

**AGENDA ITEM REQUEST**

Requests and backup **must** be in the Town Office by **3:00 p.m. Monday** of the week **preceding the Town Board meeting** you wish the item presented. Town Board meetings are held on the second and fourth Tuesday of each month at 7:00 p.m. in the Bob Ruud Community Center.

DATE AGENDA ITEM SUBMITTED 10/21/2008 DATE OF DESIRED BOARD MEETING 10/28/2008

CIRCLE ONE: Discussion, Action, Decision or Discussion Only

ITEM REQUESTED FOR CONSIDERATION:  
Review of Town's Personnel Policies

*If request for funding is approved by the Town Board, an invoice or letter from the requestor to Town of Pahrump/Accounts Payable is required to receive funding.*

BRIEF SUMMARY OF ITEM:

Mrs. Bostwick and I have reviewed and made several small changes to the PPM.  
The changes bring the PPM to current recognized standards.

2008 OCT 20 PM 4 01

BACKUP ATTACHED:  YES  NO

SPONSORED BY: Town Manager

NAME OF PRESENTER(S) OF ITEM: William A. Kohbarger

William A. Kohbarger  
Print Name

William A. Kohbarger  
Signature

Town of Pahrump  
Mailing Address

(775) 727-5107 ext.  
Telephone Number

#10



## PERSONNEL POLICY CHANGES 2008

PAGE	SECTION #	CHANGES MADE
1	1.2.	Added "or employment agreement" to first sentence
2	1.6.	Changed to "last known address on record" in second sentence
3	1.7.2.	Removed provision allowing supervisors to maintain duplicate personnel file
3	1.7.2.	Added "by the following work day" to reporting req'mts for loss of drivers license
4	1.7.7.	Added paragraph on Employment Record Retention
9	2.3.1.	Changed to "Employees covered by a collective bargaining agreement must use the process delineated therein." rather than "may opt to use"
9	2.3.2.	Removed "Note" (redundant)
11	2.6.	No change. Approved by state legislative counsel and AG's office.
12	2.7.1.	Added to end of paragraph "Specifically, intimidation or coercion by threats."
12	2.7.3.(c)	Changed to "...such as glaring at or deliberately avoiding eye contact when the..."
17	2.9.1.2(a)	Changed .02 to .04
19	2.9.3.	Added "Town Manager" to Department Head Responsibilities list
24	2.9.13.	Removed "Return to Work Testing/Follow-Up Testing"
26	2.9.17.	Deleted #3, 4, 5(b), last paragraph of (c) and #6
35	2.17.2.(5)	Removed "police" from last sentence
36	2.19.1.(1)	Moved second sentence to paragraph 6
36	2.19.1.(6)	Added Fire Chief and Buildings & Grounds Manager to "exempt" statement
36	2.19.2.(2)	Changed 'Department Head' to "Town Manager"
37	2.20.2.(9)	Corrected Section # in last sentence
39	3.1.1.	Changed <i>will</i> to <i>may</i> in last sentence
39	3.3.	Removed "or introductory" from last sentence in second paragraph
46	3.15.	Removed all but the first sentence
51	3.24.4.	Changed should to will in second-to-last paragraph
51	3.24.4.	Removed "performing similar occupations" from last paragraph, last sentence
52	4.1.2.1.	Changed "employer" to "Town Board"
55	5.2.	Deleted reference to <i>fire suppression personnel</i>
55	5.3.3.	Deleted reference to <i>fire fighters</i>
57	5.5.1.(4)	Deleted entire section
59	5.5.3.	Corrected "t"
61	5.10.	Removed "intermittent" from title and paragraph
61	5.10.2.	Removed "step" from title; changed <i>January</i> to <i>July</i>
62	5.10.3.	Changed <i>December</i> to <i>June</i>
63	5.12.3.4(b)	Removed <i>neither</i> and changed <i>nor</i> to <i>or</i>
68	6.3.3.	Added <i>Catastrophic Leave</i> policy
74	6.7.	Added 16 hours Bereavement Leave for first degree of consanguinity or affinity
79	7.1.4.	Added "and have ten (10) or more years of service to the Town of Pahrump"
81	7.5.	Added "Light Duty" policy
81	7.7.	Changed reimbursement amounts based on grade (middle of last paragraph)
82	8	Added "Unless approved in advance by the Town Manager..."
82	8	Changed from <i>Nevada Legislature</i> to <i>Internal Revenue Service</i>
86	10.1.3.	Removed "formal" from first paragraph, second sentence
87	10.1.3.(5)	Changed <i>informal</i> to <i>written</i> and <i>should</i> to <i>may</i>
90	11.1.2.(1)	Changed <i>Verbal Warning</i> to <i>Counseling</i>
90	11.1.2.(4,5)	Removed <i>Pay reduction</i> and <i>Demotion</i>
90	11.1.3.	Removed <i>a reduction in pay</i> and <i>a demotion</i>
90	11.1.3.(1)	Removed <i>a reduction in pay</i> and <i>a demotion</i>

