, is considered work time. Rest and meal periods include the time spent going to and from the place where the break is taken.

5.3.2. Work Schedules

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

3. Employees working a three-day, thirty-six-hour workweek (designated 12/36) shall work twelve (12)-hour shifts for four (4) days with three (3) consecutive days off in the first week and will work twelve (12)-hour shifts for three (3) days and a four (4) hour shift for one (1) day with three (3) consecutive days off in the second week of each two (2) week pay period. This schedule requires the payment of eight (8) hours of overtime each pay period and may only be adopted with County Manager approval.

Department heads have the responsibility to determine the work schedules for their employees. Departments wanting to adopt a 4/10 or 3/12 schedule must provide the business-related rationale and supervisory schedule to Lyon County Manager for concurrence, prior to implementing the 4/10 or 3/12 schedule.

5.3.3. Rest Periods

Employees will be granted one (1) fifteen (15) minute break or rest period during each work period of four (4) or more hours. Rest periods may not be taken 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.

5.3.4. Meal Periods

Employees who work six (6) or more hours in a work day are allowed an uninterrupted, unpaid meal period of a minimum of thirty (30) minutes at or about midpoint of their work day. Employees are entirely relieved of their job responsibilities and are free to leave the work site. Supervisors or department heads will be responsible to ensure that, wherever and whenever possible, employees will be permitted the half-hour uninterrupted meal period. If an employee's meal period is interrupted by a work-related matter, the employee will be paid for the meal period. This meal period policy does not apply to law enforcement personnel. Refer to departmental policy or applicable bargaining agreement.

5.3.5. Work Assignments

Work shall be scheduled in a manner which allows employees rest periods and meal periods. Rest and meal periods shall be scheduled by the department head or designee in a manner which allows maximum public access to Lyon County services. Provided employees receive the rest periods and meal periods to which they are entitled, schedules and lengths of rest and meal periods may be adjusted from time to time to meet the needs of individual employees and to respond to changes in department workload. Nothing herein should be considered to limit or restrict the authority of Lyon County to make temporary assignments to different or additional locations, shifts, hours of work, or duties as needed to meet operational needs or to respond to an emergency.

5.4. Time Reporting

5.4.1. Purpose of Time Reporting

Recording of hours worked and/or leave time taken by employees is necessary to provide an accurate basis for preparing paychecks, to assure compliance with federal and state law, and to maintain an effective and

efficient cost accounting system. (For payroll purposes, non-exempt employees covered by the Fair Labor Standards Act (FLSA) must report all time spent performing work.)

5.4.2. Hours Worked

Non-exempt employees will be paid for all hours worked. Hours worked include:

1. Hours 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 when such work periods are not regularly recurring.

2. Rest periods.
3. Travel time that occurs during an employee's normally scheduled work hours, including regular days off, holidays, etc.
4. Hours spent at lectures and training activities, unless attendance is completely voluntary.
5. Hours spent serving as volunteer ambulance, fire, or law enforcement personnel for an emergency response during normally scheduled work hours.

5.4.3. Position Designations – Exempt or Non-Exempt

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

5.4.4. Responsibility for Exempt or Non-Exempt Designation

The Human Resources Director will examine and evaluate position descriptions and duties performed for all positions to determine the position status as exempt or non-exempt. Departments will notify the Human Resources Director when the duties of a position are substantially changed in order to ensure the designation is accurate.

5.4.5. Responsibility for Time Reporting

All employees are responsible for accurately recording their hours worked. Supervisors or department heads will verify and approve employee time. Supervisors are required to discuss time reporting errors and corrections with their employees.

1. All non-exempt employees will record all hours worked and all leave time taken, and the type of leave to be charged, whether paid or unpaid, on the time sheet.
2. All exempt employees in positions which require an accounting of hours worked will enter their hours worked for each project and all leave hours taken in whole day increments on the time sheet.
3. Exempt employees in positions not required to account for hours worked will record only those hours off for sick leave or vacation leave in whole day increments. Except as permitted by the Family and Medical Leave

Act, exempt employees may not use paid leave time for absences of less than one day.

4. Exempt employees will record any hours off for sick leave or vacation leave in multiples of eight or ten hours, depending on their regular daily schedule of hours of work.

5.5. Overtime

5.5.1. Non-Exempt Employees

1. Overtime Eligibility

- d. Employees in positions designated as “non-exempt” will be eligible for overtime compensation or compensatory time off for hours worked in the following manner:
 - i. Overtime for an employee working a five (5)-day, forty-hour (40) week is defined as all time worked in excess of one eight-hour (8) shift in any twenty-four (24)-hour period, and all time worked in excess of forty (40) hours in any seven (7) day defined workweek. Vacation leave and worked/unworked holidays listed in Policy 6.1 will be included as time worked. Sick leave will not be included as time worked.
 - ii. Overtime for an employee working a four (4)-day, forty (40)-hour week is defined as all time worked in excess of one ten (10)-hour shift in any twenty-four (24)-hour period, and all time worked in excess of forty (40) hours in any seven (7)-day defined workweek. Vacation leave and worked/unworked holidays listed in Policy 6.1 will be included as time worked. Sick leave will not be included as time worked.
 - iii. Overtime for an employee working a three (3)-day, forty (40)-hour week is defined as all time worked in excess of one twelve (12)-hour shift in any twenty-four (24)-hour period, and all time worked in excess of forty (40) hours in any seven (7)-day defined workweek. Vacation leave and worked/unworked holidays listed in Policy 6.1 will be included as time worked. Sick leave will not be included as time worked.

Consistent with the Fair Labor Standards Act (FLSA) regulations, employees in exempt positions are not eligible for overtime.

- e. All overtime hours will be specifically authorized by the employee’s supervisor or department head. Overtime will be compensated at one-and-one-half (1 ½) times the employee’s regular rate of pay. Employees who earn overtime may, with the approval of their department head, elect to receive overtime pay or compensatory time off. Requests for compensatory time off in lieu of overtime must be made in writing and, once approved, will be placed in the employee’s Human Resources payroll file. Employees who elect compensatory time off may accrue up to forty (40) hours. Hours

above forty (40) hours will be treated as paid overtime. Compensatory time off will also be granted at the rate of one-and-one-half (1½) hours off for each overtime hour worked. Compensatory time off is to be taken at the earliest time which is mutually agreeable to the employee and supervisor or department head and must be taken within sixty (60) days of accrual. Paid overtime will be included in the same paycheck covering the pay period in which the overtime was earned. At any time, Lyon County may pay an employee on any regular paycheck for compensatory time off earned and not used.

- f. Time paid but not worked, such as sick leave, does not count toward hours worked for the purpose of computing overtime hours. Holidays and vacation leave are exceptions to this provision.
- g. Refer to applicable bargaining agreements for additional details on overtime payments.

5.5.2. Exempt Employees

Generally, exempt employees are hired with the understanding that they are responsible for accomplishing the duties outlined for their assigned position or job. The focal point is the job to be done, not the number of hours worked. However:

1. Exempt jobs are usually designed with a forty (40)-hour standard in mind. The necessity to consistently perform work for a substantial amount of hours over forty (40) per workweek should be examined (employee's performance, methods, and procedures, or changes in workload).
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). However, completing the work assigned to an exempt position will, from time to time, require extra work to be performed in other hours or on other days.
3. Recognizing the varying demands placed on an exempt employee's time, supervisors and department heads will have the flexibility of allowing exempt employees to take limited periods of time off without using accrued paid leave in recognition of instances when an employee has completed an extraordinary work assignment and spent substantially more than a typical workweek in accomplishing the job.
4. These limited periods of time off do not constitute additional compensation to exempt employees on an hour-for-hour basis for hours worked in excess of forty (40) hours per week. Accordingly, exempt employees do not "accrue a balance" of compensatory leave hours.
5. At the request of an exempt employee or at the recommendation of the supervisor or department head, an exempt employee may be granted up to five (5) days of time off in any calendar month in recognition of extraordinary work assignments completed. The Lyon County Manager shall approve such time off. The decision to grant such leave is at the

discretion of Lyon County. Such leave is not accrued leave and, therefore, it is not recorded on the employee time sheet.

5.5.3. “Safe Harbor”

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

If a non-exempt employee feels s/he has been improperly paid for overtime under the FLSA or state law, it is the responsibility of the employee to seek correction by reporting any error to the Human Resources Director within twenty (20) working days of the close of the payroll period in which the error occurred. An investigation will be conducted on a timely basis and Lyon County will act to correct any errors as soon as practicable.

5.6. *Shift Differential*

Lyon County will pay a shift differential of one dollar (\$1.00) per hour for hours worked between 6:00 p.m. and 6:00 a.m. Law enforcement officers shall refer to their applicable bargaining agreement.

5.7. *Rates of Pay*

5.7.1. *Compensation Plan*

Each regular position will be assigned to a class and pay grade in the compensation plan. Assignment to a pay grade will be based on the relative complexity of the duties, responsibilities, and authority of the job. The salary ranges are determined and may be adjusted periodically by Lyon County.

The compensation plan shall be approved by the Board of County Commissioners.

5.7.2. *Hiring Rate of Pay*

The normal hiring rate is the minimum of the pay range for the position's classification. Advanced salary appointments and accelerated salary advancement may occur only upon authorization by the Lyon County Manager.

5.7.3. *Advanced Salary Hire*

Lyon County may authorize an advanced salary placement (above the minimum of the range) for positions following a determination that fairness and equity in the administration of the compensation plan will be maintained

if the advanced salary hire is authorized. Advanced salary hires/placements may be approved when all of the following circumstances exist:

1. Qualifications indicate applicant will perform at a level commensurate with the requested salary.
2. Based on the applicant's current or most recent salary, an advanced salary hire/placement is required for the applicant to accept the position. (Salaries paid more than twelve (12) months prior to the job offer will not be considered to make a prospective employee eligible for advanced salary hire/placement.)
3. Other applicants with similar qualifications who would not require as high an advanced level salary are not available.
4. Adequate funds are authorized in the hiring department's budget to pay the higher rate.

5.7.4. *Salary on Promotion*

Promotion is defined as movement from one classification to another classification at a higher salary range/grade.

Except as may otherwise be provided by a collective bargaining agreement, a regular employee who is promoted to a new non-exempt classification will move to the nearest step in the range for the new class which provides at least a five percent (5%) pay increase. A regular employee who is promoted to a new exempt classification will receive at least a ten percent (10%) pay increase, but may receive a higher percent pay increase based upon qualifications, experience, and available budget if approved by the County Manager. In no event shall a promoted employee's salary be less than the starting pay of the salary range or more than the maximum pay of the salary range for the new position, therefore promotions have the potential to be less than the five percent (5%) or ten percent (10%) increases stated above.

Reclassification to a class with a higher salary range is a promotion.

