



**LYON COUNTY
PERSONNEL POLICY
MANUAL**

July 2023

LYON COUNTY
PERSONNEL POLICY MANUAL

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1. GENERAL PROVISIONS

1.1 Adoption and Purpose

The Board of County Commissioners has adopted these policies to ensure lawful and fair handling of personnel matters, and to ensure an accountable workforce to deliver high-quality services to the public. The Board may amend these policies from time to time at its sole discretion. Any changes to these policies shall be made available to all employees. All employees must read and familiarize themselves with the contents of these policies. Each employee is required to sign a form acknowledging the obligation to adhere to these policies.

1.2 Scope

These policies apply to all employees of Lyon County. Sections 1, 3, 4, 5, and 11 of these policies also apply to all volunteers of Lyon County. In cases where these policies conflict with express provisions of a collective bargaining agreement, 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 law. In addition, nothing in these policies is intended to confer a property right in continued employment to individuals who are employed at will by Lyon County.

1.3 Delivery of Written Communications

Written communications pursuant to these policies may be delivered via personal service, courier, U.S. Mail, or electronic mail to a known e-mail address. Information and/or signatures may also be transmitted electronically on Lyon County-approved software platforms.

1.4 Computing Time

For the purpose of determining the length of time within which to take any action required or permitted under these policies, days shall be counted beginning with the day following 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 that weekend or holiday.

1.5 Administrative Directives

Nothing herein is intended to prevent Lyon County from promulgating administrative directives, interpretive memoranda, and departmental procedures not inconsistent with these policies.

1.6 Change of Personal Information

It is the responsibility of each employee to keep the Human Resources Department informed of the employee's current legal name, address, telephone number, e-mail address, and any other information relating to employment status. Changes in such information must be submitted through Munis Employee Self Service (ESS) or to the Human Resources Department in writing.

2. PERSONNEL FILES AND CONFIDENTIAL INFORMATION

2.1 *Master Personnel Files*

A master personnel file will be maintained for each employee. Lyon County will not place negative information in an employee's master personnel file unless the employee first has a reasonable opportunity to review it. Employees may submit a rebuttal to any negative information in their master personnel file. Employees may inspect the contents of their master personnel files upon request. All inspections shall occur in the presence of Human Resources personnel. Upon request, Lyon County will provide one set of copies per year at no cost to the employee.

2.2 *Confidential Information*

This policy identifies certain employment-related information as confidential and specifies who may access such information. Confidential information shall not be disclosed except as permitted under this policy or as otherwise required by law.

2.2.1. *Designation of Confidential Information*

The following types of information are designated as confidential:

1. *Personnel Information.* Except for an employee's name, title, dates of employment, and earnings, the contents of an employee's master personnel file and any other internal documents or communications concerning an employee's conduct, competence, and qualifications shall be confidential.
2. *Recruitment Information.* All information generated, acquired, or compiled in connection with the recruitment and selection of candidates for employment, promotion, or transfer with Lyon County shall be confidential. This includes, without limitation: all information submitted with employment applications and an individual's status as an applicant; all information related to the rating or screening of applicants; all information related to background and reference checks; all information related to any employment examinations and examination results; and all information gathered, generated, or compiled in connection with candidate interviews.
3. *Medical Information.* All employee medical information shall be confidential and shall be maintained in a separate confidential file apart from the master personnel file. Confidential medical information includes, without limitation: information related to pre-employment physical or mental examinations, fitness-for-duty examinations and/or other examinations in which medical information is acquired; information related to an employee's disability and/or requests for accommodation; information related to drug and alcohol testing results; and any other medical information provided by or concerning the employee.

4. *Investigations and Grievances.* All information pertaining to investigations and grievances shall be confidential and shall be maintained in separate confidential files apart from the master personnel file.

2.2.2 Access to Confidential Information

All employees shall have access to their own master personnel file. An employee's representative may also access the employee's master personnel file upon presentation of written authorization. Access to confidential information is otherwise restricted to the following:

1. The Human Resources Department, County Manager, Comptroller, District Attorney, and their designee(s).
2. Lyon County payroll staff, as needed in the course of their assigned responsibilities.
3. An employee's supervisor or department head, to the extent there is a legitimate need to know.
4. Any other person with a legitimate need to know based upon the business or legal interests of Lyon County. Examples may include, without limitation, Lyon County's attorneys, consultants, insurers, insurance brokers, officials from other governmental agencies, prospective employers seeking reference information, and anyone administering first aid or emergency medical care to an employee. Confidential information shall only be disclosed to such persons to the extent there is a legitimate need to know.
5. Any person, party, or tribunal to whom confidential information must be provided as required by law or pursuant to a court order, subpoena, discovery request, or other legal obligation of Lyon County.

3. EQUAL EMPLOYMENT OPPORTUNITY

3.1 Purpose

This policy reflects Lyon County's commitment to providing equal employment opportunities for all applicants and employees. It prohibits harassment and discrimination on the basis of membership in any protected class, including, without limitation, race (including traits associated with race, such as hair texture and protective hairstyles), color, religion, age, gender, sexual orientation, gender expression or identity, national origin, ancestry, disability, national guard status, veteran status, or genetic information. It also ensures fair employment opportunities for individuals with disabilities.

3.2 Designation of EEO Officer / ADA Coordinator

The primary responsibility for administering this policy shall rest with the Equal Employment Opportunity Officer / Americans with Disabilities Act Coordinator (EEO Officer / ADA Coordinator). The EEO Officer / ADA Coordinator shall be the Human Resources Director or his/her designee. The name and telephone number of this individual shall be posted on bulletin boards at Lyon County work sites.

Several of the following subsections of this policy identify the EEO Officer / ADA Coordinator as the individual to whom a complaint or alleged violation may or shall be submitted. In the event that a complaint or alleged violation involves the conduct of the EEO Officer / ADA Coordinator, it may be reported to the County Manager or District Attorney instead.

3.3 Non-Discrimination

Lyon County does not tolerate any form of unlawful discrimination. Accordingly, Lyon County will:

1. Recruit, hire, train, and promote for all job classifications without regard to an individual's membership in any protected class, and will ensure that all compensation, benefits, transfers, layoffs, return from layoffs, Lyon County-sponsored training, social, and recreation programs are likewise administered without regard to protected-class membership.
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 Pay Act, the Pregnancy Discrimination Act, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, the applicable Nevada Revised Statutes on Equal Employment Opportunity (NRS 613), and any other applicable federal, state, and local laws.
3. Provide reasonable accommodations to qualified individuals with disabilities, pregnant workers, and victims of domestic violence in accordance with applicable law.

4. Hold management responsible for ensuring that practices, procedures, and activities involving Lyon County personnel are in compliance with all applicable laws prohibiting discrimination in the workplace.

All employees share in the responsibility to create a workplace that is respectful of cultural differences, inclusive, and free of unlawful discrimination. Actions inconsistent with the above commitments shall be considered a violation of this policy.

3.4 *Anti-Harassment*

Lyon County does not tolerate conduct that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment on the basis of membership in any protected class(es). Examples of prohibited conduct include but are not limited to:

- 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.
- Offensive written communication including notes, letters, notices, emails, texts, or any other offensive message sent by electronic means.
- 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.
- 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.
- Expectations, requests, demands, or pressure for sexual favors.

Any such conduct shall be considered a violation of this policy, irrespective of whether it rises to the level of a hostile work environment under applicable law.

3.5 *Employees With Disabilities*

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 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 also committed to providing reasonable accommodations to qualified individuals with disabilities.

3.5.1 Disability-Related Inquiries

Lyon County shall adhere to applicable law regarding disability-related inquiries. A disability-related inquiry is a question (or series of questions) likely to elicit information about a disability. Examples include:

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

Generally, disability-related inquiries are not allowed during the hiring process. In the event disability-related inquiries are necessary (e.g., pre-employment physicals for peace officers), such inquiries shall not be conducted until after Lyon County has evaluated all relevant non-medical information that can be reasonably obtained and analyzed.

Nothing herein shall restrict Lyon County from making any inquiries for medical information as required or permitted by law.

3.5.2 Reasonable Accommodations

1. *Applicants.* Whenever an applicant requests accommodation in applying for, testing, or interviewing for a position with Lyon County, the request shall be forwarded to the EEO Officer / ADA Coordinator. The EEO Officer / ADA Coordinator shall engage in an interactive process with the applicant to identify any available reasonable accommodations.
2. *Employees.* When Lyon County has reason to believe an employee needs an accommodation to perform his/her job duties, or when an employee requests such an accommodation (verbally or in writing), Lyon County will initiate an interactive process with the employee to identify potential reasonable accommodations. Any supervisor who becomes aware of the potential need for an accommodation or receives an accommodation request shall notify the EEO Officer / ADA Coordinator. The EEO Officer / ADA Coordinator shall then conduct or oversee the interactive process.

3.5.3 *Fitness for Duty*

Nothing herein restricts Lyon County's right to require proof of an applicant or employee's fitness for duty consistent with business necessity.

In the event Lyon County has a reasonable basis to believe an employee may not be physically or mentally able to safely or effectively perform the essential functions of his/her job, Lyon County may require the employee to:

1. Provide a fitness-for-duty certification completed by a qualified medical professional who is treating the employee; or
2. Undergo a fitness-for-duty evaluation with a qualified medical professional designated by Lyon County. Lyon County shall bear the cost of such an evaluation.

3.6 *Pregnant Applicants and Employees*

Lyon County prohibits unlawful discrimination against pregnant applicants and employees. In addition, Lyon County provides reasonable accommodations to pregnant applicants and employees. In the event any supervisor becomes aware of a request or potential need for accommodation due to pregnancy, he or she shall contact the EEO Officer / ADA Coordinator. The EEO Officer / ADA Coordinator shall conduct or oversee an interactive process with the pregnant person to identify potential reasonable accommodations. Reasonable accommodations may include a change in the work environment or in the way things are customarily carried out that allows the person to have equal employment opportunities.

Lyon County will not:

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

In accordance with applicable law, Lyon County will provide a written or electronic notice to new female employees upon commencement of employment that they have the right to be free from discriminatory or unlawful employment practices pursuant to the Nevada Pregnant Workers' Fairness Act. This notice will be provided again within ten (10) days after an employee notifies Lyon County that she is pregnant. This notice will also be posted at conspicuous locations that are accessible to employees.

3.7 *Employee Victims of Domestic Violence*

It is Lyon County's policy to comply proactively with the laws prohibiting employment discrimination against employees who are victims of domestic violence or whose family or household members are victims of domestic violence. For the purpose of this policy, "family or household members" include the employee's spouse, domestic partner, minor child, or parent or other adult person who is related within the first degree of consanguinity or affinity (see consanguinity / affinity chart attached as Appendix A), or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence.

Whenever a supervisor becomes aware that an employee has a need for an accommodation due to domestic violence, the supervisor shall notify the EEO Officer / ADA Coordinator. The EEO Officer / ADA Coordinator shall conduct or oversee an interactive process to identify potential reasonable accommodations. Reasonable accommodations may include:

- Transfer or reassignment;
- A modified schedule;
- A new telephone number for work; or
- Any other reasonable accommodations deemed necessary to ensure the safety of the employee, the workplace, Lyon County, or other employees.

3.8 *Dealing With Allegations of Prohibited Conduct*

3.8.1 *Process Overview*

Employees or applicants who have been subjected to or have witnessed any form of prohibited conduct as described in these equal employment opportunity policies have an affirmative duty to bring the situation to the attention of Lyon County. As set forth below, Lyon County will investigate the matter and, where appropriate, take corrective action.

3.8.2 *Employee Responsibilities*

Employees who believe they have been subjected to or have witnessed prohibited conduct may, but are not required to, identify the offensive conduct to the alleged violator and request that the behavior stop. If the employee is not comfortable doing this and/or the behavior does not stop, the employee shall immediately report the conduct to a supervisor, the department head, the Human Resources Department, or the EEO Officer / ADA Coordinator.

3.8.3 *Supervisor Responsibilities Upon Learning of An Allegation of Prohibited Conduct*

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

- The persons(s) involved, including all witnesses; and
- All pertinent facts, including date(s), time(s), and locations(s), and a description of the conduct at issue.

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

3.8.4 Investigation

Upon being made aware of allegations or complaints of prohibited conduct, the EEO Officer / ADA Coordinator will ensure that such allegations or complaints are investigated promptly. The EEO Officer / ADA Coordinator also will, insofar as practicable, take steps to prevent continuation of the alleged conduct during the pendency of the investigation.

