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STATE OF NEVADA
COUNTY OF WASHOE

ss: Linda Anderson

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **07/30/04 - 08/06/04**, for exact publication dates please see last line of Proof of Publication below.

Signed: *Linda Anderson*



AUG 6 2004

Julia D. Miller-Kochan

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1244 NOTICE IS HEREBY GIVEN THAT: Bill No. 1424, Ordinance No. 1244 entitled "AN ORDINANCE AMENDING CHAPTER 5 OF THE WASHOE COUNTY CODE BY REPEALING PROVISIONS RELATING TO THE PERSONNEL COMMITTEE, FREEZING PAY FOR DOWNWARD RECLASSIFICATIONS UNTIL THE GRADE ENCOMPASSES THE FROZEN RATE, PROVIDING FOR SUBMISSION OF A RESUME IN LIEU OF THE EMPLOYMENT HISTORY PORTION OF AN APPLICATION, MODIFYING PROVISIONS RELATING TO TIME TAKEN BY EMPLOYEES FOR INTERVIEWS FOLLOWING EXAMINATIONS AND AMENDING OTHER PROVISIONS RELATING TO EXAMINATIONS, AMENDING PROVISIONS RELATING TO REMOVAL OF NAMES FROM ELIGIBLE LISTS, LENGTHENING THE TIME PERIOD FOR USE OF LISTS AFTER THE ORIGINAL CERTIFICATION, AMENDING PROVISIONS RELATING TO THE LENGTH OF PROBATIONARY PERIODS, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO." was adopted on July 27, 2004 by Commissioners Galloway, Humke, Sferrazza, Shaw and Weber. This ordinance shall be in full force and effect from and after August 6, 2004. Typewritten copies of the ordinance are available for inspection

by all interested persons at the office of the County Clerk, 350 South Center Street, Suite 100,
Reno, Nevada. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County
Commissioners No.450998 July 30; Aug 6, 2004

SUMMARY: An ordinance amending Chapter 5 of the Washoe County Code by amending the Merit Personnel Ordinance to repeal provisions relating to the personnel committee, amending provisions relating to status on reclassifications, making changes to applications for employment, examinations, removal of names from eligible lists, and certification of names on eligible lists, and making changes to probationary periods.

BILL NO. 1424

ORDINANCE NO. 1244

AN ORDINANCE AMENDING CHAPTER 5 OF THE WASHOE COUNTY CODE BY REPEALING PROVISIONS RELATING TO THE PERSONNEL COMMITTEE, FREEZING PAY FOR DOWNWARD RECLASSIFICATIONS UNTIL THE GRADE ENCOMPASSES THE FROZEN RATE, PROVIDING FOR SUBMISSION OF A RESUME IN LIEU OF THE EMPLOYMENT HISTORY PORTION OF AN APPLICATION, MODIFYING PROVISIONS RELATING TO TIME TAKEN BY EMPLOYEES FOR INTERVIEWS FOLLOWING EXAMINATIONS AND AMENDING OTHER PROVISIONS RELATING TO EXAMINATIONS, AMENDING PROVISIONS RELATING TO REMOVAL OF NAMES FROM ELIGIBLE LISTS, LENGTHENING THE TIME PERIOD FOR USE OF LISTS AFTER THE ORIGINAL CERTIFICATION, AMENDING PROVISIONS RELATING TO THE LENGTH OF PROBATIONARY PERIODS, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Sections 5.069 to 5.083, inclusive, of the Washoe County Code are hereby repealed.

SECTION 2. Section 5.105 of the Washoe County Code is hereby amended to read as follows:

5.105 Status on reclassification.

1. An incumbent of a reclassified position may retain his appointment and move to the level of the reclassified position when he has performed the duties for 6 months and meets the minimum qualifications for the new class. When an employee has been performing the duties and responsibilities for 6 months prior to reclassification, he shall not be required to serve a new probationary period.

2. When a position is reclassified to a higher level salary grade and the incumbent retains his appointment status, or is appointed from an appropriate eligible list, his salary shall be

governed by the provisions relating to promotion.

3. The effective date of a position reclassified to a class having the same or higher salary grade shall be either the date the position was studied, or 90 days after the request to study the position was received in the human resources department, whichever occurs first; or another date as may be agreed to between an employees' association and the county. The effective date of a position reclassified to a class having a lower salary grade shall be the date the position was studied.

4. An incumbent of a position reclassified downward shall retain his status in the lower class. If the incumbent's current salary exceeds the top of the salary range for the lower classification, he shall have his salary frozen until the grade encompasses the frozen rate of pay.

SECTION 3. Section 5.153 of the Washoe County Code is hereby amended to read as follows:

5.153 Applications. Every applicant for examination must file an application in the office of the department of human resources by the close of business on the date contained in the examination announcement. A resume may be submitted in lieu of the employment history portion of the application where authorized by the department of human resources, however, no additional information will be accepted after the filing deadline. Such applications, when filed, and all other examination materials, including examination questions and booklets, are the property of the department.