Reallocation of an existing class to a higher salary range (e.g., implementation of a compensation study) is NOT a promotion. Employees in a class that has its salary range adjusted will be assigned to a step in the new range that provides the same or not less than the previous rate of pay.

5.8. *Salary Increase Schedule*

5.8.1. *Step Advancements or Merit Increases Authorized*

1. Employees who are not paid at the top of the salary range for their classes are normally eligible for a step advancement or merit increase on their anniversary date. Raises in salary resulting from step advancements or merit increases are based on satisfactory performance and are not automatic. A step advancement or merit increase may be granted only upon a finding by the department head that the employee meets all of the performance requirements of the position and complies with all of Lyon County's rules, regulations, and policies. Employees who are determined to be eligible for a step advancement shall move to the next higher step within the range.

2. Except when Y-rated, an employee may not be paid a regular rate of pay above the top of the salary range for his/her classification.
3. Step advancements or merit increases are administered by the department head, subject to the confirmation of the Human Resources Director that there is adequate documentation that all requirements have been met.

5.8.2. *Anniversary Date*

1. The date on which an employee becomes eligible for consideration for a step advancement or merit increase is known as the anniversary date. Approved increases will become effective upon the employee's anniversary date.
2. An employee's anniversary date and eligibility for consideration for a step advancement or merit increase will be delayed by temporary layoffs or unpaid leaves of absence in excess of fifteen (15) working days during the 12-month period following the employee's last step advancement or merit increase. When delays occur, the employee's anniversary date shall be changed by the number of days of the absence in excess of fifteen (15) days.

5.9. *Withholding of Merit Increases*

5.9.1. *Job Performance*

When the department head has determined that the job performance of an employee is less than satisfactory, the merit increase may be withheld. The employee's performance shall be documented and a copy of the documentation provided to the employee.

5.9.2. *Merit Increases and Probationary Periods*

In the event the initial or promotional probationary period is extended, the employee shall remain at the same step as a condition of that extension. The employee's anniversary date will be changed to reflect the extension of the probationary period.

5.9.3. *Granting of Withheld Merit Increases*

The department head may approve a merit increase not previously approved on the employee's anniversary date upon a finding that the employee now meets the qualifications for an advancement. The employee's anniversary date shall be adjusted based on the date on which the merit increase is actually granted. If a merit increase is not granted in the interim, the employee shall be considered for a merit increase on the next anniversary date.

5.10. *Flat Rate Salaries*

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

5.11. *Casual Worker Compensation*

5.11.1. *Rates of Pay*

Casual workers will be paid the rate of pay established for the same work when performed by regular employees, or as appropriate for the work performed.

Rates of pay may be adjusted annually consistent with general salary increases granted to unrepresented regular employees at the option of Lyon County.

5.11.2. *Merit Increases*

In July of each year, Lyon County may advance casual workers to a higher rate of pay within the approved pay range for the work assigned (not to exceed the approved merit increase percentage approved for that budget year). Lyon County shall consider the qualifications and performance of the worker, the length of time the casual worker has been assigned to the work, the rates paid to regular employees assigned similar work, and the funds available when determining whether to grant a salary increase.

5.11.3. *Implementing Pay Increases*

To authorize a pay increase, the department head will certify that a casual hire's performance is acceptable and request the increase in a memorandum to the Human Resources Director not later than the last work day of June.

5.12. *Y-Rate*

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

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

5.13. *Management Compensation*

The purpose of a management compensation plan is to identify and pay salaries sufficient to attract, retain, and reward the management staff of talented people that are capable of meeting Lyon County's goals. Lyon County strives to provide competitive salaries while maintaining a balance between internal relationships and addressing the need to recognize and reward individual performance. The management compensation plan consists of four components: salary ranges, starting salaries, performance management, and salary reviews.

5.13.1. *Salary Ranges*

Lyon County management employees are paid within the salary range assigned to their position. The management salary ranges will be reviewed

by the Human Resources Director annually, and recommendations for adjustments of the ranges will be made to the Lyon County Manager. The Board of County Commissioners will approve any movement of the management salary ranges.

5.13.2. Starting Salaries

A combination of factors will be considered when determining the starting salaries of individuals entering the management salary ranges. These factors include, but are not limited to: qualifications and experience of the applicant, internal relationships (both horizontal and vertical), the applicant's current or most recent salary, the availability of other similarly qualified individuals, and Lyon County's ability to pay.

5.13.3. Performance Management Evaluations

The management employee evaluation process includes evaluating both past performance and planning for future performance. The purpose of the performance management evaluation is to recognize, evaluate, and record a summary of an employee's performance over a specific period of time and to plan future performance and developmental goals. The employee should be an active participant in this process, providing input into the establishment of future performance and developmental goals. Evaluations should be conducted as often as the Lyon County Manager deems necessary, but at a minimum of once every twelve months.

5.13.4. Salary Reviews

The purpose of a salary review is to evaluate and, when appropriate, adjust the salary of an employee. The adjustment of a management employee's salary is not automatic and several factors should be taken into consideration. These include, but are not limited to: achievement of goals, unanticipated accomplishments, management of human resources, management of fiscal resources, performance of day-to-day tasks or staff responsibilities, the employee's current salary as related to internal relationships, and the availability of Lyon County funds for salary increases. Salary reviews typically occur in conjunction with an employee's annual performance management evaluation cycle, which normally coincides with the employee's anniversary date. The amount of the salary adjustment is based on the funds made available by the Board of County Commissioners during the annual budget process.

5.14. Final Paycheck

Employees who separate for any reason will receive a final paycheck containing all monies due on the next regular pay date for the pay period including the employee's final day of employment.

5.15. Stand-by Pay

Employees who are required to remain available within thirty (30) minutes or less, to respond to calls received to return to work are compensated at the rate of one (1) hour of base pay for each eight (8) hour shift or portion thereof spent on stand-by. Stand-by hours shall not be considered in determining overtime pay or compensatory time for a normal workday. Refer to the applicable bargaining agreements for additional details on stand-by time payments.

5.16. *Special Training Pay*

Employees who work as Jail Control Room Operators or Dispatchers shall receive five percent (5%) of their base hourly rate of pay for hours worked training new employees in these positions. Refer to the applicable bargaining agreements for additional details on training duty payments.

6. LEAVE PLANS

6.1. Holidays

6.1.1. Holidays Designated

The following holidays are recognized by Lyon County:

New Year's Day - January 1st

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 4th

Labor Day - First Monday in September

Nevada Day - Last Friday in October

Veteran's Day - November 11th

Thanksgiving Day - Fourth Thursday in November

Day after Thanksgiving - Fourth Friday in November

Christmas Day - December 25th

Any day declared a legal holiday by the President of the United States and/or the Governor of the State of Nevada will be observed in accordance with the presidential or gubernatorial proclamation.

6.1.2. Holiday Pay

1. Recognized holidays are typically non-work days. Each regular, full-time, non-exempt employee who is on paid status on his/her regularly scheduled work day before and after a holiday will be paid eight (8) hours of pay at his/her rate of pay for each recognized holiday. Each regular, part-time, non-exempt employee who is 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.
2. Employees who work a 4/10 schedule may use vacation leave time, compensatory time off, or an adjusted work schedule to maintain full compensation for any week in which a recognized holiday falls. An adjusted work schedule must be approved by the department head in advance. It must provide for the two needed hours to be worked during the workweek in which the holiday falls, and may provide for a temporary revision to an eight (8) hour per day, five day per week schedule or as otherwise provided for by a collective bargaining agreement.

6.1.3. Weekend Holidays

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. If a holiday falls on an employee's regularly scheduled day off (except Saturdays and Sundays), the employee will be paid

for eight (8) hours at his/her regular rate of pay for the designated holiday, unless an alternative is authorized by the department head or as otherwise provided by a collective bargaining agreement.

6.1.4. No Accrual

Holiday leave shall not be accrued except as may be otherwise provided by a collective bargaining agreement.

6.1.5. Work on Holidays

Non-exempt employees who work on a designated holiday shall be paid for the holiday plus time-and-one-half (1 ½) their regular rate of pay for any time worked on a holiday. Holiday pay for bargaining unit employees shall be paid as provided in the collective bargaining agreement. If a holiday falls during an employee’s paid leave, it will not be charged as leave.

6.2. Vacation Leave

6.2.1. Vacation Leave Accrual

All regular full-time employees, except law enforcement officers, will accrue vacation leave beginning six (6) months after their date of hire as follows:

Beginning the Pay Period Following Completion of:	Through the Pay Period During Which the Employee Completes:	Hours Accrued on a Monthly Basis: (Annualized Rate)
1 month of eligible employment	1 year of eligible employment	3.33 hours (40 hours)*
1 year of eligible employment	5 years of eligible employment	10 hours (120 hours)
5 or more years of eligible employment		14 hours (168 hours)

*Twenty (20) hours available for use only after six (6) months of employment.

Law enforcement officers will accrue 3.33 hours per month for the first twelve (12) months of employment. Beginning the pay period following completion of one (1) year of employment, law enforcement officers will accrue vacation leave according to the above schedule.

Employees do not earn extra vacation leave for overtime worked. Accruals are based on hours worked. Employees will not accrue vacation time while on leave without pay.

6.2.2. Regular Part-Time Employees

Regular employees scheduled to work an average of ten (10) hours or more per week will accrue vacation leave on a pro-rata basis.

6.2.3. Eligibility Maximum Accrual

1. Employees may accrue vacation leave hours, year to year, to a maximum of two hundred forty (240) hours as of January 1st of any year. Hours earned the following calendar year, in excess of the two hundred forty (240) hours, must be used prior to the first pay period in January of the

following year or the hours will be forfeited on that date. When an employee's vacation leave hours exceed the two hundred forty (240) - hour limit, the department head may require the employee provide a specific schedule for use of the excess leave. In situations where an employee is prohibited from using excess accrued vacation leave as a result of Lyon County business requirements, the Lyon County Manager may authorize payment for the excess accrued vacation leave, subject to funds being available in an approved budget. Law enforcement officers' accrual maximums are determined on a fiscal year basis.

2. Regular part-time employees who are eligible to earn vacation leave may accrue a maximum of hours based on pro-rated average hours worked. For example, an employee who regularly works twenty (20) hours per week will be allowed to accrue up to one hundred twenty (120) hours per year depending upon length of employment. An employee who regularly works thirty (30) hours per week will be allowed to accrue up to one hundred eighty (180) hours per year depending upon length of employment. Hours earned the following calendar year, in excess of the maximum accrual amount, must be used prior to the first pay period in January of the following year or the hours will be forfeited on that date.