## PERSONNEL POLICY CHANGES 2008

PAGE	SECTION #	CHANGES MADE
91	11.1.3.(2)	Removed last sentence
91	11.1.3.(3)	Added <i>Notice</i>
91	11.1.3.(5)	Shortened <i>Appeal</i> to one paragraph
93	Definitions	Added <i>Authorized Driver</i> definition
93	Definitions	Expanded <i>Casual Worker Hire</i> definition
94	Definitions	Removed <i>elected official</i> from Department Head definition

# TOWN OF PAHRUMP

## EMPLOYER PERSONNEL POLICIES

The attached document is a copy of the personnel policies for all employees of the Town of Pahrump. The contents of these policies do not constitute a contract of employment and should not be construed as a guarantee of continued employment with Town of Pahrump. Any provision of these policies that conflicts with the provisions of an employment agreement or a collective bargaining agreement (CBA) is superseded by the provisions of said agreement or CBA for employees in the bargaining unit.

## ACKNOWLEDGMENT AND RECEIPT

This is to acknowledge that I have received a copy of Town of Pahrump personnel policies which were adopted October, 2008.

I acknowledge that I am required to read, understand, and adhere to these policies and that I am governed by the contents of these policies unless there is a direct conflict with my employment agreement or collective bargaining unit's agreement, if applicable. I understand that my failure to comply with these policies may result in disciplinary action, up to and including termination. If I have questions concerning these policies, I will bring it to the attention of my supervisor, department head, or Town of Pahrump's administration.

I also understand that the Town of Pahrump may change, rescind, or add to any policies, benefits, or practices described in these policies from time to time and without prior notice, at the sole and absolute discretion of Town of Pahrump, provided such changes, rescissions and/or additions are not prohibited by law. I will be responsible to maintain these policies, inserting all updates issued. I agree I will return my copy of Town of Pahrump's personnel policies upon termination of employment with Town of Pahrump.

---

Employee's Signature

---

Employee's Name (Printed)

---

Date

# TOWN OF PAHRUMP



## PERSONNEL POLICIES

prepared with

POOL/PACT Human Resources



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# **I. GENERAL PROVISIONS**

## **1.1. Purpose**

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

## **1.2. Scope**

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

## **1.3. Computing Time for Notices**

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

## **1.4. Administration**

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

All employees of the Town of Pahrump are expected to read and familiarize themselves with the contents of these policies. After receiving and reviewing these policies, each employee is expected to sign an acknowledgement form and return the signed acknowledgement form to the Human Resources department for inclusion into his/her personnel file. Employees who fail to comply with these policies may be subject to disciplinary action, up to and including termination.

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

Whenever feasible, the Town of Pahrump will provide all employees copies of any proposed revisions to the adopted policies prior to implementation of the proposed changes.