Lyon County will ensure that all investigations are kept as confidential as reasonably possible. Lyon County will communicate the outcome of the investigation (i.e., whether the complaint is substantiated) to the complainant(s) and the individual(s) against whom the complaint was made. Lyon County will otherwise release information relating to the investigation only on a need-to-know basis, or as required by law.

If it is determined from the investigation that a violation of these equal employment opportunity policies has occurred, Lyon County will take appropriate corrective action. Such corrective action may include disciplinary action and any other appropriate action to deter any future prohibited conduct from occurring.

Lyon County treats all allegations or complaints seriously and expects all employees to be candid and truthful during the investigation process. As set forth in Section 3.10 below, individuals who in good faith submit or provide information in support of any complaint under this policy shall not be subject to retaliation. However, if an employee makes false or misleading statements, the employee may be subject to disciplinary action.

3.9 Training

Lyon County will provide training (online or in-person) at least once a year to all employees on the prevention of discriminatory harassment in the workplace. New employees will participate in such training within thirty (30) days of hire.

3.10 Prohibition Against Retaliation

Lyon County does not tolerate retaliation. Retaliation is adverse treatment that occurs because of opposition to prohibited conduct in the workplace, submission of a complaint relating to such conduct, and/or provision of testimony or information in support of a complaint. Any employee who believes s/he has been retaliated against shall immediately notify the EEO Officer / ADA Coordinator. Lyon County will promptly investigate and, where appropriate, take corrective action.

4. DRUG AND ALCOHOL FREE WORKPLACE

4.1 Purpose and Scope

Improper drug and alcohol use by employees can result in, among other things, impaired job performance, lost productivity, absenteeism, accidents, personal injury and property damage, lowered morale, rising health care costs, and ineffective working relationships. This policy serves to deter and mitigate those effects, and it reflects Lyon County's commitment to:

1. Maintaining a safe and healthy workplace for all employees, volunteers and the public;
2. Assisting employees who recognize they have a problem with drugs or alcohol in receiving appropriate treatment;
3. Periodically providing employees and volunteers with information about the dangers of workplace drug and alcohol abuse; and
4. When appropriate, taking disciplinary action for failure to comply with this policy.

This policy applies to all employees and volunteers. In addition, Lyon County's separate Department of Transportation (DOT) Drug and Alcohol Testing Policy also applies to all employees covered by federal DOT regulations.

4.2 Prohibited Conduct

Lyon County strictly prohibits the following:

1. The possession, use, sale, attempted sale, manufacture, attempted manufacture, purchase, attempted purchase, 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.
2. Any alcohol use and/or being under the influence of alcohol while on duty. This includes:
 - 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.

NOTE: 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. Such employees may not act in any official capacity at the event and may not work standby for the event.

3. Working with a detectable level any illegal drug, regardless of the amount.
4. Working with a detectable level of legal medications that could reasonably be expected to impair the employee's ability to safely perform his/her essential job functions. It is the employee's responsibility to determine, by reviewing available information pertaining to a prescribed controlled substance or by consulting a physician if necessary, whether 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 could reasonably be expected to affect the employee's ability to do the job safely shall notify the employee's department head or the Human Resources Department before appearing for duty while on the medication. The employee may be required to provide a physician's certification stating that the employee can safely perform the essential functions of the employee's position while on the medication.
5. Refusal to submit to a drug or alcohol test administered pursuant to this policy or Lyon County's separate DOT Drug and Alcohol policy.

Violations will lead to disciplinary action, up to and including termination of employment.

4.3 Reporting Violations

Any employee who receives information or is a witness to any violation of this policy is required to immediately report it to his/her supervisor, department head, or the Human Resources Department. 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).

Failure to report a violation may lead to disciplinary action, up to and including termination.

4.4 *Medical Marijuana*

Lyon County will make reasonable accommodations for the medical use of marijuana by holders of valid registry cards to the extent required under NRS 453A.800; provided, however, that in no event shall any employee be granted permission to:

1. Use medical marijuana products in the workplace;
2. Use medical marijuana products insofar as such use may create a legitimate safety risk or threat;
3. Use medical marijuana products insofar as such use may compromise the employee's ability to perform essential job functions;
4. Use medical marijuana products if the employee works directly or indirectly on matters funded by federal grants;
5. Use medical marijuana products to the extent that such use would conflict with Lyon County's obligations under federal or state law;
6. Use medical marijuana products to the extent that such use may jeopardize Lyon County's funding, public trust, or ability to effectively operate; or
7. Use medical marijuana products to the extent that such use would otherwise create an undue hardship for Lyon County.

In the event an employee requests a reasonable accommodation for medical marijuana use, the request shall be forwarded to the EEO Officer / ADA Coordinator. The EEO Officer / ADA Coordinator shall conduct or oversee an informal interactive process, consistent with this policy, to determine whether a reasonable accommodation can be afforded for the medical use of marijuana products.

4.5 *Safety-Sensitive Employees*

For the purpose of this personnel policy manual, "safety-sensitive" refers to employees who, in the normal course of business:

- Operate or maintain heavy equipment or vehicles used to transport passengers;
- Possess or operate firearms or other weapons;
- Prepare food for Lyon County's clients or customers; or
- Perform any other duties that, if performed with inattentiveness, errors in judgment, lack of focus, or diminished coordination, reflexes, or dexterity,

may present a real threat to the safety of the employee, co-workers, or any other person.

A list of safety-sensitive classifications for the purpose of this personnel policy manual is attached as Exhibit B.

NOTE: Lyon County's separate DOT Drug and Alcohol Testing Policy defines "safety-sensitive" in accordance with federal regulations. Employees working in classifications that meet the definition of "safety-sensitive" under both policies are subject to both policies. See Appendix B.

4.6 Drug and Alcohol Testing

The following types of drug and alcohol testing shall be conducted in appropriate circumstances as described below. With respect to employees performing work covered by federal DOT regulations, this policy is not intended to supersede or replace Lyon County's DOT Drug and Alcohol Testing Policy. In the event of any occurrence that requires testing pursuant to Lyon County's DOT Drug and Alcohol Testing Policy that policy shall govern. However, nothing restricts Lyon County from also enforcing any provisions of this policy insofar as such enforcement would not expressly and directly conflict with Lyon County's DOT Drug and Alcohol Testing Policy or its obligations under federal law. In addition, this policy shall apply to all non-DOT employees.

4.6.1 Reasonable Suspicion Testing

All employees who know or have reason to suspect that any coworker is under the influence of drugs or alcohol while on duty shall immediately report it to their supervisor or department head. The supervisor or the department head shall be responsible for determining 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. This documentation shall be immediately forwarded to Human Resources. Upon approval from the Human Resources Director or his/her designee, the employee shall be ordered to submit to a drug or alcohol test.

The following is a non-exhaustive list of circumstances and/or behaviors that may constitute a basis for reasonable-suspicion testing:

- Information concerning drug or alcohol use provided by reliable and/or multiple sources.
- Observation of drug or alcohol use.
- Observation of signs and symptoms of drug or alcohol use.
- Odor of drugs or alcohol.
- Drug or alcohol paraphernalia found on the employee's person or at or near the employee's work area.

- An admission by an employee of drug or alcohol use or of being under the influence while on duty.
- Evidence that the employee has tampered with a drug and/or alcohol test.
- Abnormal or erratic behavior. This may include a single incident of serious abnormal behavior (e.g., unprovoked violent or threatening behavior) or a pattern of behavior that is significantly different from the individual's normal behavior and/or from commonly accepted behavior in the workplace.
- A pattern of attendance problems, combined with other potential indicators of drug or alcohol use.

An employee who is required to submit to reasonable-suspicion testing will be 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. The employee may be placed on administrative leave with pay pending the results of this test.

4.6.2 *Post-Accident Testing*

Lyon County shall conduct post-accident drug and alcohol testing following accidents involving:

1. Death;
2. Immediate medical treatment away from the scene, and circumstances indicating the employee may have contributed to the accident;
3. Disabling damage to a vehicle, and circumstances indicating the employee may have contributed to the accident; or
4. Circumstances from which Lyon County reasonably suspects that drug or alcohol use may have been a contributing factor in the accident.

Post-accident testing shall occur as soon as possible after the accident. The employee 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. The employee may be placed on modified duty or administrative leave with pay pending the results of this test.

In the event an employee is so seriously injured that s/he cannot provide a blood, breath, or urine specimen immediately following 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.

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.

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.

4.6.3 *Pre-Employment Testing*

All applicants being considered for employment in 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.

An applicant who refuses to test or tests positive will not commence or continue employment with Lyon County. The individual's conditional offer will be revoked and/or the individual will be terminated. The individual will not be permitted to reapply for employment with Lyon County for at least twelve (12) months.

Employees hired to perform work covered by federal DOT regulations shall be subject to pre-employment drug testing under Lyon County's DOT Drug and Alcohol Testing Policy. An employee who undergoes pre-employment drug testing under that policy need not also undergo pre-employment drug testing under this policy.

4.6.4 *Random Testing*

Employees in safety-sensitive positions shall be subject to random drug and alcohol testing in accordance with the following:

1. Lyon County will drug test, at a minimum, 25% of the average number of employee positions designated as safety-sensitive each calendar year. Lyon County will alcohol test, at a minimum, 10% of the average number of employee positions designated as safety-sensitive each calendar year.
2. 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. Some employees in the random-testing pool may be tested more than once each year; some may not be tested at all.

3. 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.
4. 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.
5. 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.

Employees performing work covered by federal DOT regulations shall be subject to random testing under Lyon County's DOT Drug and Alcohol Testing Policy, and shall be part of separate random-testing pool(s). An employee in the DOT random-testing pool(s) need not also be placed in the random-testing pool for safety-sensitive employees pursuant to this policy.

4.6.5 *Consequence of Refusal to Submit to Testing / Adulterated Specimen*

An employee who refuses to submit to testing for alcohol and/or drugs shall be treated as having received a positive test and will be subject to disciplinary action, up to and including termination. Refusal to submit to testing includes:

1. Failure or refusal to provide a specimen (or sufficient volume of the specimen) without a substantiated medical explanation;
2. Providing an adulterated or substituted specimen;
3. Failure to appear at the testing facility within a reasonable time;
4. Leaving the scene of an accident without just cause prior to submitting to a test;
5. Leaving the testing facility prior to test completion;
6. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
7. Failure to take a second test when required; or
8. Failure to cooperate with any part of the testing process or to sign required consent forms.

4.6.6 *Testing Guidelines*

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
- 6-Acetylmorphine
- MDMA (Ecstasy)

Lyon County will provide transportation and accompany the employee to a designated medical facility whenever a post-accident or reasonable-suspicion 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.

4.6.7 Option to Retest

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. 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. 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.

4.6.8 Mandatory Retest

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

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

The retest may be under direct observation if directed 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.

4.7 Searches

If Lyon County suspects that an employee 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 any lawful means to determine whether alcohol, illegal drugs, or contraband are located

or being used at, on, or in Lyon County property or worksites. Lyon County may call upon law enforcement authorities if necessary.

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 the Lyon County representative conducting the search.

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.

4.8 *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 these policies.

4.9 *Employee Assistance and Voluntary Referral*

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.

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.

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 Department 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.

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.

4.10 *Disciplinary Action*

An employee may be found to have violated this policy on the basis of any appropriate evidence, including but not limited to:

- Direct observation of illegal use of drugs, prohibited use of alcohol, or possession of illegal drugs or alcohol or related contraband;
- Evidence obtained from a motor vehicle citation or a criminal conviction for use or possession of illegal drugs, or for alcohol on the job;
- A verified positive test result; or
- An employee's voluntary admission.

Violations of this policy will lead to disciplinary action. Prohibited conduct involving the use of controlled substances will, absent extraordinary circumstances as determined by Lyon County at its sole discretion, result in termination of employment. In the rare event Lyon County issues discipline other than termination to an employee who has engaged in the prohibited use of controlled substances, that employee shall be required to undergo the return-to-work and follow-up testing in accordance with Lyon County's separate DOT Drug and Alcohol policy, which are for this purpose incorporated herein by reference. The employee shall also comply with any other reasonable conditions imposed by Lyon County. Failure to do so shall result in immediate termination of employment.

5. EMPLOYEE RELATIONS

5.1 Whistleblower Protection

5.1.1 Purpose

This policy encourages employees to report improper governmental action, and, together with Title 2, Chapter 2 of Lyon County Code, it establishes protections for those who do so.

5.1.2 Obligations of Officers and Employees of Lyon County

Employees are encouraged to disclose improper governmental action, including a violation of any state law or regulation, a violation of County Code, an abuse of authority, a substantial and specific danger to the public health or safety, or a gross waste of public money. Officers and employees may make such disclosures to their supervisor, department head, elected official, the Human Resources Director, the County Manager, or the District Attorney.