6.2.4. Use of Vacation Leave

Vacation leave is provided to employees for the purpose of rest and relaxation from their duties and for attending to personal business. Employees are eligible to use vacation leave after one six (6) months of service with Lyon County. Hours accrued in one month cannot be used in the same month. The hours must be included in the employee's vacation leave balance before the employee can charge hours off work against them. Use of vacation leave must be approved in advance by the department head or designee.

6.2.5. Vacation Leave Pay at Termination

Upon termination of employment, an employee with more than six (6) months of employment will be paid for all earned and accrued vacation leave at the employee's current rate of pay.

6.3. Sick Leave

6.3.1. Policy

Lyon County expects that each employee be available for work on a regular and reliable basis. Attendance and leave use is monitored from this perspective whether or not the employee has accumulated leave balances remaining in his/her sick leave account.

1. Accrual

- a. Regular employees will accrue sick leave at the rate of ten (10) hours per month. Regular part-time employees will accrue sick leave hours based on pro-rated hours worked.
- b. Sick leave hours are earned and credited to the employee on a bi-weekly basis, coinciding with pay periods.

- c. Unused sick leave will be credited to the employee's sick leave balance. Sick leave accrual will be reduced to 1,250 hours at the end of the pay period that includes December 31, except Lyon County Sheriff's Employee Association member's whose sick leave accrual will be reduced to 1250 hours at the end of the pay period that includes June 30
- d. Employees are eligible to use accrued sick leave hours after completing six (6) months of service.

2. *Use of Sick Leave*

Sick leave is for use in those 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 and whose attendance is prevented by public health requirements.
- c. The need to care for an individual who is dependent upon the employee for care.
- d. Medical or dental appointments for the employee, provided that the employee makes a reasonable effort to schedule such appointments at times which have the least interference with the work day.
- e. Any disability.

Employees who are absent from work due to sick leave shall be at their place of residence, a medical facility, their licensed health care provider's office, or shall notify their supervisor of their whereabouts when using sick leave. Any gainful employment, pursuit of personal business, recreation, travel for recreation or non-sick leave purposes, or such other activity when an employee is on sick leave is evidence of abuse of 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 Lyon County suspects abuse, they may require substantiating medical evidence at any time which may include, but is not limited to, a certificate from a licensed health care provider.

4. *Illness During Vacation Leave*

Should an employee become ill while on vacation leave which requires medical treatment or hospitalization, the time ill may be charged to accumulated sick leave provided the employee furnishes a certificate issued by a licensed health care provider or other satisfactory evidence of illness?

5. *Placing an Employee on Sick Leave*

An 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, the employee is not able to perform the essential functions of their position with or without reasonable accommodation.

6. *Return to Work*

An employee on sick leave shall notify his/her department head as soon as they are able to return to work. An employee returning from a lengthy absence shall give as much advance notice of return as possible. Lyon County will require a statement from a licensed physician or licensed health practitioner certifying the employee's fitness to return to work.

7. *Sick Leave at Separation*

Sick leave payouts at separation for LCEA and LCSEA employees shall be governed by the applicable collective bargaining agreement. Sick leave payouts for all other employees shall be governed by this policy.

Upon separation from employment due to PERS retirement from Lyon County, an eligible employee shall be entitled to payment for unused sick leave in excess of two hundred and forty (240) hours, according to his/her number of years of Lyon County public service, calculated by using the employee's base hourly rate of pay as of the effective date of the retirement as follows:

- At least ten (10) years of service, but less than fifteen (15) years, maximum of \$5,000.00;
- At least fifteen (15) years of service, but less than twenty (20) years, maximum of \$6,000.00;
- For twenty (20) or more years of service, but less than twenty-five (25) years, maximum of \$7,000.00;
- For twenty-five (25) years of service or more, maximum of \$8,000.00.

To be eligible for this benefit, the employee must be approved for a Nevada PERS retirement, be in good standing with Lyon County and not subject to disciplinary discharge or resignation to avoid a disciplinary discharge. The employee must repay any sick leave payoff received pursuant to this policy prior to the employee being eligible for re-employment with Lyon County.

8. *Personal Day*

Any employee using sixteen (16) hours or less of any combination of sick/family sick leave during a calendar year shall be entitled to one (1) personal day off with pay to be used within one (1) year. Scheduling the personal day off shall be in the same manner as scheduling vacation leave. Lyon County will provide each employee notification of sick leave hours used at the end of each calendar year.

9. *Sick Leave*

Regardless of the amount of any additional accrued sick leave, nothing in this policy is intended to imply that an employee who is not available to work, beyond the expiration of any applicable Family and Medical Leave

Act (FMLA) rights, is entitled to continued employment. Lyon County reserves the right to terminate based on business needs/requirements. Granting of any additional sick leave is at the sole discretion of Lyon County.

6.3.2. Procedure

1. Leave Approval

An employee shall request leave through Employee Self Service (ESS) as soon as the need for leave is known. For absences due to planned treatment and doctor's appointments, the form shall be submitted before the absence. The department head shall determine whether to approve use of accrued sick leave. Such approval shall be granted whenever such leave can reasonably be found to be allowed by this policy.

2. Notification

Any employee who is ill or unable to report to work for any reason shall notify his/her immediate supervisor no later than fifteen (15) minutes following the employee's normal work reporting time. In the event of a continuing illness, the employee shall continue to notify his/her immediate supervisor daily or at appropriate times agreed on by the supervisor of his/her inability to report to work. Use of sick leave may be denied for non-compliance with this policy.

3. Licensed Health Care Provider Certification

A supervisor or department head may require an employee to provide a licensed health care provider's statement certifying 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 licensed health care provider's statement is required for FMLA when employees miss three or more work days and may be requested prior to allowing the employee to return to work.

6.4. Family and Medical Leave

6.4.1. Policy

Public employers are covered under the Family and Medical Leave Act (FMLA), and will comply with the requirements of the FMLA and advise employees if they meet all the FMLA eligibility requirements. Lyon County must provide employees Form WHD-1420 (reference: *FMLA Form WHD-1420-Employee Rights and Responsibilities Under the Family and Medical Leave Act*) and are also required to post and keep posted this notice in a conspicuous place, even if no employees are eligible.

1. Eligibility

Employees who have been employed by Lyon County for a total of twelve (12) months and worked for Lyon County at least 1,250 hours during the preceding twelve (12)-month period and are employed at a work site where fifty (50) or more employees work for Lyon County within seventy-five (75) surface miles of that work site are eligible for

FMLA leave. The required one (1) year of employment does not have to be consecutive. There may be a break in service as long as it does not exceed seven (7) years. There is an exception to the seven (7)-year condition for National Guard and Reservists and written agreements. All employees meeting the above qualifications qualify for FMLA, regardless of their seasonal, temporary, etc., status.

2. *Compensation During Leave*

FMLA leave will be unpaid leave unless the employee has accrued paid leave and is otherwise eligible to use the leave. If an employee requests leave for the employee's own serious health condition or for the serious health condition of the employee's spouse, child, or parent, the employee **must** use all of his/her accrued paid vacation leave, sick leave, compensatory time leave, and personal time off as part of the FMLA leave. (See the applicable collective bargaining agreement for alternate provisions which may apply.) If leave is requested for any of the other reasons identified below, an employee **must** use all of his/her accrued paid vacation leave, compensatory time leave, and personal time off as part of the FMLA leave. The remainder of the leave period will then consist of unpaid FMLA leave. Employees must be made aware that they are required to use sick, vacation, compensatory time, and personal leave as appropriate, in the rights and responsibilities notice Form WH-381 (reference: *FMLA Form WH-381-Notice of Eligibility and Rights and Responsibilities*).

3. *Intermittent or Reduced Schedule Leave*

When medically necessary (as distinguished from voluntary treatments and procedures) or for any qualifying exigency, leave may be taken on an intermittent or reduced schedule basis. Leave for bonding with a healthy newborn or placement of a healthy child for adoption or foster care is not considered medically necessary and, therefore, may not be taken on a reduced schedule or intermittent basis unless agreed to by the employer. Employees needing intermittent leave or reduced schedule leave must attempt to schedule their leave so as not to disrupt the employer's operations. The employer may require an employee on intermittent leave to temporarily transfer to an available alternative position for which the employee is qualified if the position has equivalent pay and benefits and better accommodates the employee's intermittent or reduced schedule leave. Intermittent leave and reduced schedule leave reduces the twelve (12)-week entitlement only by the actual time used. An employee who has been transferred under this section has reinstatement rights to his/her former position until the end of the twelve (12)-month FMLA leave year.

6.4.2. *Duration of and Reasons for Leave*

Any eligible employee, as defined above, may be granted a total of twelve (12) weeks of unpaid FMLA leave (which can run concurrent with paid leave) during a 12-month period (see exception for Military Caregiver Leave as provided in section 6.4.3 below). This period is measured backward from the date an employee uses any FMLA leave. A "week" is defined as a calendar week, regardless of the number of days the employee normally

works. Twelve (12) calendar weeks does not entitle a part-time employee working three (3) days a week to sixty (60) leave days, but rather twelve (12) weeks. FMLA may be granted for the following reasons:

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

Exigency leave may be taken for:

- Short-term notice deployment
- Military events and activities
- Child care and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities
- Additional activities arising out of active duty that Lyon County and employee agree upon.

Covered Active Duty means:

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

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

- Inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility.
- Continuing treatment by (or under the supervision of) a licensed health care provider for a period of incapacity of more than three (3) consecutive full calendar days, combined with at least two (2) visits

to a licensed health care provider within thirty (30) days of the first day of incapacity or one (1) visit to a licensed health care provider requiring a regimen of continuing treatment; i.e., prescription medication.

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

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

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

6.4.3. *Military Caregiver Leave*

An eligible employee, as defined in 6.4.1.1. above, may be granted a total of twenty-six (26) weeks of unpaid FMLA leave (which can run concurrent with paid leave) during a 12-month period to provide caregiver leave for a seriously ill or injured covered service-member or veteran who is the employee's spouse, son, daughter, parent, or nearest blood relative. The covered service-member must be a member of the Armed Forces who suffered an injury or illness while in the line of duty, on active duty, that rendered the person medically unfit to perform his/her duties; or in the case of a veteran, the illness or injury manifests itself before or after s/he became a veteran. This period is measured forward from the date an employee takes FMLA leave to care for the covered service-member or veteran and ends twelve (12) months after that date.

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

Covered Service-member means:

- A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious illness or injury; or
- A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious illness or injury and who was a member of the Armed Forces (including National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

6.4.4. Notice of Leave

An employee intending to take FMLA leave because of an expected birth or placement, a planned medical treatment or medical care, or qualifying exigency, must submit an application for such leave at least thirty (30) days before the leave is to begin. If a requested leave will begin in less than thirty (30) days, the employee must give notice to his/her immediate supervisor as soon as the necessity for the leave is known. Reasonable advance notice is required for all leaves, even if the event necessitating the leave is not foreseeable. If an employee gives less than thirty (30) days' notice, Lyon County may require an explanation.