## **1.5. Change of Address**

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

## 1.6. Failure to Receive Notices

All written communications to employees shall be hand-delivered or sent by certified mail, return receipt required, to the current address on record. All written communications to applicants shall be hand-delivered or sent by U.S. mail to the last known address on record. The Town of Pahrump is not responsible in the event mail is not received. It is the employee's responsibility to respond to all Town of Pahrump communications, including those mailed to the address on record, and the responsibility of the applicant to comply with all phases of the selection process within the specified time. Failure to respond for any reason, including failure to receive written notice, may have an adverse effect on an individual's employment status and/or result in disqualification from the selection and hiring process.

## 1.7. Personnel Files

### 1.7.1. GUIDELINES (Contents of Personnel File)

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

- Job description
- Position's exempt/non-exempt status
- Job application/resume
- Job offer letter
- Employment contract/any agreement between the employee and the Town of Pahrump
- Signed acknowledgments including receipt of Town of Pahrump's policies and procedures and related documents
- Enrollment documentation for employer-sponsored benefits
- Credit card, long distance calling card, and related agreements
- Emergency contact information
- Authorizations for release of information signed by employee
- Salary history record including rates of pay and other forms of compensation
- Employment history of positions held including promotion, demotion, transfer, layoff, termination
- Training/education records including college transcripts
- Performance evaluations
- Performance improvement plan, letters of instruction, reports of coaching/counseling session
- Documentation of oral reprimand, written reprimand, disciplinary notices and documents
- Letters of recognition, commendations, congratulations
- Separation checklists

The personnel file should NOT include any of the following:

- Grievances or the responses thereto
- I-9 immigration form and supporting documents
- General correspondence
- Any document which describes a medical or psychological condition of the employee or any other individual.
- Investigation reports and supporting documents

**1.7.2. Maintenance of Personnel Files**

The Town of Pahrump shall maintain a master personnel file for each employee. At the time of hire, each new employee will complete all government-required documentation, all employer-required documentation, and when applicable, documentation pertaining to such matters as benefit plans enrollment and beneficiary designations. Where required, the employee is responsible for providing a copy of his/her driver's license or other required license or certificate. Additionally, an employee must notify his/her supervisor or manager by the following work day of any suspension, restriction, or revocation of his/her driver's license, permit, or other license or certification required for the performance of his/her assigned job.

**1.7.3. Employee Access**

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

**1.7.4. Negative Information**

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

**1.7.5. Employee Information Submitted**

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

**1.7.6. Verification of Employment**

Upon a request for verification of employment, the Town of Pahrump will provide only dates of employment, base salary, and job titles. The Town of Pahrump will not give out an employee's address or telephone number without proper authority; i.e., a written release signed by the employee, a court order, or a subpoena. (See *Section 3.14.2, Providing References*)

### 1.7.7. Employment Record Retention

The Town of Pahrump will retain employment records for ten (10) years following an employee's separation from employment with the Town of Pahrump and will dispose of them appropriately thereafter.

## 1.8. Confidential Information

### *1.8.1. Identification of Confidential Information*

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

1. All information related to an employment application including, but not limited to, letters of reference, résumés, or his/her status as an applicant for employment.
2. All information that the Town of Pahrump received or compiled concerning the qualifications of an applicant or an employee including, but not limited to, reports by employers, law enforcement officials, or other individuals concerning the hiring, promotion, performance, conduct, or background of applicants or employees.
3. Ratings, rankings, scoring sheets, or remarks by members of an evaluation board or individual interviewer, concerning an applicant or results from any testing or employment screening process.
4. Materials used in employment examinations including answers, rating guides, score sheets, etc., on any written exam or rating criteria for interviews.
5. Information in an employee's file or record of employment which relates to his/her:
  - a. Performance;
  - b. Conduct, including any proposed or imposed disciplinary action taken;
  - c. Race, ethnic identity or affiliation, age, gender, marital status, number and names of dependents, military/veteran status, living arrangements, membership in any organization, sexual orientation, national origin, disability, date of birth, or social security number;
  - d. Past or present home address, telephone number, post office box, or relatives; and
  - e. All information concerning the voluntary or involuntary termination of an employee, other than the dates of actual employment.
6. The name of an employee's/former employee's designated beneficiary.
7. All medical information concerning an employee or applicant including, but not limited to:
  - a. Pre-employment and post-employment medical and psychological examinations;
  - b. Disability and documentation relating to reasonable accommodation requested or granted;
  - c. Drug testing;
  - d. Pregnancy, doctor's certification and other communication; and