No officer or employee of Lyon County shall 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. In addition, officers and employees of Lyon County have an affirmative obligation to use their official authority or influence to remedy any reprisal or retaliatory action for the disclosure of improper governmental action of which they become aware.

5.1.3 Appealing Violations

If an alleged violation of this policy or if an alleged reprisal or retaliatory action is taken against an officer or employee for the disclosure of improper governmental action within two (2) years of such disclosure, the aggrieved officer or employee may file a written appeal. The appeal shall be delivered to the County Manager within sixty (60) days of the violation or the reprisal or retaliatory action. It shall be submitted on the prescribed form available on Lyon County's website, along with copies of all relevant documents, videos, or other physical evidence. Upon receipt of a timely and complete appeal, the County Manager will appoint a hearing officer in accordance with Title 2, Chapter 2 of Lyon County Code. The hearing officer will be empowered to direct, among other things, that any individual determined to have engaged in prohibited conduct desist from doing so or be terminated from employment.

5.1.4 Notice Requirements

Upon hire and annually thereafter, all employees shall receive a written summary of whistleblower rights and protections or view a video explaining such protections.

5.2 ***Bullying***

Lyon County does not tolerate bullying. Bullying is repeated mistreatment of an employee that takes one of the following forms:

1. Verbal abuse;
2. Offensive behaviors (including nonverbal, physical, and cyber bullying) which are threatening, humiliating, or intimidating); or
3. Work interferences, such as sabotage, which prevent work from getting done.

Examples of prohibited conduct include:

- *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.
- *Physical Bullying*: Pushing, shoving, kicking, poking, tripping, battery, assault or threat of physical assault, damage to an employee's work area or property.
- *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.
- *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.
- *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.

Individuals who have been subjected to or have witnessed workplace bullying are encouraged to report the matter to a supervisor, their department head, or the EEO Officer / ADA Coordinator. Where it deems appropriate, Lyon County shall promptly investigate the matter and, if necessary, take corrective action. Any employee found to have engaged in workplace bullying may be subject to disciplinary action, up to and including termination.

5.3 ***Employee Dating***

Lyon County recognizes that an environment where employees maintain clear boundaries between personal and workplace interactions is most effective for conducting business. In addition, Lyon County recognizes the need for employees to uphold standards of ethics and professionalism while on duty or representing Lyon County in any capacity. Accordingly:

1. Employees in supervisory/managerial positions are prohibited from having a romantic relationship with any subordinate employee. This includes subordinates who do not report directly to them (e.g., subordinates who are two or more tiers below them on the organizational chart or chain of command).

NOTE: The sole exception to this prohibition is for spouses or domestic partners of elected officials who held the subordinate position before their spouse or domestic partner took elected office (See Policy 5.5 below). In such cases, appropriate measures shall be taken to ensure the operation of the office is not materially impacted by any conflict of interest.

2. No romantic relationship may create an ethical conflict of interest or the reasonable perception of a conflict of interest.
3. All employees are prohibited from engaging in sexual contact or other inappropriate contact with any other person while on or in County property, while on duty, and/or while acting in any official capacity.

5.4 Workplace Violence

Lyon County will not tolerate workplace violence. This includes any acts or threats of physical violence occurring on or in County property or worksites, in the course of Lyon County's business, or involving persons acting on Lyon County's behalf in any official capacity. Examples of conduct which may be considered workplace violence include, but are not limited to, the following:

- Hitting or shoving an individual.
- Threatening an individual or his/her family, friends, associates, or property with harm.
- The intentional destruction or threat of destruction of Lyon County property.
- Harassing or threatening phone calls, text messages, notes, letters, computer messages, or other forms of communication.
- Harassing surveillance or stalking.
- Unauthorized possession or inappropriate use of firearms, weapons, explosives, or hazardous biological or chemical substances while on Lyon County business.

Every employee is required to immediately report workplace violence. The report shall be made to the employee's supervisor, department head, or the Human Resources Director. Violations of this policy may result in disciplinary action and/or other appropriate legal action.

Bona fide self-defense to prevent imminent bodily harm to oneself or another shall not constitute a violation of this policy, nor shall the lawful and appropriate use of force by a sworn peace officer in the course and scope of the officer's duties.

5.5 *Employment of Relatives*

Pursuant to 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. (See consanguinity / affinity chart attached as Appendix A.) 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. This includes employees separated by two or more tiers of supervision on the organization chart or chain of command. (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.)

5.6 *Code of Ethical Standards*

Holding public office and/or employment is a public trust. To preserve that trust, Lyon County requires strict adherence to ethical standards as established by this policy and/or applicable law. This policy sets forth a list of ethical obligations that, while not exhaustive or intended to address every situation, sets basic expectations for ethical conduct.

- 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, Lyon County officials and employees are required to comply with NRS 281A.400 and NRS 281.230, which are incorporated herein by reference.

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

5.7 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 forbidden from using any Lyon County resources (e.g., 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.

5.7.1 Running for or Holding Political Office

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 (90) days. 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.

5.8 *Solicitation Prohibited*

5.8.1 *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 if expressly permitted by a collective bargaining agreement.

5.8.2 *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.

5.9 *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.

5.10 *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 reasonable care to prevent damage or loss. This includes, for example, performing required maintenance and following 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.

Lyon County may take whatever lawful means necessary to determine whether unauthorized material, weapons of any type, controlled substances, or contraband are located or being used on or in its premises or property. If an individual is asked to submit to a search and refuses, that individual will be considered insubordinate and will be escorted away from the site and subject to discipline as appropriate.

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

5.11 *Phone/Device Usage*

Lyon County's policy covers all phone/device usage while at work, including personal and Lyon County-issued phones and devices.

5.11.1 *Personal Phone/Device Usage*

Except in exigent circumstances, personal phone/device usage, including but not limited to calls, texting, social networking, and Internet usage, is limited to authorized break periods.

Lyon County issued phones/devices shall be used for official business only. No personal use of such equipment is permitted, except in the event of a personal or medical emergency. If an emergency situation arises 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.

5.11.2 *Phone/Device Use in Vehicles*

1. Employees on duty and/or conducting official business at any time while operating motor vehicles are prohibited from using phones/devices while the vehicle is in motion. This includes dialing, answering, texting, emailing, and checking messages. Employees are neither required nor expected to use a cell phone while the vehicle is in motion.

NOTE: As an exception, employees may use the blue tooth or hands-free features of a phone/device while operating a vehicle, provided

that it does not require them remove their hands from the steering wheel, avert their eyes from the road, or otherwise compromise their ability to safely operate the vehicle.

2. Employees shall pull off the road and safely stop before placing or accepting calls, texting, emailing, checking messages, or performing any other function that would require them to remove their hands from the steering wheel, avert their eyes from the road, or otherwise compromise their ability to safely operate the vehicle.
3. This policy does not include passenger use of cell phones/devices.
4. This prohibition is in effect regardless if the cell phone/device 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/devices 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.

5.11.3 Phone/Device Use in Business Meetings

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

5.11.4 Damage and Loss

All employees shall exercise due care to prevent damage or loss of Lyon County issued phones/devices. In the event a phone/device is damaged or lost, the employee shall immediately report it to his/her supervisor or department head, and state the reason for the damage or loss.

5.12 Information Technology

5.12.1 Policy

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

5.12.2 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, software applications, electronic information 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 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 does not prevent the Lyon County Information Technology Department (or any other department authorized by the County Manager) from requiring an employee to disclose the user name and password for access to Lyon County's computer or information system(s).

5.12.3 Use

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:

- Conducted on personal time (i.e., during breaks or meal periods);
- Does not consume system resources or storage capacity; or
- Does not involve any prohibited uses and is not visible to the public.

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.

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.

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.

5.12.4 Prohibited Use

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

1. Sending, receiving, or storing messages that could reasonably be considered offensive, disruptive, harassing, threatening, derogatory, defamatory, pornographic, indicative of illegal or prohibited activity, or any that contain belittling comments, slurs, or images based on membership in any protected class.

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:
 - Confidential or proprietary information or material
 - Copyrighted material
 - Illegal information or material
 - 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.

5.12.5 Violation of Policy

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

5.13 Employee Speech, Expression, and Social Networking

5.13.1 Purpose

This policy is intended to balance Lyon County's interests in effectively operating a governmental agency with its employees' rights to free speech and expression. Lyon County encourages the free and open exchange of information and ideas. However, Lyon County reserves the right to regulate employee speech and/or expression that is deleterious to its legitimate governmental interests to the extent permitted by law.

5.13.2 Scope

This policy applies to all oral, written, graphic, and electronic forms of communication and expression, including but not limited to video, photographs, print media, spoken or written word, blogs, social or professional networking activity, and content distributed through messaging applications.

5.13.3 Expectation of Privacy

Lyon County reserves the right to monitor content concerning Lyon County and its employees, vendors, clients, and operations. Employees are cautioned that they should have no expectation of privacy when posting content on the Internet or in other public forums. Employees also have no expectation of privacy when using Lyon County equipment, software, or accounts to publish information. In addition, employees have no expectation of privacy when publishing information on Lyon County's behalf or in any official capacity.

5.13.4 Content Published on Lyon County's Behalf

Only authorized employees may prepare and modify content for Lyon County on its website, social networking page(s), and other official sites. In addition, only employees authorized by their department head or the County Manager may give statements to the media on Lyon County's behalf.

Authorized employees shall adhere to the following guidelines:

- The employee must identify himself/herself as an employee of Lyon County.
- The information published by the employee shall not go beyond the scope of the employee's authorization.
- The information published by the employee shall comply with all applicable laws and ethics provisions.
- The employee shall not knowingly publish false or disparaging information.
- The employee shall not publish copyrighted information where written reprint information has not been obtained in advance.

5.13.5 Personal Speech and Expression

Employees of Lyon County shall enjoy freedom of speech and expression to the full extent provided by law. However, employees must be mindful that this freedom is not unlimited. Employees occupy a trusted position in the

community, and their statements may have the potential to impact Lyon County's ability to effectively operate. Unless it is legally protected or privileged, employees shall refrain from speech or expression that:

- Would compromise the safety of an employee of Lyon County or another person;
- Constitutes defamation (including libel and slander);
- Constitutes perjury or blackmail;
- Constitutes a true threat, fighting words, the incitement of imminent lawless action, or a solicitation to commit crimes;
- Constitutes child pornography;
- Is not a matter of public concern, and tends to compromise or damage the mission, reputation, operations, or working relationships within Lyon County; or
- Is a matter of public concern, but is so detrimental to the mission, reputation, operations, or working relationships within Lyon County that the employee's interest in publishing the content is outweighed by Lyon County's legitimate governmental interests.

The following additional guidelines shall also apply to individual speech or expression:

- Employees may not use County emails or County time to conduct personal blogging or personal social networking activities.
- Employees may not 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 Lyon 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 may not 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 may not post County-related documents or information including privileged information, confidential matters, proprietary or copyrighted information, or County-issued documents intended for internal distribution.

- Employees may not post on personal blogs or social networking sites photographs of other employees, clients, vendors or suppliers, nor may employees post photographs of persons engaged in County business or at County events without prior consent.
- Employees may not 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' internal web site.

5.13.6 Violations

Violations of this policy may subject an employee to disciplinary action. All disciplinary action brought under this policy must be reviewed and approved by the Human Resources Director or the District Attorney.

5.14 Smoking, E-cigarettes and Tobacco Use

As required by NRS 202.2483 Nevada Clean Indoor Act and in accordance with 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/or 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.

5.15 Outside Employment

5.15.1 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.

5.15.2 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. Imposes additional burden on other Lyon County employees.
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 or recommended by Lyon County.
7. Uses employment with Lyon County for pecuniary gain, except to the extent that it may demonstrate expertise or qualification to be hired 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. Involves employment with an organization that has contracts or does business with Lyon County, if it would create a conflict of interest or the reasonable perception of a conflict of interest.
10. Could reasonably diminish public perception or reflect poorly upon Lyon County.

5.15.3 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 Human Resources Director of instances of outside employment conflict and/or perceived conflict.
6. If the outside employment is in conflict with employment with Lyon County, 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.

5.16 Personal Appearance

5.16.1 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 department head.
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. Department heads may allow exceptions, provided that employees still maintain a clean, neat, and professional appearance.
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 shall wear other work-appropriate attire as approved by the department head. Shorts shall not be allowed absent special circumstances (e.g., law enforcement personnel undergoing a physical fitness examination) as determined by the department head. 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. In the event Lyon County determines protective equipment is necessary to protect field employees from injury or exposure, Lyon County will furnish the equipment to the extent required under 29 CFR 1910.132(h). Lyon County will select the materials to be furnished or, at its sole option,

may provide options from which employees may choose. In the event Lyon County-issued equipment becomes damaged or unusable, the employee shall turn the equipment over to his or her supervisor or department head. Lyon County shall inspect the equipment and determine whether it requires replacement. In the event replacement is necessary, Lyon County shall furnish replacement equipment to the employee.