Within five (5) days (barring extenuating circumstances) of receiving notice that 1) an employee requests to use FMLA leave, or 2) an employee requests leave and Lyon County acquires knowledge that the leave may be FMLA-qualifying, Lyon County will complete Form WH-381 (reference: *FMLA Form WH-381-Notice of Eligibility and Rights and Responsibilities*). Completion of this form will designate if an employee is eligible for FMLA or if an employee is not eligible, the reason(s) why they are not eligible. The form will designate if the employee is required to obtain certification related to medical conditions and/or required family relationships. Lyon County may require the use of FMLA leave for any absence which would otherwise qualify as FMLA leave, even if no formal application for such leave was made by the employee, provided notice is given to the employee.

6.4.5. Certification of Leave

Employees requesting FMLA leave for qualifying exigency are required to complete Form WH-384 (reference: *FMLA Form WH-384-Certification of Qualifying Exigency for Military Family Leave*) and provide a copy of the military member's active duty orders.

Employees requesting FMLA leave for military caregiver leave are required to complete Form WH-385 (reference: *FMLA Form WH-385-Certification of Serious Injury or Illness of Covered Service member for Military Family Leave*) within fifteen (15) calendar days, barring extenuating circumstances.

A request for leave based on the serious health condition of the employee or the employee's spouse, child, or parent must be supported by completion of Form WH-380-E (reference: *FMLA Form WH-380-E-Certification of Health Care Provider for Employee's Serious Health Condition*) or Form WH-380-F (reference: *FMLA Form WH-380-F-Certification of Health Care Provider for Family Member's Serious Health Condition*) completed by the treating licensed health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the medical facts regarding the condition.

If the employee is needed to care for a spouse, child, or parent, the certification must so state, along with an estimate of the amount of time the employee will need. If the employee has a serious health condition, the certification must state that the employee cannot perform all the functions of his/her job or any one of the essential functions of his/her job. **Note:** Attach the employee's current job description to Form 380-E (reference: *FMLA*

Form WH-380-E-Certification of Health Care Provider for Employee's Serious Health Condition) when it is sent to the employee's licensed health care provider. The Certification of Health Care Provider form must be completed and returned by the employee within fifteen (15) calendar days, barring extenuating circumstances.

Lyon County may contact the employee's licensed health care provider for the purpose of clarification or authentication after giving the employee an opportunity to clarify specific discrepancies. Only a Human Resources Department Representative may contact the health care provider.

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

In instances where diagnoses from medical providers appear to be indefinite or long-term, Lyon County may require the employee to recertify that the original medical condition still exists. Such requests can be made no more frequently than once every six (6) months unless the circumstances reported in the original certification have changed significantly or Lyon County receives information casting doubt upon the stated reason for the absence.

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

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

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

Any genetic information obtained from certification or recertification must be maintained in a confidential manner by the employer.

An employee may not accept other employment during an FMLA absence if the job conflicts with the reason the employee is on FMLA leave; i.e., an employee is on FMLA leave due to a back injury and accepts a job requiring heavy lifting.

6.4.6. Designation Notice

Within five (5) business days (barring extenuating circumstances) of receipt of all required information, Lyon County will make a determination if employee's request for leave is for an FMLA-qualifying reason. Lyon County will complete Form WH-382 (reference: FMLA Form WH-382-Designation Notice) indicating if leave is approved or not.

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

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

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

6.4.7. *Benefits Coverage During Leave*

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

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

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

6.4.8. *Restoration to Employment*

Upon returning to work, an employee on FMLA leave will be restored to his/her most recent position or to a position with equivalent pay, benefits, and other terms and conditions of employment. Lyon County cannot guarantee that an employee will be returned to his/her original job. Lyon County will determine whether a position is an "equivalent position."

6.4.9. *Return from Leave*

If an employee wishes to return to work prior to the expiration of a FMLA leave absence, s/he must notify the supervisor at least five (5) working days prior to the employee's planned return. Employees may be required to provide a fitness-for-duty certification prior to returning to work if the FMLA leave of absence was due to the employee's own serious health condition.

6.4.10. Failure to Return from Leave

Failure of an employee to return to work upon the expiration of an FMLA leave of absence will subject the employee to disciplinary action, up to and including termination, unless Lyon County has granted an extension. (Note: Refer to Lyon County's other leave policies.) An employee who requests an extension of FMLA leave due to the continuation of a qualifying exigency, care for service-member, continuation, recurrence, or onset of his/her own serious health condition, or of the serious health condition of the employee's spouse, child, or parent, must submit a request for an extension, in writing, to Lyon County. This written request should be made as soon as the employee realizes that s/he will not be able to return at the expiration of the leave period. Any additional time requested beyond the FMLA twelve (12) - or twenty-six (26)-week period will not be considered as FMLA. Rather, such time, if approved by Lyon County, will be characterized as either paid or unpaid leave, thereby ending Lyon County's return-to-duty obligations included in Section 6.4.8. (See the applicable collective bargaining agreement for alternate provisions which may apply.) Nothing in this policy limits Lyon County's obligations of reasonable accommodation under the Americans with Disabilities Act, as amended.

6.5. Leave of Absence Without Pay

6.5.1. Policy

Lyon County may grant leaves of absence without pay for up to six (6) months for exceptional circumstances and conditions, such as education or prolonged illness, when the appropriate authority determines the granting of such leave is consistent with Lyon County's needs, the work of the office or department will not be impeded by the employee's absence, and the leave will not require the appropriation of additional funds for the operation of the employee's department. Such leave may be extended for an additional period of up to six (6) months by Lyon County Manager.

6.5.2. Procedure

1. Approval – Less Than 30 Days

Leaves of absence without pay not exceeding thirty (30) days may be granted by the department head.

2. Approval – More Than 30 Days

For leaves of absence without pay in excess of thirty (30) days, the employee must obtain the approval of the department head. The department head may grant a leave in excess of thirty (30) days following written certification by the employee to the department head that the leave is consistent with the intent of this section. Lyon County reserves the right to not require the use of all accrued paid leave credits, depending upon the nature and type of leave without pay taken by the employee.

3. Purpose

Leaves of absence without pay are not granted for the purpose of seeking or accepting other employment, except when or if Lyon County

determines that the granting of such leave is in the best interest of Lyon County.

4. *Termination of Leave*

Lyon County may terminate any leave of absence without pay, except those granted pursuant to statute or regulation, prior to its expiration date by sending written notice to the employee. The terms and conditions setting forth the provisions of the termination of an unpaid leave of absence must be included in the document granting the unpaid leave of absence. The employee is then required to return to work within five (5) calendar days from the date the notice is received. In the event Lyon County terminates a leave of absence, the employee will be returned to the same class or position s/he occupied when the leave of absence was granted.

5. *Failure to Return*

An employee who fails to return to duty upon expiration or termination of leave of absence without pay is considered to have abandoned his/her employment and will be considered to have resigned from employment with Lyon County.

6. *Insurance*

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

7. *Return from Leave*

Granting of a leave of absence without pay does not guarantee immediate reinstatement to paid status, provided, however, employees returning from leave taken pursuant to the Family and Medical Leave Act shall have the right to immediate reinstatement at the end of the approved leave provided they meet the conditions of the Family and Medical Leave Act policy.

8. *Medical Leaves*

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

9. *Anniversary Date*

An employee's anniversary date will be changed by the number of days off work for all unpaid leaves of absence in excess of fifteen (15) days during any twelve (12)-month period. (See special provisions for Military Leave.)

10. *Benefit Accrual*

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

6.6. Court Leave

6.6.1. When Granted

Employees shall notify their supervisors of the need for court leave as soon as the need of the leave becomes known to the employee. Subject to the conditions noted below, regular employees called to serve on jury duty or subpoenaed to appear as a witness for a job-related matter in a court proceeding shall receive their regular pay for those hours spent in court or in travel to and from the court appearance. Employees who are not regular employees who are called to serve as a juror or witness will be granted time off without pay. Court appearances by law enforcement personnel are integral to their duties, thus law enforcement employees are not affected by this policy.

6.6.2. Compensation

1. The employee's regular 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, nor will court leave time be considered as hours worked for purposes of determining eligibility for overtime, unless the court leave is related to the employee's position with Lyon County.
2. Upon completion of jury/court/witness service, for which the employee received his/her regular pay, the employee will forward any compensation received from the court or other party served to Lyon County immediately upon receipt. Reimbursements received for out-of-pocket expenses such as meals, mileage, and lodging may be kept by employees, unless Lyon County has reimbursed the employee for such expenses or the expenses were paid for the employee by Lyon County.
3. An employee shall not receive pay for that amount of 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 Lyon County, unless the employee chooses to use his/her vacation leave.

6.6.3. Late Start/Early Release

An employee who is not required to report to court until the middle of his/her work schedule or is released from court/jury duty before the end of his/her work schedule shall report to work for the hours which are not required for court duty or directly related travel time.

6.7. Military Leave under Federal Law

6.7.1. Policy

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

emergency. The Army National Guard and Air National Guard are also covered.

6.7.2. Notice and Notification

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

*Includes part-time, seasonal and temporary employees (if the temporary position is considered recurrent).

6.7.3. Salary and Benefits

1. Leave Without Pay

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

2. Health Insurance

There is no impact to the employee's insurance coverage, including life insurance inclusive of the health insurance package. The employer and employee premium payments or obligations, if any, remain unchanged for thirty (30) days. Employee may then continue coverage similar to that required by the Consolidated Omnibus Budget Reconciliation Act (COBRA) for either eighteen (18) months or through the day after the date on which the employee fails to apply for reemployment in a timely manner; whichever is lesser (see Reemployment, Section 6.7.4. below). The employer must reinstate coverage upon the employee's prompt reemployment without the imposition of exclusions or waiting periods. An employee who takes up to ninety (90) days after leaving the military before commencing his/her reemployment may stay on the military health insurance; however, it is the employee's responsibility to verify the continuation, scope, and duration of coverage.

3. Seniority

An employee is entitled to the seniority (and rights and benefits governed by seniority) s/he had accrued at the commencement of military leave, plus any additional seniority rights and benefits that s/he would have attained if s/he had remained continuously employed (the "escalator principle"). However, if a probationary period is a bona fide period of observation and evaluation, the returning employee must complete the remaining period of introduction upon reemployment. Lyon County must count time served for the purpose of determining vacation and sick leave accrual rates, if the accrual amount is based on seniority. Additionally, Lyon County must count time in the military when determining the employee's rate of pay if the rate is based on seniority (e.g., a grade-and-step pay system). Lyon County is not required to

accumulate vacation or sick leave for an employee during his/her absence. The “escalator principle” will be applied to a returning employee’s opportunities to take promotional examinations or skills tests and to merit pay increases.