- e. Any other medical information that an employee or applicant has voluntarily provided or the Town of Pahrump has requested.
- 8. All confidential medical information shall be kept in files segregated from other personnel and employment records. Access to such files shall be strictly limited to those with a demonstrable need-to-know. This would include:
  - a. Supervisors and managers, regarding necessary restrictions and accommodations in the employee's duties;
  - b. First-aid and safety personnel;
  - c. Government officials investigating compliance with the ADA, on request;
  - d. State Workers' Compensation office officials; and
  - e. Insurance company employees when the company requires a medical examination to provide health or life insurance (29 C.F.R. §1630.14(c)(1)).
- 9. Notations on attendance sheets that an employee took sick leave are not a confidential record.
- 10. All information contained in a confidential investigative file. The Town of Pahrump shall keep all confidential investigative documentation in files separate from other personnel and employment records with access limited to only those with a demonstrable need-to-know. When and if it becomes the basis for disciplinary action, it will be part of the file to which the employee has access.

**1.8.2. Access to Confidential Information**

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

- 1. The names of members of an evaluation panel shall not be released, nor shall tests that are governed by confidentiality agreements be released. Should a standardized test be developed internally by the Town of Pahrump, it is not protected. Access to the materials for an examination and information relating to an applicant that is relevant to a decision to hire that person is limited to:
  - a. Employees with a need-to-know in order to fulfill the responsibilities assigned by the Town of Pahrump;
  - b. The Town of Pahrump's manager/administrator, human resources director/manager, or his/her designee;
  - c. Persons authorized pursuant to any state or federal law or court order; i.e., governmental/legal/auditing/investigating agencies;
  - d. Counsel retained by or on behalf of the Town of Pahrump; and
  - e. Any other parties with whom the Town of Pahrump has a contractual relationship in order to enable the employer to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the Town of Pahrump.
- 2. Access to an employee's personnel-related confidential file is limited to:
  - a. The employee;
  - b. The employee's representative when s/he presents a current signed authorization from the employee;

- c. The employee's manager/supervisor, with a need-to-know, or as needed for a reasonable accommodation and human resources;
  - d. Persons authorized pursuant to any state or federal law or court order;
  - e. Counsel retained by or on behalf of the Town of Pahrump; and
  - f. Any other parties with whom the Town of Pahrump has a contractual relationship in order to enable the Town of Pahrump to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the Town of Pahrump.
3. Access to an employee's personnel-related confidential file is limited to:
- a. The employee's manager/administrator, human resources director/manager, or his/her designee;
  - b. Persons authorized pursuant to any state or federal law or court order;
  - c. Counsel retained by or on behalf of the Town of Pahrump; and
  - d. Any other parties with whom the Town of Pahrump has a contractual relationship in order to enable the Town of Pahrump to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the Town of Pahrump.

## 2. EMPLOYEE RELATIONS

### 2.1. Fair Employment Practices

#### 2.1.1. Policy

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

The Town of Pahrump will:

1. Recruit, hire, train, and promote for all job classifications without regard to race, color, religion, age, gender, sexual orientation, national origin, ancestry, veteran status, or disability, as well as to ensure that all compensation, benefits, transfers, layoffs, return from layoffs, employer-sponsored training, social, and recreation programs will be administered in conformance with the Town of Pahrump's policy.
2. Comply with all applicable laws prohibiting discrimination in employment including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Employment Opportunity Act of 1972, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act of 1990, the applicable Nevada Revised Statutes on Equal Employment Opportunity (NRS 613), and any other applicable federal, state, and local statutory provisions.
3. Provide reasonable accommodation wherever the need for such is known by the Town of Pahrump, and/or the applicant or employee indicates a need for such reasonable accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose a threat to the safety of him/herself or others.
4. Hold all managers and supervisors responsible for ensuring that personnel policies, guidelines, practices, procedures, and activities are in compliance with federal and state fair employment practices, statutes, rules, and regulations.