7. Under no circumstances may employees wear halter tops, strapless tops, spaghetti straps, tank tops, cropped tops, clothing with offensive wording (e.g., 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.
8. 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. Small (less than 1.5 millimeters), conservative studs may be worn on the nose with department head approval. 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.
9. 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 to discuss an exception to the personal appearance guidelines. The supervisor will notify and consult with the Human Resources Director to determine whether the requested accommodation may be granted without undue hardship to Lyon County.

5.16.2 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.

5.17 *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.

5.18 *Employee Identification Badges*

1. Each employee will be provided with a Lyon County issued identification badge by the Human Resources Department upon hire. All employees will wear/carry their badges if directed by their supervisor.
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.
6. Employees shall return their ID cards or badges prior to separation from employment.

5.19 *Reporting Criminal Charges and Adjudications*

All employees are required to immediately report to their department head any charges, guilty pleas, nolo contendere pleas, convictions, or deferred adjudications for felonies, misdemeanors, or any other crimes except for minor traffic infractions. Upon receipt of this information, Lyon County will assess the employee’s continued ability to perform his/her job and serve the public. Lyon County may take any situationally-appropriate action, including, without limitation, immediate disciplinary action or a suspension with or without pay pending adjudication of criminal charges.

5.20 *Reporting Actions by Licensing Authorities*

Employees shall immediately notify their department head if they become aware they are under investigation by a licensing board or regulatory entity for actions related to or arising from their employment with Lyon County. Employees shall also immediately report receipt of any notice of suspension, restriction, or revocation of their driver's license, permit, or other license or certification required for the employee's classification.

5.21 *Nursing Mothers*

In accordance with applicable law, Lyon County provides reasonable breaks for employees who need to express breast milk for nursing infants up to one (1) year old. Lyon County will furnish a private space that is free from dirt or pollution, other than a bathroom, for this activity. The space will be shielded from view and free from interruption. Employees who require nursing accommodations should contact their supervisor, department head, or the Human Resources Department.

5.22 *Workplace Safety*

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

Employees are expected to observe all posted safety rules, adhere to all safety instructions, and properly use all equipment. Employees are required to report any accidents or injuries, and any breaches of safety to their supervisor as soon as possible.

Disciplinary action, up to and including termination, may be imposed for violation of a safety policy and/or procedure.

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

5.23 *Teleworking*

1. Lyon County may, at its sole discretion, authorize employees to work remotely from home provided that: (i) the employee can perform all essential job functions while working remotely; (ii) the remote work arrangement will not diminish customer or public service; (iii) the remote work arrangement will not compromise system security or information confidentiality; (iv) the remote work arrangement will not have a fiscal impact (e.g., it must not require Lyon County to purchase additional equipment, create a need for overtime, etc.); (v) the remote work arrangement will not compromise supervisory oversight; and (vi) the remote work arrangement will not negatively affect employee productivity, accountability, responsiveness, or performance, and will not negatively affect functional team relationships.

2. Employees interested in working remotely shall discuss the matter with their department head. The department head shall consider all factors in the preceding paragraph. If the department head supports a remote work arrangement based on these factors, the department head shall submit a written request for approval of the remote work arrangement to the Human Resources Director. The request shall identify the employee(s) involved, set forth all material details of the arrangement, and address each factor in the preceding paragraph. The Human Resources Director shall confer with the County Manager and approve or deny the request. That decision shall be final.

NOTE: By way of limited exception, department heads may for good cause approve temporary remote work arrangements lasting no more than five (5) consecutive days without approval from the County Manager and Human Resources Director. Such arrangements are permissible on an occasional basis to address legitimate temporary needs to work remotely (for example, remote work pending the outcome of a COVID-19 test and symptom improvement). Department heads are responsible for ensuring all requirements in the first paragraph are met during the temporary remote work arrangement.

3. In the event a request for a remote work arrangement is approved, nothing herein shall be construed to vest any employee with a continued right or entitlement to work remotely. All remote work arrangements will be continually reassessed to ensure they meet all requirements in the first paragraph of this Section. At Lyon County's sole discretion, remote work arrangements may be adjusted or revoked at any time. In addition, nothing herein shall be construed to restrict Lyon County from requiring any employee to be present at the jobsite for any business reason, even if it occurs on a date on which the employee is scheduled to work remotely.
4. All employees authorized to work remotely shall use Lyon County-issued technology for all official business and Lyon County-related work. Subject to availability, Lyon County will provide necessary technology, including, for example, a laptop computer and telephone. Subject to availability, Lyon County will also provide basic office supplies such as pens, notepads, and paper. Lyon County will not provide office furnishings, such as desks, chairs, and the like.
5. All provisions in this Personnel Policy Manual apply with equal force to employees working remotely. Department heads may promulgate additional requirements as appropriate; for example, department heads may require employees working remotely to provide periodic progress reports, documentation of work performed, or status check-ins as reasonably needed.
6. Employees' rate of pay and benefits will not change in any respect by virtue of working remotely. Unless directed otherwise in writing by the department head, employees working remotely shall work their normal number of hours and may take the same meal and rest breaks to which they are normally entitled.

6. EMPLOYMENT

6.1 *Source of Candidates*

For all regular positions, Lyon County may conduct open or internal recruitments. An open recruitment solicits applications from internal and external candidates. An internal recruitment solicits applications from internal candidates only (either County-wide or department-wide). Candidates may also be sourced from eligible lists as set forth in Policy 6.8 below.

6.2 *Job Announcements*

All job announcements for regular positions shall be posted for a minimum of five (5) working days and may be extended at the discretion of Lyon County. Each job announcement shall include, without limitation:

- The title, pay range, and job description for the classification for which Lyon County is seeking applications;
- Instructions on how to apply; and
- A statement that Lyon County is an equal opportunity employer and offers reasonable accommodations pursuant to the Americans with Disabilities Act (ADA).

Lyon County shall post all job announcements on its website and may post them in any other physical or electronic forum(s) that Lyon County deems appropriate. Lyon County will also notify employees of new job vacancies via electronic mail.

In the event the vacant classification is part of a classification series, Lyon County may at its sole discretion post a job announcement seeking applications for any of the classifications within that series.

6.3 *Submission of Applications*

Applications for employment shall be submitted electronically through the Lyon County website. A separate application must be submitted for each vacancy unless otherwise stated in the job announcement. Résumés, completed questionnaires, writing samples, educational transcripts, certifications, letters of recommendation, or other supplemental information may be required from applicants.

All applicants will be required to electronically certify that all information submitted with their application is true and accurate. Lyon County reserves the right to withdraw an offer of employment or terminate the employment of any individual who submits false or misleading information in connection with his/her application.

6.4 *Selection Techniques*

The techniques used to select applicants during the recruitment process shall be impartial and shall relate directly to the qualifications and suitability of the applicants for the vacant position. Depending upon the nature of the position, Lyon County may use any combination of the following techniques: evaluation/screening of written application materials; skills or performance tests; physical ability tests; evaluation of

work performance and/or work samples; personal interviews; and any other evaluation method that directly assesses candidates' ability to perform the essential functions of the position. All such methods shall relate directly to job-related factors such as a candidate's knowledge, ability, skill, experience, attitude, aptitude, and interpersonal competencies.

Background investigations and reference checks may also be a part of any selection process. Lyon County requires all prescribed consent forms and/or waivers be signed prior to any criminal background investigation. Negative results and/or false representations by an applicant may be grounds for withdrawal of an offer of employment and/or disciplinary action up to and including termination.

6.5 *Hiring Decisions*

Hiring/promotional decisions shall be based solely on merit. Such decisions shall not be influenced in any way by any candidate's membership in any protected class and shall be compliant with all applicable ethics provisions. In addition, Lyon County shall not seek the wage or salary history of an applicant, nor rely on such wage history in determining whether to offer employment to the applicant. The hiring manager has ultimate responsibility for selection of the candidate for hire, and for ensuring the candidate has all required qualifications. However, wherever practicable, the hiring manager shall utilize an interview or hiring panel to acquire the input of others before the selection decision is made. The hiring manager will notify the Human Resources Department of the selected candidate.

6.6 *Disqualification of Applicants*

An applicant may be disqualified from further participation in the recruitment process for the reasons listed below or for any other material reason:

1. The applicant does not meet the minimum qualifications for the position.
2. The application is not fully and/or truthfully completed.
3. The applicant has an adjudication of guilt for a criminal offense, and the factors set forth under NRS 245.046 (if applicable) weigh in favor of disqualification. In such a case, the applicant shall receive written notice of disqualification or rescission from the Human Resources Director in accordance with that statute. .
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 interview or examination.
6. The applicant does not possess a valid license, certificate, permit, or other credential required for the position.

7. The applicant does not meet the age requirement for the position. All casual employees must be at least sixteen (16) years of age. All regular employees must be at least eighteen (18) years of age, except that all sworn peace officers and all employees in classifications that require a CDL must be twenty-one (21) years of age in accordance with applicable law.

6.7 Probationary Period

Except as otherwise provided below, all new and re-hired employees shall 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. Lyon County reserves the right to extend any probationary period up to three (3) months when such an extension is determined appropriate in Lyon County's sole and absolute discretion. During the probationary period and any extension thereof, the employee and Lyon County have the opportunity to evaluate one another and the employee's compatibility, ability, and interest in the job. Employees are "at will" during the probationary period and any extension thereof, meaning the employment relationship can be terminated at any time with or without cause

The preceding paragraph is subject to the following exceptions:

- Elected officials do not serve a probationary period.
- Political appointees of elected officials do not serve a probationary period. Political appointees are high-ranking personnel who perform a "policy-making" function in the office of the elected official under applicable law. Such individuals are employed at will.
- Casual employees do not serve a probationary period. Such individuals are employed at will.
- The probationary period for Juvenile Probation Officers and Control Room Operators is one (1) year. All other terms and conditions of the preceding paragraph above apply.
- The probationary period for Dispatchers is eighteen (18) months. All other terms and conditions of the preceding paragraph above apply.
- The probationary period for Deputy Sheriffs, Sergeants, and Lieutenants is from twelve (12) to eighteen (18) months as established by collective bargaining agreement.

6.8 Eligible Lists

In the event the number of qualified candidates exceeds the number of vacancies in a classification, Lyon County may maintain an eligible list for that classification. A candidate may remain on the eligible list for up to six (6) months following the date the vacancy in the classification is filled. In the event of an additional vacancy in the same classification within that six (6) month period, Lyon County may at its sole discretion hire from the eligible list without conducting another recruitment in accordance with this policy. Lyon County reserves the right to skip or remove a

candidate from the eligible list if the candidate is non-responsive, refuses an offer of employment, or for other good cause.

6.9 Reference Checks

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.

6.9.1 Acquiring References

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 electronically signed and dated by the applicant. 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. Submit reference inquiries that are directly related to the candidate's ability to perform the essential job functions of the position. For DOT-covered positions, Lyon County may also request any information regarding positive drug or alcohol tests within the timeframe required by federal law.

6.9.2 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. Generally, only the following shall be provided:

1. Name
2. Class/Job Title
3. Dates of Employment
4. Salary

No additional information may be disclosed unless: (i) a sufficient waiver and release of Lyon County from any liability is presented; (ii) the disclosure of

information serves Lyon County's or the public's interest and/or is required by law; and (iii) the disclosure is authorized by the Human Resources Director or District Attorney.

6.10 Offers of Employment

6.10.1 Job Offer Letters

After an applicant has been selected for employment or promotion, the department head or hiring manager will notify the Human Resources Department, which will extend an official written offer of employment. All job offers must 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.

6.10.2 Other Conditions of the Offer

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 drug/alcohol test, physical examination, or background/reference check. It may further be conditional upon submission of documentation of qualifications, licensure, or certification.

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

6.11 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.

6.12 Failure to Appear for Work

If an applicant fails to report for work without good cause, the applicant shall be deemed to have declined the position.

6.13 *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 in the same classification as 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.

6.14 *Casual Employment*

6.14.1 *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 may be hired through the recruitment process set forth in these policies or, with approval of the Human Resources Department, appointed by other means. Casual workers are "at-will" employees.