4. *Retirement*

Time served will be counted as work time for purposes of retirement. Lyon County must make contribution payments to the retirement plan as if the employee had not left, provided the employee returns to work. Lyon County’s contribution will be based on the rate of pay the employee would have been paid had s/he not been called to military service. An exception to this requirement is when the higher pay is based on additional knowledge, skill, or ability that can only be gained by work experience. Employers are required to report time spent in the military upon reemployment of employee. PERS will calculate credit attained (NRS 286).

5. *Death or Disability*

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

6. *Other Leave*

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

6.7.4. *Reemployment*

1. Eligible returning service members must be promptly reemployed, which in most cases means within two weeks of reporting. The employee must show s/he was honorably discharged. The rules for time limits are:
 - a. Service of one (1) to thirty (30) days: The beginning of the next regularly-scheduled work period on the first full day following completion of service, and expiration of an eight-hour rest period following safe transportation home.
 - b. Service of thirty-one (31) to one hundred eighty (180) days: Application for reinstatement must be submitted not later than fourteen (14) days after completion of military duty.
 - c. Service of one hundred eighty-one (181) or more days: Application for reinstatement must be submitted not later than ninety (90) days after completion of military duty.
2. The deadline for reinstatement may be extended for up to two years for persons who are convalescing due to a disability incurred or aggravated during military service.
3. Reemployment rights apply to veterans whose cumulative period of uniformed service does not exceed five (5) years while employed by Lyon County. Time spent in National Guard and reservist training does not count towards the five-year period.

6.7.5. Termination

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

6.8. Military Leave under Nevada Statute

6.8.1. Policy

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

6.8.2. Procedure

1. Upon employee's or public officer's request, Lyon County 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. Lyon County 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 Lyon County in number 1 above is calendar year.

6.9. Emergency Volunteer Service

An employee who is a participant in any volunteer emergency service (e.g., fire protection, ambulance service, or search and rescue) shall not schedule himself/herself for on-call duty during work hours. In the event it is necessary for the employee to be scheduled for on-call duty during regular work hours, s/he will consult with his/her supervisor prior to the on-call period. In the event an employee is called out during normal working hours, s/he shall receive total regular compensation and shall remain in full employment status while performing the volunteer service for the period that s/he would have been working for Lyon County.

6.10. Emergency Road Conditions

1. Any non-exempt employee who is unable to report to work due to road closures or hazardous road conditions caused by ice, snow, floodwaters, washouts, or slides shall not receive regular salary. Employees are advised to use their best judgment in making a decision of whether or not to report to work under such conditions. Should an employee decide to remain at his/her residence, all

reasonable attempts should be made to notify his/her immediate supervisor. Any employee wishing to receive payment for time missed due to hazardous road conditions may do so by using either accrued vacation leave or accrued compensatory leave time.

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

6.11. Disaster Area Declaration

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

6.12. Blood Donor Leave

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

6.13. Bereavement Leave

When a death occurs in the immediate family of an employee, said employee shall be entitled to a leave of absence of up to five (5) consecutive work days with pay chargeable to the employee's sick leave for each death of a family member related by birth, adoption and /or through marriage; employee's partner; or an individual who was dependent upon the employee for care.

An employee absent from work due to the death of an individual, who does not fall within the above categories, shall have said day charged against the employee's vacation leave.

6.14. Catastrophic Leave

1. Definitions:

- a. The employee is unable to perform the duties of his/her position because of a serious illness or accident which is life threatening or which will require a lengthy convalescence. Catastrophic leave does not cover work related sickness or injury.
- b. "Lengthy Convalescence" means a period of disability, which the attending physician determines will exceed six (6) weeks.
- c. "Life Threatening" means a condition, which is diagnosed by a physician as creating a substantial risk of death.

2. Establishing the Catastrophic Leave Account:

- a. The Lyon County Manager may establish an account for catastrophic leave for employees.
- b. An employee may request, in writing, that a specified number of hours of his/her accrued vacation or sick leave be transferred from his/her account to the catastrophic leave account.
- c. An employee may not transfer to the catastrophic leave account any hours of sick leave, if the balance in his/her account after the transfer is less than six (600) hours. Sick leave will be transferred at the rate of one (1) hour for one (1) hour credit donated.
- d. The maximum number of hours which may be transferred in any one (1) calendar year from any employee is eighty (80). The minimum number of hours which may be transferred in any one (1) calendar year is eight (8) hours vacation and twenty-four (24) hours sick. Leave will be placed in a pool; however, the employee may transfer hours to the catastrophic leave account for use by a particular employee, who has been determined to be eligible to receive the leave.
- e. Any hours of vacation or sick leave which are transferred from any employee's account to the catastrophic leave account may not be returned or restored to that employee. This subsection does not prevent the employee from receiving leave pursuant to subsection 4 of this policy.

3. Request for Catastrophic Leave:

- a. An employee who is himself/herself affected by a catastrophe as defined in Subsection 1, may request, in writing, that a specified number of hours of leave be transferred from the catastrophic leave account to his/her account. The maximum number of hours that may be transferred to an employee pursuant to this Section is three hundred twenty (320) per catastrophe. Catastrophic leave may not be used when the subject of the catastrophe is a member of the employee's immediate family. Catastrophic leave is limited to catastrophes which befall the employee.
- b. After an employee exhausts their sick and vacation leave, the employee may apply for a maximum of one hundred (100) hours of catastrophic leave to cover the one-third (1/3) of time not covered by workers' compensation.
- c. The request must include:

- 1) The employee's name, title and classification; and
- 2) A description of the catastrophe and the expected duration of that catastrophe.
- 3) An employee may not receive any leave from the catastrophic leave account until s/he has used all his/her accrued vacation, sick and other paid leave.
- 4) An employee who receives leave from the account for catastrophic leave is entitled to payment for that leave at a rate no greater than his/her own rate of pay.

4. *Approval of Transferring the Catastrophic Leave:*

- a. The Lyon County Manager or his/her designee may approve the transfer of a specified number of hours of leave from the catastrophic leave account to the account of any employee who is eligible to receive such leave.
- b. The decision of the Lyon County Manager or his/her designee concerning the approval of leave pursuant to Subsection 1 is final and is not subject to the grievance procedure, judicial review, or review by the Board of County Commissioners.

5. *Review of Status of Catastrophe; Termination of Leave; Disposition of Hours Not Used:*

- a. Lyon County Manager or his/her designee shall review the status of the catastrophe of the employee and determine when the catastrophe no longer exists. This determination is final and not subject to the grievance procedure, judicial review or review by the Board of County Commissioners.
- b. Lyon County Manager or his/her designee shall not grant any hours of leave from the catastrophic leave account after:
 - 1) The catastrophe ceases to exist; or
 - 2) The employee who is receiving the leave resigns or his/her employment with Lyon County is terminated.
 - 3) Any leave which is received from the catastrophic leave account which was not used at the time the catastrophe ceases to exist or upon the resignation or termination of the employment of the employee must be returned to the catastrophic leave account.

6. *Maintenance of Records on Catastrophic Leave:*

The Human Resources Department shall maintain the records and report to the Lyon County Manager any information concerning the use of a catastrophic leave account to evaluate the effectiveness, feasibility and the cost of carrying out this provision.

7. *Substantiation of Catastrophic Condition:*

Lyon County Manager or his/her designee may require written substantiation of the catastrophic condition, which is life threatening or which will result in a lengthy illness by a physician of his or her choosing. The cost of such written substantiation shall be borne by the employee.

6.15. Leave for Parents of Children Enrolled in School

6.15.1. Policy

For employers with fifty (50) or more employees employed for twenty (20) or more calendar weeks per year, those employees who are parents of children enrolled in public or private school (K-12) are entitled to four (4) hours of unpaid leave, per school year, for each child enrolled in school. The employee may use the entitled leave time to:

- a. Attend parent-teacher conferences;
- b. Attend school-related activities during regular school hours;
- c. Volunteer or otherwise be involved at the school in which the child is enrolled during regular school hours; and
- d. Attend school-sponsored events.

The time for the leave must be mutually agreed upon by the employee and Lyon County. The employee must request the leave in writing at least five (5) school days prior to the date on which the leave is to be taken. The employee may also be required to furnish documentation demonstrating that s/he was present at the school activity for which the leave was provided.

6.15.2. Retaliation

An employee shall not be retaliated against for utilizing the leave described in this section. Any employee who believes s/he has been retaliated against as a result of having taken leave under this section may file a claim with the Nevada Labor Commissioner. Lyon County shall provide the employee with all of the forms necessary for the claim filing.

6.16. Leave for Nursing Mothers

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

7. BENEFITS

7.1. Health Insurance Coverage

7.1.1. Eligibility

Regular employees working thirty (30) or more hours per week are eligible to enroll in a group health insurance plan effective the first of the month following sixty (60) days of employment. Dependents of employees, as defined in the current plan booklet, are also eligible for coverage under the insurance plan, at the employee's expense. Employees must authorize a payroll deduction of any share of health coverage premium which is to be paid by the employee.

7.1.2. Benefits

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

7.1.3. Plan Changes

Lyon County will, from time to time, evaluate the health coverage plan to be offered and make such adjustments in the level of coverage and the amount of premium cost to be paid by Lyon County as Lyon County deems appropriate.

7.2. Life Insurance Coverage

7.2.1. Eligibility

Full-time regular employees are covered by a Lyon County-paid term life insurance and accidental death and dismemberment insurance plan effective the first of the month following sixty (60) days of employment.

7.2.2. Policy

The specific terms and conditions of coverage are specified in the plan document issued by the insurance company and are available from the Human Resources Department.

7.2.3. Coverage

Eligible employees are covered by a life insurance policy in the amount of \$10,000. Law enforcement officers are provided a policy in the amount of \$50,000.

7.2.4. Optional Policy

An additional, optional life insurance policy is available for employees and their dependents on an employee contribution basis. Details are available from the Human Resources Department.

7.3. Retirement

As defined in NRS 286, Lyon County is considered a public employer and employees in positions considered to be half-time or more, according to the full-time work schedule for at least one hundred twenty (120) consecutive work days, are covered by

the Public Employees Retirement System (PERS). Details are available in Chapter 286 of the NRS.

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

Eligibility for membership in PERS for district judges and justices of the peace is covered in NRS 1A.

7.4. *Workers' Compensation*

Employees are insured under the provisions of the State Workers' Compensation Act for injuries received while at work for Lyon County. Employees are required to report all on-the-job accidents, injuries, or illness to their immediate supervisor as soon as reasonably possible or within twenty four (24) hours of the accident, injury, or illness.