#### 2.1.2. Scope

This policy applies to all persons involved in the operation of the Town of Pahrump and prohibits harassment or discrimination by any employee, including supervisors and coworkers, and any vendor or other service provider with whom the Town of Pahrump has a business relationship. The Town of Pahrump will not tolerate instances of harassment or discrimination, whether or not such behavior meets the threshold of unlawful conduct. While single incidents of alleged harassment or discrimination may not be sufficiently severe or pervasive to rise to the level of being a violation of the law, the Town of Pahrump nevertheless prohibits such

conduct and may impose appropriate disciplinary action against any employee engaging in such.

### **2.1.3. *Equal Employment Opportunity Officer Designated***

The primary responsibility for ensuring fair employment practices are promoted and adhered to is assigned to the Town of Pahrump's designated Equal Employment Opportunity (EEO) Officer. The Town of Pahrump's designated EEO Officer will also serve as the Americans with Disabilities (ADA) Coordinator, unless otherwise noted, and as such, also has responsibility for coordinating the Town of Pahrump's compliance with federal and state disability laws. The EEO Officer shall be designated by the Town Manager. The name and work telephone number of the designated individual will be posted on bulletin boards at Town of Pahrump work sites. In the event the designated EEO Officer is unavailable, Town Manager is designated as the alternative EEO Officer.

## **2.2. Unlawful Harassment**

### **2.2.1. *Definition***

Unlawful harassment is considered a form of discrimination and is defined as any conduct directed toward another because of that person's race, color, religion, age, gender, sexual orientation, national origin, ancestry, disability, or veteran status, or any other basis that is inappropriate or offensive as determined by using a reasonable person standard. The "reasonable person" standard considers whether a reasonable person would find the behavior or conduct in question offensive.

### **2.2.2. *Prohibited Conduct***

The Town of Pahrump will not tolerate any form of unlawful harassment, including any behavior on the part of employees, clients, customers, vendors, etc., that impairs an employee's ability to perform his/her duties. Examples of unlawful harassment include, but are not limited to:

1. Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, or sexually degrading or suggestive words or comments made in person, in writing, via telephone or via electronic means.
2. Visual conduct such as derogatory posters, notices, email, photographs, cartoons, drawings, gestures, leering, or displaying sexually suggestive objects or pictures.
3. Physical conduct such as unwanted touching, impeding or blocking normal movement, or interfering with work or movement.
4. Threats or demands, either direct or veiled, to submit to sexual requests in order to keep a job or avoid some job-related loss, and offers of job benefits in return for sexual favors.
5. Retaliation for opposing, reporting, or threatening to report harassment, assisting another employee in filing an unlawful harassment complaint, or for participating in a harassment investigation, proceeding, or hearing.

## 2.3. Dealing with Allegations of Discrimination and/or Unlawful Harassment

### 2.3.1. Process

Employees or applicants who believe they are being discriminated against or subjected to any form of unlawful harassment by another (e.g. employee, customer, vendor, contractor, etc.) because of their race, color, religion, age, gender, sexual orientation, national origin, ancestry, disability, or veteran status, as well as those who believe they have witnessed another employee, client or member of the public being subjected to discrimination and/or harassing behavior, have an affirmative duty to bring the situation to the attention of the Town of Pahrump. Employees covered by a collective bargaining agreement must use the reporting process delineated therein. Upon hire, employees will be provided a copy of this policy, as well as the opportunity to discuss the policy during the new hire orientation process. In addition, a copy of this policy will be made available to applicants upon request.