6.14.2 *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 one hundred twenty (120) consecutive working days to complete. The County Manager may approve creation of a casual position provided there is a legitimate business need, and provided Lyon County has appropriated sufficient funds in the budget for the position. 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.

6.14.4 *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 service credit will be given for the time an employee performed casual work.

6.15 *License/Occupational Certification*

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:
 - Comply with the court order, subpoena, or warrant;
 - Satisfy any arrears payments due; or
 - 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.

7. POSITION CLASSIFICATION PLAN

7.1 *Preparation and Adoption*

Lyon County will develop and maintain a classification plan. Under this plan, each position within Lyon County will belong to a job classification. Each classification will have a job description setting forth, among other things, its essential functions, the knowledge, skills, and abilities need to perform the essential functions, and any other required and preferred qualifications. Each classification will be assigned to a pay grade based on factors such as its relative complexity, authority, and responsibility, and relevant labor market data.

7.2 *Maintenance and Revision*

The Human Resources Director will periodically review the classification plan and recommend any changes to the Lyon County Manager.

7.3 *New Positions*

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

7.4 *Reclassification*

Reclassification is appropriate where the essential functions of a position differ from the original classification to such an extent that they reflect a fundamentally different job. The addition of new or different duties does not warrant reclassification in all circumstances. Reclassification requests shall be submitted in writing to the Human Resources Director. Upon receipt of such a request, the Human Resources Director shall recommend any appropriate action to the County Manager. Lyon County shall have sole discretion to determine whether to reclassify a position. In the event a position is reclassified and the reclassification results in an upward change in pay grade, Lyon County may at its discretion grant out-of-classification pay back to the date of the reclassification request.

7.5 *Reallocation*

A classification may at Lyon County's sole discretion be reallocated to a higher or lower pay grade based on factors such as a substantial change in duties, internal equity, and relevant labor market data. Reallocation to a higher pay grade is not considered a promotion nor is reallocation to a lower salary grade considered a demotion. Pay practices in the event of reallocation are addressed under Policy 8.7.4.

7.6 *Transfers*

A transfer involves a move to a different Lyon County position at or below the employee's pay grade. 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. Nothing herein shall preclude Lyon County from conducting an open or internal recruitment and considering transfer candidates along with other candidates.

7.7 Promotions

7.7.1 Promotional Opportunities in Vacant Positions

Lyon County encourages employees to apply for promotional opportunities in open positions for which they are qualified. All selection decisions will be based on merit and will be consistent with Lyon County's hiring policy.

7.7.2 Classification Series Promotions

Lyon County has established certain classification series that allow for promotional movement within the series due to the acquisition of additional experience, skills, certifications, and/or other qualifications. Recommendations for promotions within such series shall be submitted in writing by the department head to the Comptroller and Human Resources Director no later than February 15th of the year preceding the fiscal year in which the recommended promotion will occur. The promotion may be approved to take effect on the employee's work anniversary date in said fiscal year provided that all of the following requisites are satisfied:

- a. The employee meets all qualifications for promotion as of the time of promotion (including any experience and certification requirements);
- b. Funding for the promotion is available and is approved by the Board of County Commissioners during the budget process for that fiscal year; and
- c. The employee receives an annual performance evaluation rating of at least "at target" on the work anniversary on which the employee is scheduled to be promoted.

Employees receiving classification series promotions shall receive a promotional pay increase in accordance with Policy 8.7.3, effective on their anniversary date. This increase shall be in lieu of, and not additional to, an annual merit increase in accordance with Policy 8.8.2.

7.8 Demotions

Employees may be demoted for disciplinary reasons in accordance with this personnel policy manual and, if applicable, their collective bargaining agreement.

8. COMPENSATION PLAN

8.1 *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.

8.1.1 *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.

8.1.2 *Reference 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.

8.2 *Work Week Defined*

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

Note: In accordance with Section 7(k) of the Fair Labor Standards Act, work periods for law enforcement personnel may differ and are defined in the applicable collective bargaining agreement.

8.3 *Work Time*

8.3.1 *Attendance*

Reliable attendance is an essential function of all Lyon County employees. 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. In addition, employees are expected to work the entirety of their assigned shifts unless they are granted leave. 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.

8.3.2 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.
4. Law enforcement personnel may work a different schedule in accordance with the applicable collective bargaining agreement.

Department heads have the responsibility to determine the work schedules for their employees. All department heads must obtain County Manager approval for implementing the 4/10 or 3/12 schedule.

8.3.3 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.

8.3.4 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 uninterrupted meal period of at least one half hour. 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.

8.3.5 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.

8.4 Time Reporting

8.4.1 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.)

8.4.2 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; provided, however, that periods of six (6) minutes or less are not considered overtime unless they occur regularly.
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.

8.4.3 Position Designations – Exempt or Non-Exempt

All positions are designated as "exempt" or "non-exempt" according to federal and state laws and regulations. Lyon County reserves the right to require any employee to account for hours worked, regardless of exempt or non-exempt status.

8.4.4 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.

8.4.5 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.

8.5 Overtime

8.5.1 Non-Exempt Employees

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 will be included as time worked. Sick leave, compensatory time off, and any other paid time off 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 will be included as time worked. Sick leave, compensatory time off, and any other paid time off will not be included as time worked.
- iii. Overtime for an employee working a three (3)-day, thirty-six (36) 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 will be included as time worked. Sick leave, compensatory time off, and any other paid time off will not be included as time worked.

- iv. Overtime for law enforcement employees is calculated on a “work period” basis in accordance with Section 7(k) of the FLSA. Refer to the applicable collective bargaining agreement.

All overtime hours must 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 in lieu of overtime pay. Requests for compensatory time off in lieu of overtime must be made in writing and, once approved, will be placed in the employee’s payroll file. 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 is earned 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 ninety (90) days of accrual, or it will be paid out as overtime. 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.

Except for holidays and vacation leave, and unless expressly provided otherwise in a collective bargaining agreement, time paid but not worked does not count toward hours worked for the purpose of computing overtime hours.

8.5.2 Exempt Employees

Employees in exempt positions are not eligible for overtime. 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.
6. Effective July 1, 2023 all exempt employees serving in the Deputy District Attorney classification series shall receive a stipend of nine hundred dollars (\$900) per week in exchange for being on-call that week to handle pretrial release hearings and any other matters arising outside of normal business hours. The District Attorney shall have sole discretion to establish a rotation or otherwise assign such employees to be on-call each week, provided that only one (1) employee may be on call per week. The term "week," as used in this subsection, may be any period of seven (7) consecutive days at the discretion of the District Attorney (e.g., Friday at 12:00am to Thursday at 11:59pm). The District Attorney shall provide the Comptroller's Office with written notification of the on-call assignments and shall contact the Comptroller's Office as soon as practicable in the event of any changes. Employees shall receive the stipend on the payday corresponding to the pay period in which their on-call week(s) ended.
7. Effective July 1, 2023 Justices of the Peace shall receive a stipend of four hundred and fifty (\$450) per day for Saturdays and Sundays when they are on-call to handle pretrial release hearings. Only one Justice of the Peace will be assigned and paid per Saturday and Sunday. When the contracted justice from the City of Yerington is on-call, no Justice of the Peace is eligible for the stipend on those days. This stipend is being funded from the State of Nevada and will cease if funding from the State of Nevada ceases.

8.5.3 “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.

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.

8.6 *Shift Differential*

Lyon County will pay a shift differential of two dollars (\$2.00) per hour for hours worked between 6:00 p.m. and 6:00 a.m.

8.7 *Rates of Pay*

8.7.1 *Compensation Plan*

The compensation plan and any amendments thereto shall be approved by the Board of County Commissioners. The compensation plan shall set forth all classifications and pay grades, and it shall assign each classification to a pay grade. Assignment of a classification to a pay grade will be based on the relative complexity, responsibilities, and authority of the job, as well as relevant labor market data.

8.7.2 *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 when all of the following circumstances exist:

1. The individual's education, experience, and other qualifications justify the advanced salary.
2. The individual's earning potential with competitors justifies the advanced salary.

3. Other equally-qualified candidates who would not require as high an advanced level salary are not available.
4. Adequate funds are available in the hiring department's budget to pay the higher rate.
5. Fairness and equity in the administration of Lyon County's compensation plan will be maintained.

8.7.3 *Rate of Pay Upon Promotion*

This policy governs salary adjustments upon promotion. Promotion is defined as movement from one classification to another classification at a higher pay grade.

Except as may otherwise be provided by a collective bargaining agreement, a regular employee who is promoted to a new non-exempt, non-supervisory classification will move to the bottom of the pay range of the new classification; provided, however, that if the bottom of the pay range in the new classification is not at least five percent (5%) higher than the employee's current rate of pay, the employee will move to the point in the pay range for the new classification that provides a five percent (5%) increase, not to exceed the top of the range for the new classification.. A regular employee who is promoted to a new supervisory classification, or 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 factors such as qualifications, experience, pay equity, 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 pay range or more than the maximum pay of the pay range for the new position.

8.7.4 *Rate of Pay Upon Reallocation or Transfer*

Reallocation of a classification to different pay range (e.g., adjustment of a classification's pay grade or pay range following a compensation study) is not a promotion. An employee's rate of pay will not be adjusted as a result of reallocation unless the employee's rate of pay is below the bottom of the new pay range for the classification; in that instance, the employee's rate of pay will be adjusted to the bottom of the pay range. Employees whose rate of pay exceeds the top of the pay range following reallocation will be Y-rated, and their rate of pay will not change unless and until the top of the pay range is subsequently adjusted above said rate of pay.

Lateral movement between classifications on the same pay grade, and voluntary movement to a different classification on a lower pay grade, is also not a promotion. Employees shall not receive any pay increase for transferring to a position at or below their current pay grade. In addition, employees who voluntarily choose to work in a classification with a lower pay grade shall not earn more than the top of the pay range for that classification, even in the event this means the employee must incur a pay reduction to transfer to the lower classification.

8.7.5 *Rate of Pay Upon Demotion*

An employee demoted for disciplinary reasons shall in no event earn more than the top of the pay range for his/her classification, even if this means the employee's pay is reduced.

8.8 *Salary Increase Schedule*

8.8.1 *Anniversary Date*

An employee's anniversary date is the employee's date of hire. If the employee is promoted to a new classification, the anniversary date shall change to the date of the promotion. The employee's anniversary date is the date on which the employee is eligible for a merit increase of the employee's salary as set forth below.

8.8.2 *Merit/Step Increase*

Subject to the availability of sufficient budgeted funds, all regular employees whose rate of pay is not at the top of the pay range for their classifications may be eligible for a merit increase on their anniversary date. The amount of the merit increase, if any, shall be determined by the Board of County Commissioners in the budget process. To receive the merit increase, an employee must receive an overall score of at least "at target" on the employee's annual performance evaluation. The merit increase shall become effective on the employee's anniversary date.

In no event shall any merit increase be granted to the extent it would increase the employee's rate of pay above the top of the pay range for the employee's classification. However, employees at the top of their pay range may be eligible for a longevity bonus as set forth in the next section below.

8.8.3 *Longevity Bonus*

Subject to the availability of sufficient budgeted funds, all regular employees who are at the top of their pay range and who receive an overall rating of at least "at target" on their annual performance evaluation are eligible for a longevity bonus. The amount of the longevity bonus shall be the same percentage as the annual merit increase, if any, that is approved that fiscal year. (E.g., if the Board of County Commissioners approves merit increases in the amount of 2.5% of base salary, the amount of the longevity bonus shall also be 2.5% of base salary.)

Subject to the availability of sufficient budgeted funds, all regular employees who are not at the top of their pay range but for whom a full merit increase would exceed the top of the pay range may also be eligible for a longevity bonus if they receive a rating of at least "at target" on their annual performance evaluation. Such employees shall receive the following: (i) a merit increase to the top of the pay range; and (ii) a longevity bonus in an amount representing the difference between the approved longevity percentage of the employee's base salary prior to the merit increase and the amount of the annual merit increase. (E.g.: If the Board of County Commissioners approves merit increases in the amount of 2.5% of base

salary, and if an employee is 1.5% of his/her base salary away from the top of the pay range, that employee shall receive: (i) a merit increase of 1.5% of base salary, and (ii) a longevity bonus of 1% of the employee's base salary prior to the merit increase.)

8.9 *Withholding of Merit Increases*

When an employee has not received an overall rating of at least "at target" on the annual performance evaluation, the employee's merit increase shall be withheld. In the event the employee demonstrates improvement before his/her next anniversary date such that he/she is performing at a level of at least "at target," Lyon County shall have discretion to grant the previously-withheld merit increase. In the event Lyon County exercises this discretion, the merit increase shall be effective as of the date "at target" performance has been established and formally documented, and the employee's anniversary date shall change to this date. In the event Lyon County does not exercise this discretion, the employee may be considered for a merit increase in the ordinary course on his/her next upcoming anniversary date.