SECTION 4. Section 5.159 of the Washoe County Code is hereby amended to read as follows:

5.159 Time for examinations. Upon giving 3 days' notice to his immediate supervisor, a county employee, otherwise qualified, shall be permitted to take a reasonable amount of time to take any examination given by the department of human resources during working hours without loss of pay. Employees may schedule interviews using appropriate accrued leave and/or flexing their work hours upon supervisor approval.

SECTION 5. Section 5.167 of the Washoe County Code is hereby amended to read as follows:

5.167 Minimum passing scores. The passing score for attaining a place on an eligible list shall be a rating of at least 70 percent. In examinations, the 70 percent need not be the

arithmetic 70 percent of the total possible score, but may be an adjusted score based on consideration of the difficulty of the test, the quality of the competition, and the needs of the service. Any scores shall be established before the identification of the competitors' examination papers. The final earned rating of each candidate competing in an examination shall be determined by the weighted average of the earned ratings on all phases of the examination according to the weights for each test established by the department of human resources in advance of the examination and published as a part of the examination announcement. Competitors failing to achieve a passing score in any phase may be disqualified from further participation in the immediate examination.

SECTION 6. Section 5.170 of the Washoe County Code is hereby amended to read as follows:

5.170 Joint appeal process for joint agency recruitments; appeals from joint agency examinations. In the event Washoe County is a party to a cooperative agreement with other local agencies for the purpose of conducting a joint recruitment for similar public employee positions, the county may agree to participate in a mutually agreed upon joint examination appeal process.

1. Appeals may only be taken from the joint examination. Appeals must be in writing and must be filed by the applicant within 10 days of notification of the element of the examination process which is being appealed.

2. A joint examination appeal process must involve an appeal panel consisting of an equal number of representatives from each participating jurisdiction. The appeal panel will convene as soon as practical for all members to hear the appeal. The decision of the appeal panel will be final and no further appeal will be considered by the county.

3. In a joint recruitment where a joint appeal process is established as provided herein, an applicant may only appeal pursuant to such joint appeal process and may not also appeal pursuant to the provisions of section 5.169.

4. In the event of a joint recruitment where there is no mutually agreed upon joint appeal process, the provisions of section 5.169 shall apply.

SECTION 7. Section 5.183 of the Washoe County Code is hereby amended to read as follows:

5.183 Removal of names from eligible lists.

1. The director of human resources may remove names of eligibles from active eligible lists for any of the following causes:

(a) Appointment after certification to fill a full-time permanent position in the class for which the examination was given.

(b) Expiration of the term of eligibility of the eligible list.

(c) Separation of a promotional eligible from the county service.

(d) Failure to respond within the required time to a notice of certification or availability survey or failure to appear for a scheduled interview, or where required, failure to submit requested forms or information.

(e) A statement by the eligible that he is not willing to accept any type of appointment from the eligible list.

(f) Three instances of voluntary withdrawal from consideration for appointment.

2. Names of eligibles may be removed from the active eligible lists for any of the causes listed under subsection 3 of section 5.155 or section 5.185.

3. A person whose name has been removed from an eligible list may be reinstated on the list under the following conditions:

(a) A probationary employee who has resigned from county service in good standing may be reinstated to the eligible list;

(b) A promotional eligible who has resigned from county service in good standing may be reinstated to the open competitive list; or

(c) An employee who is no longer eligible as a promotional candidate on a list may be reinstated to the open competitive list.

Reinstatement may only occur upon request of the former eligible and is limited to placement on the eligible list with the score earned during the period of time that the eligibility list is valid.

(d) An eligible removed from the list pursuant to subsection 1(a) above who subsequently voluntarily demotes to a class in a lower grade may be reinstated to the list.

(e) An eligible who is removed from a list pursuant to subsection 1(d) above may be reinstated to the eligible list if the director of human resources finds sufficient reason to justify reinstatement.

SECTION 8. Section 5.189 of the Washoe County Code is hereby amended to read as follows:

5.189 Certification of names.

1. In response to requests for certification from appointing authorities, the department of human resources shall certify the names, if any, of eligibles from current eligible lists for the class or flexibly staffed class series to be filled. The director of human resources may authorize certification as described in this section from each of the eligible lists within a flexibly staffed class series.

(a) For an initial vacancy, the appointing authority shall request a number of names to be certified, ranging from a minimum of three each from the promotional and open competitive portions of the eligible list, to a maximum of ten each from the promotional and open competitive portions of the eligible list. Certification must be made in the order of standing on the lists.