### 2.3.2. Employee Responsibilities

Employees who believe they personally are being or have been subjected to discriminatory action and/or are the target of any form of unlawful harassment, or have witnessed any other employee being subjected to discrimination or harassment, should immediately:

1. Identify the offensive behavior to the alleged harasser and request that the harasser cease the conduct.
2. If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the harassing behavior to cease, but the request did not produce the results desired, the employee should report the conduct as soon as possible to a supervisor or manager or to the Town of Pahrump's designated EEO Officer.
3. Employees who believe the EEO Officer has engaged in discriminatory or harassing conduct should bring such concerns to the attention of the alternate EEO Officer or to the Town Manager. The Town Manager will designate an objective person to conduct an investigation of such allegations. Employees may also report the conduct to the Town Board Chairperson or the Town of Pahrump's attorney.
4. Applicants are encouraged to contact the designated EEO Officer or the alternate.

NOTE

### 2.3.3. Supervisor/Manager Responsibilities

Regardless of whether the employee involved is in the supervisor's or manager's department and regardless of how s/he became aware of the alleged discriminatory and/or harassing conduct, all supervisors and managers must immediately report all allegations or complaints of discrimination or unlawful harassment or observations of such conduct to the EEO Officer, Department Head, or Town Manager. A supervisor's or manager's failure to immediately report such activities, complaints, or allegations will result in discipline, up to and including termination.

### 2.3.4. Reporting Requirements

1. A supervisor who receives information or is a witness to any use of unlawful discriminatory or harassing conduct by an employee which violates the Town of Pahrump's policies or the law, is required to report this information to

of Pahrump's policies or the law, is required to report this information to his/her EEO Officer, Department Head, or Town Manager immediately. The information reported must include:

- The persons(s) involved, including all witnesses;
  - A written record of specific conversations held with the accused and any witnesses; and
  - All pertinent facts, including date(s), time(s), and locations(s).
- A Department Head is required to report this information to his/her immediate supervisor, e.g., the Town Manager or to the EEO Officer, and may not conduct a formal investigation, release findings, or administer discipline prior to this disclosure and without specific authorization to do so.
2. An employee who witnesses or obtains information regarding unlawful discriminatory or harassing conduct by his/her immediate supervisor is required to report the incident to that individual's supervisor.

#### 2.3.5. *Investigation*

Upon being made aware of allegations or complaints of discriminatory conduct and/or unlawful harassment, the Town of Pahrump will ensure that such allegations or complaints are investigated promptly. The Town of Pahrump treats all allegations or complaints of discrimination or unlawful harassment seriously and expects all employees to be candid and truthful during the investigation process.

The Town of Pahrump will make efforts to ensure that all investigations are kept as confidential as reasonably possible. Due to the sensitive nature of investigations involving unlawful harassment, employees will be strongly advised to refrain from discussing the subject content with others, particularly while the investigation is in progress. Employees may be required to provide information to regulatory agencies and/or the employee's union representative or attorney. The Town of Pahrump will release information obtained only to those individuals necessarily involved in the investigation and the administration of the complaint, or as required by law.

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

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

If it is determined that discrimination and/or unlawful harassment has occurred, the Town of Pahrump will take remedial action against the perpetrator commensurate with the severity of the offense. Such remedial action may include, but is not limited to, a verbal and/or written reprimand, counseling, transfer, suspension without pay, and/or termination. The Town of Pahrump will also initiate action to deter any future discrimination or harassment from occurring.

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

**2.4. Training**

The Town of Pahrump will provide periodic training to all employees on the prevention of discrimination and unlawful harassment. All new employees will be provided a copy of this policy upon hire.

**2.5. Prohibition Against Retaliation (Revised 4/07)**

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

**2.6. Employee Dating**

**2.6.1. Policy**

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

**2.6.2. Employee Responsibilities**

1. Employees are prohibited from engaging in physical contact that would in anyway be deemed inappropriate by a reasonable person while anywhere on Town of Pahrump property, whether or not such physical contact occurs during work hours.
2. Violation of this policy could result in disciplinary action up to and including termination.