Nothing herein restricts Lyon County from taking other and/or additional measures to address below-target employee performance, including but not limited to disciplinary action.

8.10 *Flat Rate Salaries*

Certain classifications may be assigned to flat rates of pay (i.e., a set rate of pay that does not correspond to a pay range) in the compensation plan. Employees assigned to a flat rate of pay are not eligible for merit increases.

8.11 *Casual Worker Compensation*

Lyon County shall establish rates of pay for casual employees consistent with the relative complexity, authority, and responsibility associated with the work, and consistent with relevant labor market data. Casual employees are not eligible for merit increases or longevity bonuses. However, Lyon County may adjust the rates of pay for such employees from time to time as necessary. Any department seeking an adjustment to the rate of pay for such employee(s) shall submit this request in writing to the Human Resources Director and Comptroller. The request shall not be approved unless there are sufficient budgeted funds. Wherever possible, department heads are encouraged to submit their requests prior to February 15th of the year prior to the fiscal year in which the increase is to take effect.

8.12 *Y-Rate*

At Lyon County's discretion, an employee who is moved to a lower pay grade as a result of involuntary employment action other than discipline may be Y-rated. The Y-rated employee shall not be eligible for any pay increase (including longevity pay) unless and until the top of the pay range for the employee's classification is subsequently adjusted such that it is equal to or exceeds the employee's rate of pay.

8.13 *Management Compensation*

Lyon County shall maintain a management compensation plan to attract and retain talented leadership across all Lyon County departments. The classifications included

in this plan shall be department heads and other positions with a similar level of complexity, authority, and responsibility. The plan shall provide for competitive compensation for leadership positions and establish performance incentives consistent with these policies.

8.14 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.

8.15 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 counted as hours worked for the purpose of calculating overtime. Refer to the applicable collective bargaining agreements for additional details on stand-by time payments.

8.16 Special Training Pay

Employees who work as Jail Control Room Operators or Dispatchers shall receive two dollars and fifty cents (\$2.50) per hour for time spent actively engaged in training probationary employees within those classifications. Such training must be authorized by the department head. Time spent training shall be entered to the nearest fifteen (15) minute increment.

8.17 Call-Back Pay

Call-back pay applies in instances where an employee completes his/her regular workday, is off duty for any period of time, and is requested or required to return to work with less than twelve (12) hours' notice.

Call-back hours worked shall be compensated at the overtime pay rate with a minimum of two (2) hours pay, except that the two (2) hour minimum shall not apply in the following situations:

- i. Where overtime is scheduled with more than twelve (12) hours' notice;
- ii. Where the employee is held beyond his/her regular shift without being relieved from duty; or
- iii. Where the employee is required to start the next upcoming shift less than two (2) hours before the normal start time of that shift.

In addition, the following conditions and limitations shall apply:

1. There shall be no overlapping of call-back pay and stand-by pay.
2. If an employee works less than two (2) hours on the initial call-back and then is called back a second time during the initial two (2) hour period, the employee will not be entitled to additional overtime pay unless the total time

worked for both call-backs exceeds two (2) hours. In such cases, the employee shall be paid for the total hours worked.

3. Holiday call-back: An employee who is called back in to work on a holiday shall be compensated in pay or compensatory time at double-time and a half base pay.
4. Retirement contributions on callback compensation, if any, will be made in accordance with NRS 286.025 and the Public Employees Retirement System (PERS) Official Policies, as may be amended from time to time.

8.18 Acting Pay

In situations where an employee temporarily assumes all duties of a higher classification for at least three (3) consecutive shifts, the employee may request acting pay. Acting pay applies only where the employee assumes the entire scope of duties of the higher classification in addition to, or in lieu of, the employee's normal job responsibilities. It does not apply where an employee takes on additional discrete duties, an additional volume of work within the employee's current classification, and/or part of another classification's responsibilities during a leave of absence or vacancy. Acting pay shall be at the sole discretion of Lyon County and shall not be granted without approval by the Lyon County Manager. Where granted by the County Manager, acting pay shall be paid at the rate of five percent (5%) of the employee's normal base rate of pay for time worked in the higher classification.

9. LEAVE PLANS

9.1 Holidays

9.1.1 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 that may be appointed by the President of the United States for public fast, thanksgiving, or as a legal holiday except for any Presidential appointment of the fourth Monday in October as Veterans Day.

9.1.2 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.

9.1.3 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.

9.1.4 No Accrual

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

9.1.5 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.

9.2 Vacation Leave

9.2.1 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.

Accruals are based on hours worked; provided, however that employees do not earn extra vacation leave for overtime worked. Employees will not accrue vacation time while on leave without pay.

9.2.2 *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.

9.2.3 *Eligibility Maximum Accrual*

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. Any vacation leave in excess of this two hundred forty (240) hour limit must be used prior to the beginning of the first full pay period in January, or it will be forfeited. When an employee’s vacation leave hours exceed the two hundred forty (240) - hour limit, the department head may, at any point during the year, 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.

9.2.4 *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 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.

9.2.5 *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.

9.3 *Sick Leave*

9.3.1 *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 a family member or other 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, it 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, rather than vacation 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

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 twenty-four (24) 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.

9.3.2 *Procedure*

1. *Leave Approval*

An employee shall request leave through Munis 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 employee's supervisor or department head shall determine whether to approve use of accrued sick leave, consistent with this policy.

2. *Notification*

Any employee who is ill or unable to report to work for any reason shall, absent exigent circumstances, 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 may 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.

9.4 *Family and Medical Leave*

9.4.1 *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

Employees may exhaust any accrued paid time off (sick, vacation, compensatory time, and personal days) concurrently with FMLA leave. Otherwise, FMLA leave is unpaid leave.

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.

9.4.2 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 9.4.3 below). This period is measured using the “rolling lookback” method; i.e., 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.

9.4.3 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.

9.4.4 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.

9.4.5 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.

9.4.6 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.

9.4.7 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.

9.4.8 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.”

9.4.9 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.

9.4.10 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 9.4.8. (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.

9.5 Leave of Absence Without Pay

9.5.1 Policy

Lyon County may, at its sole discretion, grant leaves of absence without pay up to six (6) months when it determines the granting of such leave is consistent with its needs and legal obligations. This leave may be extended beyond six (6) months only in exceptional circumstances. Lyon County may at any time request documentation substantiating the need for leave. Supervisors and department heads may grant a leave absence without pay exceeding thirty (30) days only with approval from the County Manager.

Lyon County reserves the right to terminate a leave of absence without pay at any time.

9.5.2 Procedure

1. 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.

2. Return from Leave

Employees are expected to return to work at the conclusion or termination of their leave of absence without pay. An employee who fails to do so is considered to have abandoned his/her employment and will be considered to have resigned from employment with Lyon County.

3. Benefit Accrual

Employees will not accrue any other leave benefits (e.g., sick leave, vacation leave) while on leave of absence without pay.

9.6 Court Leave

Employees shall notify their supervisors of the need for court leave covered under this policy as soon as the need of the leave becomes known to the employee.

1. Jury Duty

Employees required to serve jury duty (including grand jury service) during their regularly-scheduled work hours shall be granted time off to perform their civic duty. Such employees shall receive compensation for missed work time at their base hourly rate of pay, subject to the conditions and limitations below:

- a. The employee shall provide a copy of the summons or other documentation substantiating the need to attend jury duty.
- b. The employee shall claim any fees to which the employee is entitled from the jury service and shall sign the check(s) for those fees, excluding any travel pay, over to Lyon County.
- c. Jury service (including travel time) shall not be counted as hours worked for the purpose of calculating overtime.
- d. If the jury service occurs on a scheduled day off and/or outside of the employee's normal work schedule, the employee shall not receive any compensation from Lyon County. However, the employee may retain all fees received from the court for the jury service on that day.
- e. An employee who is not required to report for jury duty until the after the start of the employee's normal workday or who is released from jury service before the end of the employee's workday shall, insofar as

practicable, report to work for the portion of the workday not consumed by jury duty and related travel.

- f. This policy does not apply to casual employees. If necessary, those employees shall be granted a leave of absence without pay to attend jury service.

2. *Witness on behalf of Lyon County*

Any employee required by Lyon County to appear as a witness in a proceeding in which the County is a party shall be paid for the appearance as though otherwise working, irrespective of whether the appearance occurs within the employee's normal work schedule. The employee shall claim any witness fees to which the employee may be entitled for such appearance and sign the check(s) for those fees, except for any travel pay, over to Lyon County. Time served as a witness at Lyon County's direction and on its behalf is time worked and shall count for the purpose of calculating overtime.

The preceding paragraph applies only to matters in which the employee serves as a witness on behalf of Lyon County. Employees shall not receive any compensation or benefit for appearing as a witness in a matter in which the employee is a party or serves as a witness for a party who has commenced litigation against Lyon County. In addition, employees shall not receive any compensation or benefit for serving as a party or witness in a matter unrelated to their employment with Lyon County. Employees may, however, be granted annual or unpaid leave, consistent with this policy manual, to attend the type of proceedings identified in this paragraph.

9.7 *Military Leave under Federal Law*

9.7.1 *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.

9.7.2 *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).

9.7.3 Salary and Benefits

1. Leave Without Pay

The employer will treat the employee the same as any other employee on leave without pay. 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 9.7.4. 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.

9.7.4 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.

9.7.5 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.

9.7.6 Prohibition Against Retaliation

Lyon County does not tolerate retaliation. Retaliation is adverse treatment that occurs because the employee availed himself or herself of military leave rights under this policy and/or federal law. Any employee who believes s/he has been retaliated against shall immediately notify the EEO Officer / ADA Coordinator. Lyon County will promptly investigate and, where appropriate, take corrective action.

9.8 *Military Leave under Nevada Statute*

9.8.1 *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.

9.8.2 *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.

9.8.3 *Prohibition Against Retaliation*

Lyon County does not tolerate retaliation. Retaliation is adverse treatment that occurs because the employee availed himself or herself of military leave rights under this policy and/or state law. Any employee who believes s/he has been retaliated against shall immediately notify the EEO Officer / ADA Coordinator. Lyon County will promptly investigate and, where appropriate, take corrective action.

9.9 *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.

9.10 *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.

9.11 *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. "State of Emergency" refers to a formal declaration of emergency by the Lyon County Board of Commissioners, Governor of Nevada, or President of the United States.
2. Employees shall make every effort to report to work as soon as is reasonable during a declaration of a disaster area of state of emergency. An employee who has made such an effort, yet fails to report to work under such conditions, shall not be subject to discipline. Employees shall make every effort to report their circumstances to their immediate supervisor. Employees who are unable to report to work may use accrued vacation leave or compensatory leave time as compensation for scheduled time not worked.
3. Lyon County may provide up to forty (40) hours of paid administrative leave for each regular employee affected by an event resulting in the declaration of a disaster area or state of emergency. Employees deemed critical during the event by the County Manager, or designee, may not be eligible for this leave. Employees that are able to work remotely also may not be eligible for this leave.

The County Manager, or designee, may authorize paid administrative leave upon finding that there is sufficient budget funding available and that at least one of the following conditions exists due to the effects of the event.

- a. The employee's normal place of business is closed temporarily during the employee's normal work shift and they are not able to work remotely.
 - b. The event effectively precludes the employee's ability to find reasonable routes of transportation from the employee's normal residence to the work place.
 - c. The emergency presents an immediate and grave peril to the employee's own safety, that of an employee's immediate family member, or the employee's principal residence.
 - d. The employee is actively involved in a formal, organized effort to protect the health and safety of the general public; such as, the employee is a member of the auxiliary fire or police department or the employee is asked by local authorities to assist with sandbagging efforts.
 - e. The employee needs to take time off to apply for disaster assistance from the Federal Emergency Management Agency (FEMA) because the employee is unable to apply for assistance before or after the employee's normal work shift.
4. During a declaration of disaster area or state of emergency, employees who commute in a personal vehicle more miles to a temporary work location than to their normal work location may receive a mileage reimbursement for the difference. For example, if an employee normally commutes five miles to their old work location, and their temporary work location is twenty (20) miles away, the employee may receive reimbursement for the fifteen (15) mile difference.

9.12 *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.

9.13 *Bereavement Leave*

For each death of a family member within the second degree of consanguinity or affinity (see chart attached as Appendix A), an employee is entitled to a bereavement leave of absence of up to five (5) workdays with pay, chargeable to the employee's sick leave balance. Bereavement leave shall be used on consecutive workdays; provided, however, that at Lyon County's sole discretion it may authorize the use of bereavement leave on non-consecutive workdays for good cause shown.