The following provisions are adopted pursuant to and are intended to implement the requirements of NRS 281.390:

1. When an employee is eligible at the same time for benefits for temporary total disability under chapters 616A to 616D, inclusive, or 617 of the NRS, and for any sick 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 chapters until his/her accrued sick leave time is exhausted. Lyon County will notify the Workers' Compensation Administrator of the election. Lyon County will continue to pay the employee his/her normal salary, but charge against the employee's accrued sick leave time as taken during the pay period an amount which represents the difference between his/her normal salary and the amount of any benefit for temporary total disability received, exclusive of reimbursement or payment of medical or hospital expenses under chapters 616A to 616D, inclusive, or 617 of the NRS for that pay period.
2. When accrued sick leave has been exhausted, and the employee is still unable to work, the employee may use accrued vacation leave as sick leave. Once the employee's accrued sick and vacation leave is exhausted, the employee shall receive no additional compensation from Lyon County.
3. When the employee's accrued sick and vacation leave time is exhausted, payment of his/her normal salary under Subsection 1 must be discontinued and Lyon County will promptly notify the Workers' Compensation Administrator so that it may begin paying the benefits to which the employee is entitled directly to the employee.

7.5. *Modified Duty Policy*

It is the policy of Lyon County to provide modified duty assignments to employees who have sustained an industrial injury/illness which prevents them from performing the full range of duties within their job classification and whose medical condition has been diagnosed as "temporary" by the employee's treating physician.

"Temporary" means a medical condition of short duration arising out of an industrial injury or illness where the medical prognosis is for recovery to full duty status. By having a Modified Duty Policy, which makes reasonable accommodations possible, there is a benefit to both Lyon County and the injured employee.

Nothing in this policy entitles an employee to a modified duty assignment. Modified duty assignments are temporary, they are not considered a permanent work

assignment and such assignments do not create an entitlement to the position to which the employee is temporarily assigned. The decision to offer modified duty assignments is at the sole discretion of Lyon County.

This policy is not intended to nor does it alter an employee's rights under the Americans with Disabilities Act, as Amended (ADAAA) or the Family Medical Leave Act (FMLA). Determinations of whether an employee has a temporary medical condition or may be covered by the ADAAA will be made on a case by case basis and may be made periodically before, during or after the prognosticated recovery period. These determinations will be made in consultation with the Human Resources Department.

7.5.1. Responsibility for the Policy

The following groups of Lyon **County** employees are responsible for the success of the Modified Duty Policy:

Department Manager

The injured employee's department manager will attempt to place the employee in a modified duty assignment within the department when possible. When the department is unable to place an injured employee in a modified duty assignment within the department, Human Resources will assist in placing the employee in a modified duty assignment with another department. The employee's regular department will be responsible for all Human Resources actions including the payment of the employee's normal wages and benefits.

Temporary Assignment Department Manager

The temporary assignment department manager is responsible for providing a modified duty assignment within the physical restrictions imposed by the employee's treating physician. The temporary assignment department manager will provide the necessary training to ensure the injured employee is capable of performing the modified duty assignment.

Employee

The employee is responsible for working in a modified duty assignment provided by Lyon County. The employee's failure to participate in the modified duty assignment may result in the denial of temporary total disability benefits.

Human Resources Department

Human Resources will act as the liaison between the injured employee, the employee's treating physician, the employee's regular department, and the temporary assignment department. Any questions associated with this policy will be directed to the Human Resources Department.

7.5.2. Procedures

Modified duty assignments will normally be of short duration. Modified Duty Assignments will be terminated when Lyon County determines it is unable to provide modified duty assignments consistent with the employee's physical restrictions imposed by the treating physician or the work assignment is exhausted. When an employee is injured on the job and

released with physical restrictions the department will decide if the physical restrictions of the employee fit within their normal job duties.

- If the physical restrictions do not allow the employee to return to his/her normal job duties, then the department will attempt to place the employee in a modified duty assignment within the department. The department will notify Human Resources of the modified duty assignment.
- If the department is unable to provide a modified duty assignment, the department will notify Human Resources. Human Resources will attempt to find a temporary assignment department to provide the employee with a modified duty assignment.
- Human Resources will meet with the injured employee, the department, and the temporary assignment department to ensure the success of the modified duty assignment.
- The injured employee will perform the modified duty assignment in the temporary assignment department until the physical restrictions are lessened and the employee can:
 - Return to a modified duty assignment within his/her department;
 - Or a full duty release is given and the employee returns to full duty in the employee's department.
- When the employee's restrictions change and the employee returns to his/her department, the employee's home department will notify Human Resources.

7.6. *Deferred Compensation*

Employees may defer a portion of their taxable income by participation in a deferred compensation plan offered through Lyon County.

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

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

Prior to retirement, participants may withdraw the balance of their deferred compensation account only upon termination of employment. In the event of an unforeseeable emergency, the portion of account needed to pay for the emergency may be withdrawn. The IRS defines conditions and requires Lyon County's approval of early withdrawal on a hardship basis. Lyon County Manager or his/her designee must review and approve all requests for early withdrawal.

7.7. *Educational Assistance*

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

1. Employees must be in a regular full-time status.

2. The course must be taken from an accredited institution of higher learning or a Lyon County-approved adult education class and taken on an employee's own time.
3. The course must be job related or be required for a degree that is job related.
4. The employee must satisfactorily complete the course with a grade of "C" or better.

An employee must request approval for educational assistance from his/her supervisor or department head. Upon approval by the supervisor or department head, the request is forwarded for review and approval by the Human Resources Director. If approved by the Human Resources Director, the request for payment will be forwarded to Lyon County Manager for final approval. Such approval may be conditioned upon meeting commitments for continuing employment and/or job-related conditions.

7.8. *Reimbursement for Required License or Certification*

Employees in positions that require the individual maintain a license or certification may be reimbursed the cost of the renewal fee for the required license or certification with the department head's approval. This reimbursement would include courses required for continuing education units or POST requirements. All out-of-state travel under this policy requires Lyon County Manager's prior approval.

7.9. *Early Separation Incentive Program*

7.9.1. *Purpose*

The Early Separation Incentive Program is designed to reduce staffing costs for Lyon County by providing an incentive for certain long term employees to retire or resign from Lyon County employment

7.9.2. *Incentive*

Lyon County will pay an amount up to fifteen percent (15%) of the employee's annual base salary at retirement towards the purchase of retirement credit for employees retiring with a bonafide Nevada PERS retirement. This purchase of retirement credit is contingent upon Nevada PERS approval of such a purchase.

7.9.3. *Eligibility to Apply*

To be eligible to apply for payments under the provisions of this program, an employee must meet the following criteria:

1. Have been employed by Lyon County in an appointed position for a total of ten (10) years in a full-time Lyon County employee position as of their anniversary date.
2. Have received at least "meets standards" in each of their two most recent annual evaluations.
3. Apply for early retirement program benefits by December 15th of the year prior to the employees planned retirement date in the following fiscal year (July 1st through June 30th). The required Application Form for this benefit may be requested and submitted through the Human Resources Department. The only exception to this notice

requirement that may be considered is qualifying for a PERS Disability Retirement benefit.

4. Commit to retire from Lyon County employment with a bonafide Nevada PERS retirement through a formal resignation letter with a specified date within the subsequent fiscal year.
5. Waive all rights to apply for or be considered for Lyon County employment in any job class in which the employee has previously worked, if accepted for participation in the program.
6. Submit only one successful application for this program during the life of the employee. An application is for a single fiscal year and does not carry forward from year to year. If an application is not budgeted, it is not considered a successful application. An application that is accepted and budgeted is considered successful, regardless of whether or not the employee actually retires in the year that the incentive was budgeted.

7.9.4. *Application Approval Process*

Approval of applications shall be based upon Lyon County's business necessity. Business necessity shall mean that an application meets all of the above criteria and is formally considered and budgeted by the Lyon County Board of Commissioners.

Once an application is received, the Human Resources Director will determine if the application meets the criteria for participation in the program. If so, the Human Resources Director shall notify the employee in writing that the application meets the criteria and the application will be considered for funding by the Lyon County Board of Commissioners during the budget process.

If the Human Resources Director determines that an application does not meet all of the criteria, the Human Resources Director will notify the applicant in writing that the application has been denied and reason why the criteria were not met. An employee whose application has been denied may appeal the denial by providing the Lyon County Manager with a written statement of the alleged errors of the Human Resources in denying the application. The appeal statement must be delivered to the Lyon County Manager within seven (7) working days of written notice to the employee of the denial of the application. Upon receipt of such an appeal, the Lyon County Manager shall promptly notify the employee of the date, time and place for a meeting to consider the appeal. The Lyon County Manager shall thereafter promptly deliver a written decision to the employee, which decision is final.

The Human Resources Director will forward applications accepted for participation to the Comptroller by December 31 of the year received for inclusion in the budget process for Board consideration of funding.

8. TRAVEL EXPENSES

8.1. Policy

1. Employees will be reimbursed for all reasonable and necessary travel expenses which are directly related to the performance of their assigned duties and which are properly authorized.
2. To obtain reimbursement, employees must submit an expense report on a proper claim form and substantiate the amounts claimed.
3. Lyon County will not reimburse or otherwise pay any expense that violates commonly accepted standards of sound judgment and good taste or violates this policy.

8.2. Allowances

8.2.1. Mileage

Lyon County will attempt to make a vehicle available for official use to employees when so required. If there are no Lyon County vehicles available and the employee must use a personal vehicle, mileage will be reimbursed at the IRS standard mileage reimbursement rate. If a Lyon County vehicle is available and an employee chooses to use a personal vehicle, the mileage will be reimbursed at one-half the IRS standard mileage rate. If an employee drives a personal vehicle when commercial air travel would be more efficient, the mileage reimbursement will be limited to the cost of the airfare.

8.2.2. Lodging

Moderate cost lodging may be arranged at the meeting/training site when necessary, subject to the department head's prior approval. If rooms are not available at the meeting/training site, then a moderately priced room near the meeting/training site is authorized. Reimbursement will be based on the cost of a double room, plus tax, if available. A receipt is required for lodging expenses.

8.2.3. Meals

1. Lyon County will pay the prevailing per diem rate as allowed for State employees for meal expenses when Lyon County employees are on an authorized business trip and meals are approved by the department head. Lyon County employees not directly supervised by the District Court are to be reimbursed for breakfast when leaving at least 1 ½ hours prior to the regularly scheduled start of a shift, and for dinner when returning at least 1 ½ hours after the end of the regularly scheduled shift. Lyon County employees directly supervised by the District Court are to be reimbursed for breakfast when leaving before 7:00 a.m., and for dinner when returning after 5:00 p.m. (Effective January 17, 2008, per Board action.)
2. No reimbursement shall be allowed for any meal which is provided or made available to an employee as a part of the cost of a meeting, class, or other function, regardless of whether the employee partakes of the provided meal or purchases his/her meal elsewhere.