If an insufficient number of either open competitive or promotional eligibles are available, additional names may be certified from the other portion of the eligible list to complete the certification. If there are fewer than the number of names requested by the appointing authority on a list, the list may be forwarded with the fewer number or certification from other lists may be determined to be appropriate by the human resources department. Names from other lists must follow those names, if any, certified from the original eligible list.

(b) For multiple vacancies within 45 days of original certification, one more name each from the promotional and open competitive portions of the eligible list may be certified for each additional vacancy.

(c) When, within the range of names to be certified, there are tied scores, the tie shall not be broken, and all eligibles with the tied score shall be certified.

2. For each initial vacancy for unskilled and semiskilled classes, the appointing authority shall request a number of names to be randomly certified from unranked eligible lists, from a minimum of six to a maximum of twenty names. For multiple vacancies within 45 days of original certification, one more name may be certified for each additional vacancy.

3. An appointing authority may request selective certification for a particular position if the standard certification described in subsection 1 does not provide candidates qualified to perform duties of the position satisfactorily. Where selective certification is necessary, the appointing authority shall furnish in writing those specialized requirements peculiar to the

position and the reasons for such requirements.

(a) If the department of human resources determines that the facts and reasons justify selective certification, the department may certify the highest ranking eligibles who possess the special qualifications.

(b) Certification of eligibles of only one sex must not be made unless there is clear evidence that efficient performance of duties assigned could be performed only by the sex specified.

(c) Authorization for selective certification must be made on an individual basis.

4. If the number of eligibles requested by the appointing authority pursuant to section 1 or 2 is not available for appointment, the appointing authority may make an appointment from the remaining eligibles or make a provisional appointment upon approval by the department of human resources.

5. The name of an eligible may not be certified more than three times for permanent positions to the same appointing authority from the same eligible list, except at the request of the appointing authority. After initial certification, an appointing authority may, based upon job-related criteria, request that the department of human resources remove an eligible's name from the eligible list for future certifications to that department. The appointing authority must notify the eligible in writing of the reasons justifying their removal from the list.

6. An employee who is requesting a transfer from one department or class, or a probationary employee who is requesting a transfer from a part-time to full-time position, or vice versa, or an employee who is requesting a voluntary demotion, or a current or former employee who is requesting reinstatement, must so notify the department of human resources in writing, in order to be placed on the appropriate certification list, in addition to the names certified under the provisions of subsections 1 and 2.

7. Certification of eligibles from unranked lists established in accordance with section 5.160 shall include all available eligibles on such lists.

8. Duplicate names shall not be certified from more than one eligible list in a flexibly staffed class series. Eligible candidates who appear on more than one list in the series shall be certified from the highest level list within the class series, unless they specifically request certification on a list at a lower level in lieu of the higher level.

SECTION 9. Section 5.215 of the Washoe County Code is hereby amended to read as follows:

5.215 Length of probationary period. After considering the recommendations of appointing authorities, the director of human resources shall determine the length of the probationary period for each class in the classified service and shall identify the same in the county classification plan. The probationary period shall be either 6 months or 1 year. Classes shall be assigned to a 1-year probationary period if, in the judgment of the director of human resources, they meet one of the following criteria:

1. The class requires work in locations where visits by supervisors are necessarily infrequent, and a 6-month period would be inadequate to judge fairly the employee's work.
2. The tasks to be performed in the class occur on a seasonal or cyclical basis so that in a 6-month period the supervisor would not be able to observe the employee in the performance of all aspects of the work.
3. The tasks to be performed are professional skills or highly skilled such that it would take a 1-year period to meet the full performance level knowledge, skills and abilities.

SECTION 10. Section 5.297 of the Washoe County Code is hereby amended to read as follows:

5.297 Contents of action form; review, recommendations, appeal.

1. The action form on which an employee resigns shall contain a statement of all appeal rights of a classified employee and the fact that the employee is relinquishing all appeal rights by resigning. The form shall also contain a statement that a classified employee may only appeal the resignation if he alleges that the resignation was obtained against his will. Such an appeal must be received by the department of human resources within 5 working days of the date of the resignation.

2. After review of the facts presented by the classified employee and the employer, the department of human resources may make its recommendation. If the employee is not satisfied with the recommendation and believes he or she has been wrongfully discharged, an employee covered by the terms of a collective bargaining agreement may pursue any applicable appeal procedure under the terms of such agreement. A non-probationary, classified employee who is not otherwise covered by an appeal procedure under a collective bargaining agreement, may file an appeal in accordance with section 5.331.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 13th day of JULY, 2004.
Proposed by Commissioner GALLOWAY.
Passed on the 27th day of JULY, 2004.

Vote: Sferrazza
Hunkle
Ayes: Galloway
Shaw
Weber
Nays: none

Absent: none

James M. Shaw
Chairman
Washoe County Commission

ATTEST:
Amy Hawey
County Clerk

This ordinance shall be in force and effect from and after the AUGUST 6, 2004.