An employee absent from work due to the death of an individual who does not fall within the second degree of consanguinity or affinity shall have the absence charged against the employee's vacation leave. The vacation leave is subject to the approval of the employee's supervisor or department head.

9.14 *Catastrophic Leave*

Note: This policy applies to all Lyon County employees except for elected officials and those members of the Lyon County Sheriff's Employee Association (LCSEA). LCSEA members have a separate catastrophic leave account, the terms and conditions of which are set forth in the applicable collective bargaining agreement.

1. *Establishing the Catastrophic Leave Account*

The Lyon County Manager will maintain a catastrophic leave account for employees. The leave available in the account will be exclusively from voluntary donations by employees.

2. *Donating to the Catastrophic Leave Account*

An employee may request, in writing, that a specified number of hours of his/her accrued vacation or sick leave be donated to the catastrophic leave account. All vacation or sick leave donated to the catastrophic leave account will be transferred at the rate of one (1) hour of leave in the account for every one (1) hour of leave donated. All donated leave will be placed in a general catastrophic leave account; however, the donating employee may at the time of the donation request that the donated hours be allocated to a particular employee who has been approved for catastrophic leave in accordance with this policy. All donations shall be subject to the following limitations:

- a. An employee may not donate sick leave to the catastrophic leave account if the employee's sick leave balance after the donation would be less than six hundred (600) hours.
- b. If an employee chooses to donate, the minimum number of hours an employee may donate in any one (1) calendar year is eight (8) hours vacation leave and twenty-four (24) hours sick leave.
- c. The maximum number of total hours an employee may donate in any one (1) calendar year is eighty (80) hours.
- d. All donations are irrevocable. Any hours of vacation or sick leave donated by any employee to the catastrophic leave account may not be returned or restored to that employee.

3. *Eligibility*

An employee who is completely unable to work for a period of at least six (6) weeks because of a serious illness or injury may apply for catastrophic leave in accordance with this policy. Catastrophic leave may not be used when the subject of the catastrophe is anyone other than the employee (e.g., the employee's family member). Catastrophic leave is limited to catastrophes which befall the employee. In addition, catastrophic leave is limited to situations where the employee has exhausted all paid time off and is not receiving any workers' compensation or wage replacement benefits.

4. *Requesting Catastrophic Leave*

An employee who is eligible for catastrophic leave under Section 3 of this policy may request that a specified number of hours of leave be transferred from the catastrophic

leave account to his/her account. The request must be submitted in writing to the Human Resources Department. The maximum number of hours that may be requested is three hundred twenty (320) hours per catastrophe. The request must include: (i) the employee's name, title and classification; and (ii) a statement from the employee's attending provider substantiating the catastrophe and the period of incapacity resulting therefrom. The cost of all substantiating medical information submitted by the employee shall be borne by the employee.

5. Approval and Transfer of Catastrophic Leave

Lyon County may approve the transfer of a specified number of hours of catastrophic leave, not to exceed three hundred twenty (320) hours, to any employee who satisfies all requirements for eligibility set forth in Section 3 of this policy. An employee who receives catastrophic leave is entitled to payment for each hour of leave at the employee's base rate of pay. An employee shall not receive any catastrophic leave until the employee has exhausted any and all of his/her own paid accruals (sick leave, vacation leave, compensatory time off, etc.). In addition, no employee shall be approved for more than three hundred twenty (320) hours of catastrophic leave in any twelve (12) month period. The County Manager or his/her designee shall have the final decision on the approval of catastrophic leave requests, and that decision is final and is not subject to any grievance or dispute procedure, judicial review, or review by the Board of County Commissioners.

6. Review of Status of Catastrophe

The County may periodically request any additional information from the employee reasonably needed to determine or confirm whether the catastrophe still exists. All such information, including additional physician statements, shall be provided at the expense of the employee.

7. Cessation of Catastrophe or Employment

If Lyon County determines that the catastrophe no longer exists, i.e., if it determines that all requirements in Section 3 of this policy are no longer satisfied, no further hours of catastrophic leave shall be used and any unused catastrophic leave shall be forfeited and returned to the catastrophic leave account. This determination is final and not subject to the grievance procedure, judicial review or review by the Board of County Commissioners. If the employee who is receiving catastrophic leave resigns or is terminated, no further hours of catastrophic leave shall be used and any unused catastrophic leave shall be forfeited and returned to the catastrophic leave account. Any catastrophic leave not otherwise used at the time the catastrophe ceases to exist or upon cessation of employment shall be forfeited and returned to the catastrophic leave account.

9.15 *Leave for Parents of Children Enrolled in School*

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 this 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.

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.

10. BENEFITS

10.1 Health Insurance Coverage

10.1.1 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 these employees, as defined under the applicable plan documents and applicable law, are also eligible for enrollment.

10.1.2 Benefits

The specific terms and conditions of coverage are specified in the applicable plan documents for medical, dental, and vision insurance issued by the insurance company(ies). Employees must authorize a payroll deduction for any share of the premium which is to be paid by the employee.

10.1.3 Plan Changes

Lyon County may, from time to time, adjust the health insurance plan and the amount of premium cost to be paid by Lyon County.

10.2 Life Insurance Coverage

10.2.1 Eligibility

Full-time regular employees are covered by a Lyon County-paid term life insurance and accidental death and dismemberment insurance plan. For full-time peace officers, the coverage will be effective immediately upon commencement of employment. For all other full-time regular employees,

the coverage will be effective the first of the month following sixty (60) days of employment.

10.2.2 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.

10.2.3 Coverage

Eligible employees are covered by a life insurance policy in the amount of \$10,000. Peace officers are provided a policy in the amount of \$50,000. These amounts may be subject to age-based reduction after age 70.

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.

10.3 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.

10.4 Workers' Compensation

Employees are insured pursuant to the State Workers' Compensation Act for injuries and illnesses arising out of and in the course and scope of employment with Lyon County. Employees are required to report all on-the-job accidents, injuries, or illness to their immediate supervisor as soon as reasonably possible, and in no event later than 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 Human Resources, 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 Claims 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 such that it cannot make up the difference between the employee's temporary total disability benefits and the employee's full normal salary, payment of his/her normal salary under Subsection 1 must be discontinued. 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.

10.5 Modified Duty Policy

Lyon County may provide modified duty assignments on a temporary basis to employees who have suffered an occupational injury or illness and who consequently cannot perform the essential functions of their position (with or without reasonable accommodations) for a limited, finite time period. Modified duty assignments generally shall not exceed ninety (90) days. Employees shall receive their normal rate of pay for hours worked during the modified duty assignment.

Nothing in this policy creates an entitlement to a modified duty assignment. Modified duty assignments shall be assessed on a case-by-case basis, based on the availability of modified duty work and the operational needs and objectives of Lyon County. Modified duty assignments do not create assigned permanent or indefinite right to modified duty, nor do they guarantee that such assignments will be available to other employees in the future. The decision to offer modified duty assignments and for how long is at the sole discretion of Lyon County.

Nothing in this policy is intended to abridge an employee's rights under the Americans with Disabilities Act (ADA) or the Family Medical Leave Act (FMLA). Personnel matters implicating those laws will be handled in consultation with the Human Resources Department.

10.6 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.

10.7 Educational Assistance

Subject to the availability of budgeted funds, Lyon County may provide educational assistance by paying part or all of an employee's tuition/fees for enrolling in an educational program that would mutually benefit the employee and Lyon County. The following minimum requirements must be met:

1. The employee must be employed in a regular, full-time position.
2. The educational program must be offered by an accredited institution of higher learning or a Lyon County-approved adult education provider.
3. The educational program must improve knowledge, skills, and/or abilities needed for the employee's classification, or must bear some other direct nexus to the employee's career with Lyon County.
4. The anticipated gains for Lyon County must justify the cost of the educational program; and
5. All work performed in connection with the educational program must be performed on the employee's own time.

An employee seeking educational assistance pursuant to this policy must submit a written application letter to his/her department head. The application letter shall specify the educational program for which the employee is seeking assistance, the institution or organization that provides the educational program, the amount of the tuition and fees, and the duration of the educational program. In addition, the application letter shall address each of the above minimum requirements and provide any other information the employee would like to be considered. The department head shall consider the application in consultation with the Human Resources Director. Additional information may be requested from the employee as necessary. If the department head and Human Resources Director both approve the application, it shall be forwarded to Lyon County Manager for final approval.

Such approval shall be conditioned upon meeting commitments for continuing employment with Lyon County and/or meeting job-related conditions. Such commitments and conditions shall include, but are not limited to, the following:

1. The employee must successfully pass all courses on the first attempt. If letter grades are awarded, the employee must pass with a grade of "C" or better.
2. The employee must not voluntarily terminate employment within one (1) year of completing the educational program.

Employees who are granted final approval shall sign a written agreement in which the terms of the tuition/fee payment are set forth in writing, and in which they assent to the above conditions and any others that Lyon County deems appropriate. Employees who do not meet the conditions in the agreement shall reimburse Lyon County for the full cost of the educational assistance provided.

Employees seeking educational assistance pursuant to this policy are encouraged to submit their applications before February 15th of the year preceding the fiscal year in which the educational program will commence. As indicated, approval is subject to the availability of budgeted funds.

10.8 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.

10.9 Early Separation Incentive Program

10.9.1 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. It applies only to employees who are retiring from Nevada public service through the Public Employees Retirement System (PERS).

10.9.2 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 Nevada PERS service credit. This purchase of service credit is contingent upon: (i) the employee meeting all eligibility requirements and timely submitting a completed application as set forth below; (ii) an appropriation of funding for participation in the program by the Board of County Commissioners; and (iii) Nevada PERS approval of the purchase on the employee's behalf.

10.9.3 Eligibility

To be eligible to apply for and receive the benefits of this program, an employee must meet the following criteria:

1. Employed by Lyon County in a full-time, appointed position for a total of at least ten (10) years as of the anniversary date preceding retirement.
2. Received ratings of at least "at target" in each of the two (2) most recent performance evaluations preceding retirement. In the event that an employee applies for and is approved for participation in the program but thereafter fails to meet this requirement, the approval shall be void and Lyon County shall not purchase any service credit for the employee upon retirement.

10.9.4 Submission of Applications

All applications for participation in the program shall be submitted by December 15th of the year prior to the fiscal year (July 1st through June 30th) in which the employee intends to retire. Applicants shall use the approved application form, which is available through the Human Resources Department and on Lyon County's website. Each applicant shall submit with the completed application form a formal written resignation letter expressly representing that the applicant will be retiring through Nevada PERS and specifying the retirement date in the subsequent fiscal year.

Successful applicants may participate in the program only once. In the event an employee applies for and is approved for participation in the program but later withdraws, that employee permanently forfeits any further right to participate in the program. Applications are for a single fiscal year and do not carry forward from year to year.

10.9.5 Approval of Applications

Approval of applications shall be based upon Lyon County's business needs and objectives, and shall be conditional upon the availability and appropriation of sufficient funds in Lyon County's budget.

Upon receipt of an application, the Human Resources Director shall determine whether the application is timely and meets the criteria for participation in the program. If so, the Human Resources Director shall so notify the employee and shall advise the employee that 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 is untimely and/or does not meet the criteria for participation in the program, the Human Resources Director will so notify the employee.

The Human Resources Director shall forward all accepted applications to the Comptroller by December 31 of the year in which they are submitted. The Comptroller shall submit them to the Board of County Commissioners for consideration of inclusion in the budget for the following fiscal year. The Comptroller may make any recommendation for or against the appropriation of funding for the program consistent with the business needs and objectives of Lyon County.

11. TRAVEL EXPENSES

11.1 Policy

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. To obtain reimbursement, employees must submit an expense report on a proper claim form and substantiate the amounts claimed. 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.

11.2 Allowances

11.2.1 Mileage

Lyon County will attempt to make a vehicle available for official use to employees when travel is required in the course of duty. 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.

11.2.2 Lodging

Subject to the department head's prior approval, the reasonable cost of lodging may be reimbursed in the event overnight travel is required for off-site training, meetings, or work. If rooms are not available at the site, then a reasonably-priced room near the site shall be selected. Reimbursement will be based on the cost of a double room, plus tax, if available. A receipt is required for reimbursement for lodging expenses.

11.2.3 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.

11.2.4 Other Expenses

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

11.2.5 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.

11.3 Processing

11.3.1 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.

11.3.2 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.

12. EMPLOYEE SEPARATION

12.1 Resignation

12.1.1 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.