3. No reimbursement for meals will be allowed when traveling within Lyon County or if the employee's regularly assigned work area includes other counties.
4. Should the cost of meals purchased during out-of-state travel exceed the per diem rate, the employee may apply to the Comptroller for a variance by submitting such request with the original receipts for the expenditures.

8.2.4. Other Expenses

Necessary business telephone calls at a meeting or training site, parking charges, and/or ground transportation will be reimbursed.

8.2.5. Unallowable Expenses

1. Lyon County does not reimburse for fines and parking tickets, towing or impounding fees, traffic violations, alcoholic beverages, personal entertainment, tobacco, and extravagant costs of any kind.
2. Lyon County discourages combining personal travel with business travel due to the public's perception regarding use of Lyon County funds. Employees must clearly disclose any personal travel and/or vacation time to be taken in conjunction with Lyon County travel. An employee's family may accompany the employee on Lyon County business, provided travel is not in a Lyon County vehicle. Lyon County will not, however, pay any additional expenses when personal travel is combined with business travel and/or a family member travels with an employee while on Lyon County business.

8.3. Processing

8.3.1. Claims

1. All expenses shall be detailed on the proper claim form and shall provide detailed information regarding expenses claimed. Receipts, when required, are to be attached. All expense reports must be approved by the Comptroller or Lyon County Manager.
2. Travel expense reports should be submitted within five (5) working days following any trip and must be submitted within thirty (30) days. All unused expense advanced funds are to be returned with the report. When advanced funds have been provided, a claim form must still be completed within five (5) working days following any trip.

8.3.2. Advances

Employees may request an advance to cover anticipated expenses of at least fifty dollars (\$50.00). This request must be made not more than three (3) weeks nor less than one (1) week before departure.

9. EMPLOYEE SEPARATION

9.1. Resignation

9.1.1. Notice

A regular employee may resign by giving written notice of the effective resignation date to the supervisor or department head. The requested minimum amount of written notice is fourteen (14) days; however, a resignation in good standing may be accepted immediately upon receipt when the notice requirement is waived by the department head.

9.1.2. Return of Employer Property

To resign in good standing, an employee must return all Lyon County property, including clothing, keys, identification badges, tools, equipment, and other items of value.

9.1.3. Withdrawal

At the sole discretion of Lyon County, an employee may request to withdraw a resignation prior to its effective date.

9.1.4. No Notice

Failure to give notice as required by this section may constitute cause for denying future employment by Lyon County, unless there are extenuating circumstances surrounding the failure to give notice.

9.1.5. Job Abandonment

Employees who are absent from work without approved leave for a period of three (3) consecutive work days may be considered by Lyon County to have abandoned their position and may be considered to have resigned.

9.1.6. Supervisor/Department Head Responsibilities

Following receipt of notification of an employee's resignation, the supervisor/department head will initiate the following actions:

1. As soon as possible, but not later than the last day of employment, forward the letter of resignation, completed employee time sheet, and the appropriate payroll change form to the Human Resources Department.
2. When practicable and circumstances allow for it, the Human Resources Department and department head are encouraged to conduct an exit interview with the employee.

9.1.7. Final Paycheck

Lyon County shall issue a paycheck by the next payday following the effective date of resignation if sufficient notice was given by the employee and may issue a paycheck sooner when the employee resigns in good standing. Whenever Lyon County discharges an employee, the wages and compensation earned and unpaid at the time of such discharge shall become due and payable on the next regular payday, since Lyon County is not considered a private employer under NRS 608.

9.2. Layoff

9.2.1. Reasons for Layoff

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

9.2.2. Alternatives to Layoff

Whenever a layoff is anticipated, employees whose jobs may be affected will be notified of the situation and all options that may be available will be explained to them. Efforts will be made to integrate affected employees into other available employment. Options such as part-time work schedules, job sharing, or reductions in class or pay may be used in lieu of layoff if approved by Lyon County Manager.

9.2.3. Order of Layoffs

The order of layoff among positions in the same class within a department shall be: casual workers first; then employees serving a probationary period; then all other employees.

In deciding which persons shall be laid off and which shall be retained, job-related factors such as an employee's job knowledge, skill, and ability to do the required work; previous work experience, including ability to perform other jobs which the employee may be called upon to perform as a result of the reduction in force; attendance, safety, and disciplinary records; work performance with Lyon County; and efficiency of operations will be considered. Where two employees are equally qualified under these factors, the employee with the most time served since the current hire date shall be retained.

9.2.4. Designation of Employees to be Laid Off

In the event of a layoff, the department head shall provide the Human Resources Director with a list designating the class, position, and names of employees to be laid off. It shall be the responsibility of the department head to provide the rationale for selecting particular employees within the same job class for layoff. The Human Resources Director shall review the list for conformance to Lyon County's policy.

9.2.5. Layoff Notice

Upon confirmation of the layoff list, the department head shall provide each affected employee with notice of the layoff. Written notice of the layoff shall either be delivered to the affected employees in person or mailed to the employee after verbal notice. If practical, the layoff notice shall be delivered or mailed at least fourteen (14) days prior to the expected date of layoff.

9.2.6. Reinstatement

The names of persons laid off shall be placed on one or more reinstatement lists. All employees laid off from positions in the same class shall be placed on a single reinstatement list without regard to department. A laid off employee may request and receive placement on the reinstatement list for

any job class in which the employee previously worked in post-probationary status. When a vacancy occurs in the same job class for which there exists a reinstatement list, the Human Resources Department, with concurrence of the affected department head, shall fill the vacancy using the appropriate reinstatement list. Names shall be placed on the reinstatement list in the order of the date of layoff.

9.2.7. *Reinstatement Process*

The most recently laid off employee on the applicable reinstatement list that is qualified for the position and is willing to accept employment in the class and department where a vacancy exists shall be reinstated. The department head may select the most appropriately qualified employee based upon the same considerations used to determine the order of layoff. An employee reinstated to a position in the same class and department as held prior to the layoff will not serve any additional probationary period.

9.2.8. *Duration of Reinstatement List*

The names of persons laid off shall be carried on a reinstatement list for one (1) year from the date of the layoff. Persons on this list who are hired in positions in the same class from which they were laid off shall, upon such hire, be removed from the list. An employee who refuses reinstatement to the same position from which the layoff occurred shall be removed from the reinstatement list. Persons reinstated to a position in a lower class from which they were laid off or called to work as a casual worker shall remain on the reinstatement list.

10. PERFORMANCE MANAGEMENT

10.1. *Statement*

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

10.1.1. *Purpose*

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

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

10.1.2. *Ongoing Communication Regarding Performance*

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

10.1.3. *Frequency of Performance Evaluations*

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

1. When there is a significant change (either improvement or deterioration) in performance or behavior affecting the job.
2. Within three (3) months following an evaluation documenting that the employee's performance needs substantial improvement. (**Lyon County** encourages frequent, ongoing meetings between the employee and supervisor.)
3. At any other more frequent interval as the supervisor deems appropriate. In addition, informal performance communications (feedback) should occur routinely and regularly throughout an evaluation cycle.

10.1.4. Written Record

The Performance Management Evaluation form is the tool utilized to recognize, evaluate, and record a summary of an employee's performance over a specific period of time and to plan future performance and developmental goals.

The written record of any formal evaluation process will be made by the supervisor/department head on a Performance Management Evaluation form. All information in the written record shall be consistent with the information communicated verbally during the performance evaluation sessions. The completed form, along with any written comments submitted by the employee, shall be placed in the employee's personnel file.

The employee and the supervisor/department head may make additional working notes of preparation activities and of any information which is exchanged during the performance evaluation meeting.

10.1.5. Personnel Actions Resulting From Performance Evaluations

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

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

10.1.6. Employee Involvement

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

1. Discussions with the supervisor/department head regarding performance.
2. An opportunity to have the employee's written comments on the supervisor's/department head's findings made part of any permanent record of the performance evaluation.
3. Discussions with the supervisor/department head regarding establishing performance expectations, work, or developmental goals for the next evaluation period.
4. If requested by the employee, a discussion with the next level management personnel to review any disagreements over a performance evaluation.

10.2. Procedure

10.2.1. Steps in the Performance Evaluation Process

The following actions are to be taken as part of the performance evaluation process:

1. Establish and communicate a written performance plan at the beginning of the evaluation period which states expectations the employee must meet.
2. Review notes taken on the employee's performance since the last formal evaluation and the employee's self-evaluation, if provided.

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

10.2.2. Documentation of Performance Evaluations

Use the Performance Management Evaluation form to make a record of the performance evaluation results. The Performance Management Evaluation form will become a permanent record of the evaluation process.

10.2.3. Responsibility for Performance Evaluations

The performance evaluation process is the responsibility of the department head. In larger departments, this responsibility may be delegated to a supervisor. Responsibility for the performance evaluations of non-elected department heads shall rest with the **Lyon County** Manager who will work with governing boards and judges, as appropriate. The performance evaluations of non-elected department heads shall follow the same guidelines as established for other employees.

11. DISCIPLINARY ACTION AND APPEAL

11.1. Justification for Discipline

11.1.1. Policy

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

1. Conduct unbecoming an employee in Lyon County's service, or discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service.
2. Falsification of or making a material omission on forms, records, or reports including applications, time cards, and Lyon County records.
3. Absence from work without permission, failure to report to a supervisor or department head when absent from work, or being habitually absent or tardy.
4. Unauthorized possession or removal or use of Lyon County property including, but not limited to, monies, funds, records, keys, confidential information of any kind, or any other material.
5. Insubordination, refusing to follow directions, or other unprofessional conduct to a supervisor or department head.
6. Sexual harassment or other unlawful harassment of another employee or person.
7. Actual or threatened physical violence including, but not limited to, intimidation, harassment, or coercion.
8. Possession or inappropriate use of drugs and alcohol on Lyon County property, in Lyon County facilities, or while on duty or during an on-call status.
9. Possession or bringing of unauthorized firearms, weapons, chemicals, or other dangerous substances onto Lyon County property.
10. Violation of safety or health policies or practices, or engaging in conduct that creates a safety or health hazard.
11. Dishonesty, including intentionally providing false information, intentionally falsifying records or documents, or making false statements when applying for employment.
12. Violating or failing to comply with federal, state, or local laws or Lyon County's policies, rules, regulations, and/or procedures.
13. Unsatisfactory work performance.

11.1.2. Forms of Disciplinary Action

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

- Verbal warning (document time, date and subject)
- Written reprimand
- Suspension*
- Pay reduction*
- Demotion (See NRS 62G.060 for juvenile court employees)
- Discharge/Termination (Reference: Section 11.1.4 Public Hearing for Dismissed Employees of Counties and NRS 62G.060 for juvenile court employees)

Employees' signed copies of the above items 1-6 must be placed in employees' master personnel file, and a copy provided to employees.

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

- a. Pay deductions imposed as a penalty may only be made in cases of violations of safety rules of major significance, including those rules related to the prevention of serious danger in the workplace or to other employees. An example would be violating a rule that prohibits smoking around flammable material. Deductions can be made in any amount.
- b. Pay reductions, as a form of discipline, may be imposed as long as the employee is paid at least \$455 per week and the reduction is on a "permanent" (i.e. not workweek) basis and is not tied to an employee's attendance or quality or quantity of work performed during a particular workweek.
- c. Unpaid suspensions may be imposed for infractions of workplace conduct rules, such as rules prohibiting sexual harassment, workplace violence, drug or alcohol use, or for violating state or federal laws. The suspension must be for serious misconduct, not for performance issues. Suspensions must be in full-day increments and must be imposed pursuant to a written policy applicable to all employees.
- d. Suspensions for performance issues must be made in full-week increments.
- e. Where the safety of the public or other employee(s) are involved, Lyon County may terminate the post-probationary employee without complying with the above requirements and then provide post-termination due process including notice of charges and a post-termination hearing.

11.1.3. Due Process

Prior to taking disciplinary action involving suspension, reduction in pay, demotion, or termination against any regular employee, Lyon County will take action intended to ensure that the employee is afforded due process.

Due process in regard to employment-related disciplinary action includes, among other actions, making certain the employee is provided notice of the reason for the disciplinary action and is given the opportunity to provide a response to the proposed disciplinary action prior to an appropriate supervisor making a final decision regarding the disciplinary action.

1. Written Notice

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

- a. The nature of the proposed disciplinary action;
- b. The effective date of the proposed disciplinary action;
- c. A statement of the reason(s) supporting the action and an explanation of the evidence or documents, if any, supporting the reason(s);
- d. A statement advising the employee of his/her right to file a written response, or to request in writing a pre-disciplinary conference before the Lyon County Manager, within five (5) days of receipt of the notice proposing 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, if requested, will constitute a forfeiture of the employee's rights to any further appeal

2. Employee Review

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

3. Pre-disciplinary Conference

When the employee has requested a pre-disciplinary conference, Lyon County Manager or his/her designee will schedule a meeting with the employee and his/her representative (if requested) in a timely manner to review the basis of the proposed disciplinary action and to provide the employee with an opportunity to present relevant information which may cause the proposed disciplinary action to be modified or rescinded.

4. Implementation of Discipline

Within five (5) days of receipt of the employee's written response or conclusion of the pre-disciplinary conference, the Lyon County Manager or his/her designee will consider and deliver a written decision to the employee. The written decision will inform the employee that:

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

5. Appeal

The affected employee may appeal a disciplinary decision, as provided for in a collective bargaining agreement or as provided under NRS 245.065. Non-elected department heads may appeal a disciplinary decision to the Board of County Commissioners. This section does not apply to probationary employees.

11.1.4. Administrative Leave During Disciplinary Proceeding

Lyon County may place an employee on administrative leave, with or without pay, pending an investigation prior to or during a disciplinary proceeding, or during the review of the employee's response to a proposed disciplinary action. The employee will be notified, in writing, of the decision to place him/her on administrative leave. The notice will include a statement that the leave is not a disciplinary action. The employee placed on administrative leave without pay who is later reinstated with no disciplinary action will be reimbursed for any pay lost during the leave.

12. DISPUTE RESOLUTION

12.1. Definition of Dispute

Subject to the exclusions listed below, a dispute is any disagreement between Lyon County and an employee concerning the application or interpretation of Lyon County's Personnel Policies. The term **dispute**, as used in this document, shall not include any of the following:

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

12.2. No Retaliation

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

12.3. Time Limits

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

12.4. Selection of Designated Official

The members of Lyon County Leadership Team, which is comprised of all department heads, elected and appointed, will serve as the "designated officials." The employee or employees filing the dispute will identify the member of the Leadership Team to act as the designated official for the particular disputes. There may be occurrences where the member of the Leadership Team who is identified to be the designated official will be unable to participate in the process. In those

situations, the employee will be asked to identify another Leadership Team member to act as the designated official.

12.5. Dispute Resolution Procedure

12.5.1. Step 1. Discussion with Immediate Supervisor

1. The employee shall first discuss the dispute informally with the immediate supervisor. The discussion shall be held within ten (10) days of the action causing the dispute or of the date the action reasonably could have been expected to be known to the employee. In no event shall any dispute be accepted for consideration more than six (6) months from the date of the action causing the dispute, regardless of the date the action became known to the employee. If the immediate supervisor is not the department head, the immediate supervisor will notify the department head of the dispute.
2. The immediate supervisor shall verbally respond to the employee within ten (10) days of the informal discussion between the employee and supervisor. The immediate supervisor must document the verbal response.

12.5.2. Step 2. Formal Written Notice of Dispute

1. In the event the employee believes the dispute has not been satisfactorily resolved at Step 1, the employee may submit the dispute in writing on a prescribed form to the designated official they have identified within ten (10) days after receipt of the immediate supervisor's verbal response. The employee shall file one copy with the Human Resources Director. If the written notice of dispute is not presented within the time limits provided herein, it shall be waived. The written notice of dispute shall:
 - a. Fully describe the dispute and how the employee(s) was/were adversely affected.
 - i. Set forth the section(s) of the written policy or rule allegedly violated and state the specific nature of the violation.
 - ii. Indicate the date(s) of the incident(s).
 - iii. Specify the remedy or solution to the dispute sought by the employee(s).
 - iv. Identify the employee and be signed by the employee.
 - v. Identify the person, if any, chosen by the employee to be his/her representative.
2. No modifications in the alleged basic violation shall be made subsequent to the filing of a dispute, unless mutually agreed to by both the designated official and the employee. However, corrections in citations can be made at any time by the employee or the employee's representative.
3. The designated official shall meet with the employee to discuss the dispute and shall deliver a written decision to the employee within ten (10) days of the meeting outlining the reasons behind the decision.

4. Any dispute settled at this step shall be subject to the review and confirmation of the Human Resources Director before the settlement is effective. Such review will occur within fourteen (14) days or the dispute will automatically be moved to Step 3.

12.5.3. Step 3. Lyon County Manager Review

1. If a dispute is not settled at Step 2 of this procedure, the dispute may be appealed in writing to Lyon County Manager within ten (10) days from receipt of the designated official's written response. Said dispute appeal must specifically set forth the reason the answer(s) previously provided by management is/are not satisfactory. A meeting may be held by mutual agreement of the parties.
2. Within a reasonable time [normally ten (10) days from receipt of the dispute], Lyon County Manager shall deliver a written decision to the employee and his/her representative, if any. Said decision shall be final and binding (unless the employee is covered under a collective bargaining agreement that supersedes these policies).

13. DEFINITION OF TERMS

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

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

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

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

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.

Anniversary Date: The date the employee is hired as defined below, or promoted or reclassified upward or downward. 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 the candidate)

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 (The County Board of Commissioners).

Casual Worker/Hire: A person hired at the pleasure of the employer to work less than twenty (20) hours per week on an ongoing basis or for more than twenty (20) hours per week for a period of fewer than one hundred twenty (120) consecutive work days.

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

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

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

Conflicting Employment: Outside employment that interferes with the employee's ability to perform his/her assigned job.

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

Covered Active Duty:

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

Covered Service-member:

- A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious illness or injury; or
- A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious illness or injury and who was a member of the Armed Forces (including National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

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

Day: Calendar days unless work days are specified.

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

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

Disability-Related Inquiry: A question (or series of questions) that is likely to elicit information about a disability. (See Section 2.8.4. of these policies for a more complete description.)

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

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

Discrimination: Employment decisions or actions which are inappropriately taken because of the applicant's or employee's race, color, religion, age, gender, sexual orientation, national origin, ancestry, veteran status, disability, or union activity.

Dispute: Unresolved work-related problems identified by an employee or group of employees pertaining to work-related issues. Disputes may not be related to disciplinary action.

Domestic Partner: Persons who are registered as domestic partners with the state of Nevada per Senate Bill 283 of the 2009 Nevada Legislature.

Drug Test: A urinalysis (urine) test that includes specimen collection and testing by a Department of Health and Human Services (DHHS)-certified laboratory. Both a screening test and a confirmation test must be used to establish a positive test result.

Eligible List: A list of names of persons who have satisfactorily completed an examination for a position and have qualified; also includes Reinstatement List (see below). A list of names of persons who have been laid off and are available for reinstatement.

Employee: A person employed in a budgeted position on a full- or part-time basis. For purposes of those sections of these policies covering discipline, layoff, and dispute resolution, the term employee excludes elected officials, department heads, and casual/temporary/on-call workers.

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 regularly scheduled hours per week, 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.

Equal Employment Opportunity (EEO) Officer: The staff member (Human Resources Director or her/his designee) assigned the responsibility and authority to receive, investigate, and resolve complaints of alleged discrimination/harassment. This individual also has the responsibility to provide training to the employer and assure appropriate notices are posted.

Essential Function: A fundamental job duty of the position held or desired. A function is essential if the job exists to perform that function, a limited number of other employees are available to perform the function, or the function requires special skill or expertise.

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

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 forty (40) hours. Note: For the purpose of determining eligibility for benefits and layoff, collective bargaining agreements may provide alternate definitions of full-time.

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

Illegal Drugs: Any controlled substance or drug which is illegal to sell, possess, cultivate, transfer, use, purchase, or distribute. Illegal drugs include prescription drugs not legally

obtained and/or prescription drugs not being used in the manner, combination, or quantity prescribed, or by the individual for whom prescribed.

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.

Medical Examination: A procedure or test usually given by a licensed health care professional or in a medical setting that seeks information about an individual's physical or mental impairments or health.

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

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

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

Probationary 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.

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

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

Reallocation: A change in the classification and pay grade of a position 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 same pay grade.

Regular Position: An authorized position which appears in the authorized position list contained in the employer's budget documents or its amendments approved by the Board of County Commissioners.

Reinstatement: The restoration of a laid-off employee 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. **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 classification, grade, or level as designated by the position compensation plans. (Also see Grade.)

Step: A specific rate of pay within the salary range established for a class. (Also see Rate of Pay.)

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

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

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

Temporary Employee: A casual on-call 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.

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

14. APPENDIX A - CONSANGUINITY

CONSANGUINITY / AFFINITY CHART

Note: Step relationships (step-brother, step-father, etc.) are considered to be the same as blood

*** Registered Domestic Partnership With the Nevada Secretary of State**