12.1.2 Return of Employer Property

Prior to separation, employees must return all Lyon County property, including clothing, keys, identification badges, tools, equipment, and other items of value.

12.1.3 Withdrawal

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

12.1.4 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.

12.1.5 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.

12.1.6 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.

12.1.7 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.

12.2 Layoff

12.2.1 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.

12.2.2 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.

12.2.3 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 identifying 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.

12.2.4 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.

12.2.5 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 classification 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.

12.2.6 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.

12.2.7 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.

13. PERFORMANCE MANAGEMENT

13.1 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.

13.1.1 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

13.1.2 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.

13.1.3 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.

13.1.4 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.

13.1.5 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.

13.2 Procedure

13.2.1 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.

13.2.2 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.

13.2.3 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.

14. DISCIPLINARY ACTION AND APPEAL

This policy applies to all regular employees, except for elected officials and those who are identified elsewhere in this personnel policy manual as at-will employees.

14.1 Justification for Discipline

14.1.1 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, including any act or omission tending to diminish public confidence.
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. Discrimination, harassment, or bullying 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. Neglect of duty.
14. Unsatisfactory work performance.

14.1.2 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
- Discharge/Termination

Employees' signed copies of the above 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.

14.1.3 Due Process

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

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 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 paragraph does not apply to probationary employees or to employees of the Justice or District Courts.

If the affected employee is an employee of a Justice or District Court, the final decision shall rest with the Justice or Judge presiding over the Court, rather than the Board of County Commissioners. Accordingly, an appeal of the imposition of disciplinary action shall be submitted to the presiding Judge in writing no later than five (5) days following the effective date of the discipline. Appeals involving the termination or demotion of a probation department employee shall proceed before the District Court Judge in accordance with NRS 62G.060.

14.1.4. 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.

15. DISPUTE RESOLUTION

15.1 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.

15.2 No Retaliation

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

15.3 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 prescribed time limits 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.

15.4 Dispute Resolution Procedure

15.4.1 Step 1. Discussion with Immediate Supervisor

1. The employee shall first discuss the dispute informally with the immediate supervisor. The discussion shall be held within ten (10) 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.

15.4.2 Step 2. Formal Written Notice of Dispute

1. In the event the employee believes the dispute has not been satisfactorily resolved at Step 1, the employee may submit the dispute to the department head in writing within ten (10) days after receipt of the immediate supervisor's verbal response. The employee shall also 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:

- Fully describe the dispute and how the employee(s) was/were adversely affected.
 - Set forth the section(s) of the written policy or rule allegedly violated and state the specific nature of the violation.
 - Indicate the date(s) of the incident(s).
 - Specify the remedy or solution to the dispute sought by the employee(s).
 - Identify the employee and be signed by the employee.
 - 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 department head 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.

15.4.3 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 the 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], County Manager shall deliver a written decision to the employee and his/her representative, if any. Said decision shall be final.

16. DEFINITION OF TERMS

Administrative Leave: Authorized leave for administrative purposes, such as for conducting an investigation. Administrative leave may be with or without pay.

At will: Employment status wherein either party may terminate the employment relationship at any time, with or without cause. At-will employees have neither a property right in nor an expectation of continued employment with Lyon County.

Classification: A group of duties and responsibilities assigned under a particular job title. Each classification has a job description setting forth, among other things, the essential functions of the position and the knowledge, skills, abilities, and other qualifications needed to perform those essential functions.

Classification Series: A group of related classifications that perform similar work but with different levels of proficiency, skill, expertise, autonomy, or output.

Compensatory Time Off: Time off granted to an employee in lieu of monetary payment for overtime worked in accordance with the Fair Labor Standards Act.

Day: Calendar day, unless immediately preceded by the word “working.” (See definition of “Working Day” below.).

Demotion: Involuntary movement of an employee from one classification to another classification having a lower pay range, as a result of disciplinary action.

Department Head: An elected or appointed official who is responsible for overall administration of an office or department of Lyon County.

Disability: A physical or mental impairment that substantially limits one or more major life activities, including but not limited to caring for oneself, seeing, speaking, hearing, eating, sleeping, walking, standing, lifting, communication, and working.

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

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

Employee: A person who performs work for Lyon County in exchange for compensation. In this personnel policy manual, references to the following types of employees have the following meanings:

Regular Employee: An employee in any position of employment other than a casual position.

Casual Employee: An employee in any temporary, seasonal, or on-call position. Casual employees are employed at will.

Full-Time Employee: A regular employee with a normally-scheduled workweek of at least forty (40) hours.

Part-Time Employee: A regular employee with a normally-scheduled workweek of less than forty (40) hours.

Probationary Employee: A regular employee (full or part time) who is serving in his/her probationary period and any extension thereof. Probationary employees are employed at will.

Exempt Employee: An employee who is exempt from the overtime provisions of the FLSA.

Non-Exempt Employee: An employee who is subject to the overtime provisions of the FLSA.

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.

Pay Grade: The grade established by the Board of County Commissioners that establishes the base pay range for a given classification.

Pay Range: The base pay range for a classification.

Illegal Drugs: Any controlled substance or drug which, under state or federal law, 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.

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.

Marijuana Product: Any product that produces a tetrahydrocannabinol (THC) metabolite following consumption.

Position: A position of employment established in Lyon County's budget or by other formal action of the Board of County Commissioners. Each position will be assigned a classification.

Promotion: The movement of an employee from one classification to different classification with a higher pay grade.

Reallocation: The assignment of a classification to a new pay grade.

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.

Safety Sensitive: Refers to an employee who, in the normal course of business:

- Operates or maintains heavy equipment or vehicles used to transport passengers;
- Possesses or operates firearms or other weapons;
- Prepares food for customers or clients of Lyon County; or
- Performs duties that, if performed with inattentiveness, errors in judgment, lack of focus, or diminished coordination, reflexes, or dexterity, may present a real threat to the safety of the employee, co-workers, or any other person.

A list of safety-sensitive classifications in Lyon County is attached as Appendix B.

Shall and Will: These terms are used interchangeably in these policies to indicate a mandatory obligation.

Supervisor: Any employee or 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 other employees.

Transfer: Movement to a different position within the same classification, or movement to a position in a different classification at or below the pay grade of the former classification.

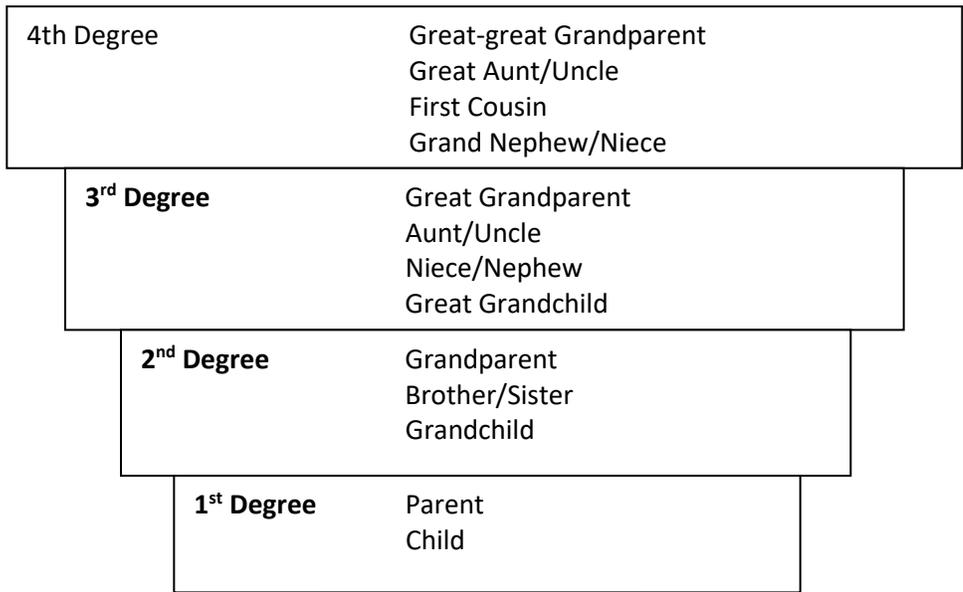
Volunteer: An individual who performs work for Lyon County for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. Volunteers are subject to Sections 1, 3, 4, 5, and 11 of this personnel policy manual.

Working Day: A day on which Lyon County's administrative offices are open for business. Weekends, holidays, and emergency office closures are excluded.

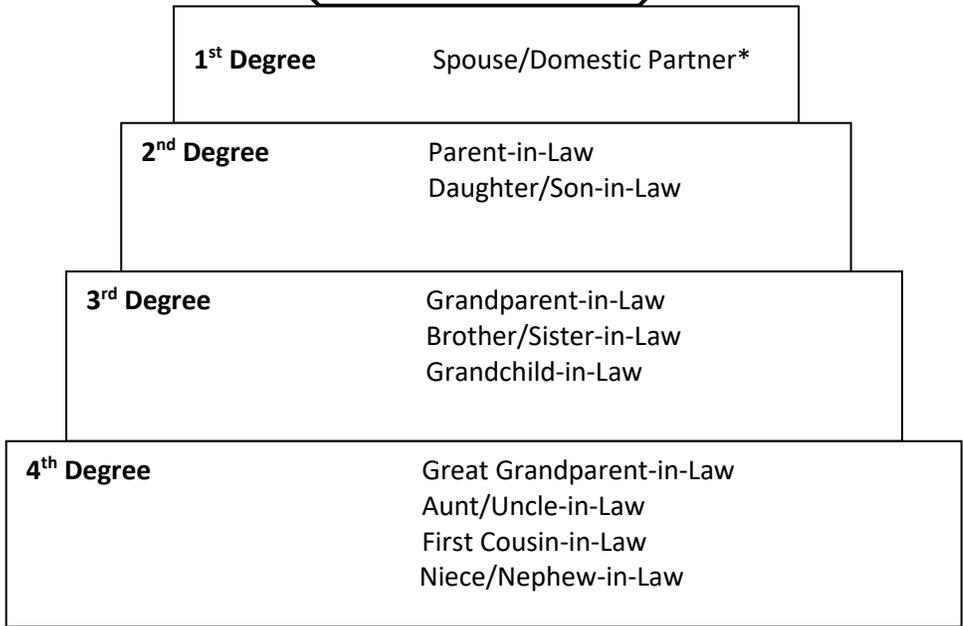
Y-Rated: Kept at current rate of pay even if that rate of pay is higher than the top of the pay range for the employee's classification. A Y-rated employee shall not be eligible for any pay increase unless and until the top of the range for the employee's classification is subsequently adjusted such that it is equal to or exceeds the employee's rate of pay.

APPENDIX A – CONSANGUINITY / AFFINITY CHART

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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

APPENDIX B – SAFETY-SENSITIVE CLASSIFICATIONS

DEPARTMENTS/CLASSIFICATIONS
ANIMAL SERVICES
Animal Control Officer
Animal Services Supervisor
Animal Services Assistant
DISTRICT COURT
Bailiff
FACILITIES
Buildings & Grounds Maintenance Worker*
Building & Grounds Supervisor
Maintenance Technician*
Senior Buildings & Grounds Maintenance Worker*
Senior Parks Maintenance Worker
HUMAN SERVICES
Food Specialist
Senior Center Supervisor*
Transportation Specialist*
INFORMATION TECHNOLOGY
Information Technology Director
Network Administrator
Information Technology Technician
JUSTICE COURT
Bailiff
JUVENILE PROBATION
Chief Deputy Juvenile Probation Officer
Chief Juvenile Probation Officer
Deputy Juvenile Probation Officer
ROADS/FLEET

Fleet Services Supervisor*
Fleet Services Technician*
Road Maintainer*
Road Maintenance Director*
Road Maintenance Supervisor*
Senior Road Maintainer*
Senior Fleet Services Technician*
Sign Maintenance Technician*
SHERIFF
Captain
Jail Control Room Operator
Jail Control Room Operator Supervisor
Public Safety Dispatcher
Public Safety Dispatch Manager
Public Safety Dispatch Supervisor
Undersheriff
Sheriff
UTILITIES
Construction & Repair Technician I*
Construction & Repair Technician II*
Construction & Repair Technician III*
Field Services Superintendent
Instrument & Controls Chief Operator*
Instrument & Controls Technician I*
Instrument & Controls Technician II*
Instrument & Controls Technician III*
Utilities Meter Technician
Wastewater Superintendent*
Wastewater Systems Technician I*
Wastewater Systems Technician II*
Wastewater Systems Technician III*
Water Superintendent*
Water Systems Technician I*
Water Systems Technician II*
Water Systems Technician III*

* Denotes classification also subject to DOT Drug & Alcohol Testing Policy.