**2.6.3. Supervisor/Manager Responsibilities**

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

**2.7. Employee Bullying**

**2.7.1. Definition**

The Town of Pahrump defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of

employment. Specifically, intimidation of another and/or coercion by threats are prohibited.

#### 2.7.2. *Purpose*

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

#### 2.7.3. *Prohibited Conduct*

The Town of Pahrump considers the following types of behavior examples of bullying:

- a. *Verbal Bullying:* Slandering, ridiculing or maligning an employee or his/her family; vicious character assassination, petty humiliations and small interferences, persistent name calling which is rude, hurtful, insulting, or humiliating.
- b. *Physical Bullying:* Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, slamming or throwing things, or damage to an employee's work area or property.
- c. *Gesture Bullying:* Non-verbal threatening gestures such as glaring at or deliberately avoiding eye contact when the targeted person is speaking or purposefully isolating or excluding the targeted person.

#### 2.7.4. *Dealing with Allegations of Bullying*

##### 1. *Process*

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

##### 2. *Supervisor/Manager Responsibilities*

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

##### 3. *Investigation*

Upon being made aware of allegations or complaints of bullying, the Town of Pahrump will ensure that such allegations or complaints are investigated where deemed necessary.

The Town of Pahrump will make efforts to ensure that all investigations are kept as confidential as reasonably possible. The Town of Pahrump will release information obtained only to those individuals necessarily involved in the investigation and the administration of the complaint, or as required by law.

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

If it is determined that bullying has occurred, the Town of Pahrump will take appropriate action.

#### 2.7.5. *Prohibition Against Retaliation*

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

## 2.8. **Employment Disabilities**

### 2.8.1. *Purpose of Policy*

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

### 2.8.2. *Policy*

It is the Town of Pahrump's policy to comply proactively with the applicable employment provisions of disability laws. The Town of Pahrump does not tolerate discrimination against any qualified individual with a disability in regard to any terms, conditions, or privileges of employment and prohibits any type of harassment or discrimination based on the physical or mental disability, history of disability, or perceived disability of an individual holding or seeking employment with the Town of Pahrump.

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

### 2.8.3. *Determination of Disability*

In determining whether an employee or an applicant has a disability under the law, the employee/applicant must establish **all three** of the following:

1. His/her condition constitutes a physical or mental impairment, or s/he has a record of such impairment, or s/he is regarded as having an impairment; and
2. The impairment affects a major life activity; i.e., prevents or restricts the employee or applicant from performing tasks of central importance to most people's daily lives; and
3. The impairment is a substantial limitation on the identified activity and is permanent or long-term.

#### *2.8.4. Disability-Related Inquiries*

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

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

The Town of Pahrump may require the employee to provide a fitness-for-duty certification from an appropriate medical provider whenever the Town of Pahrump has reason to believe the employee may be unable to perform the essential functions of his/her job.

#### *2.8.5. Confidentiality of Medical Records*

The Town of Pahrump shall treat any medical information obtained from a disability-related inquiry or medical exam, as well as any medical information voluntarily disclosed by an employee, as a confidential medical record. Confidential medical records also include medical information from voluntary health or wellness programs. The Town of Pahrump will share such information only with appropriate supervisors, managers, first aid and safety personnel, and officials investigating compliance claims on a need-to-know basis. Such information may be disclosed to appropriate Town of Pahrump personnel or outside consultants and attorneys in relation to any employment issue between the employee and the Town of Pahrump, if the medical records are relevant to any such dispute. Any medical information shall **not** be kept in or with the employee's personnel or "site" file. Such medical information shall be kept in a separate secure confidential medical file.

#### *2.8.6. Accommodation*

##### *1. Accommodation for Applicants*

Whenever an applicant requests accommodation in applying for, testing, or interviewing for a position with the Town of Pahrump, the ADA Coordinator shall determine whether the applicant's condition constitutes a disability under the disability laws. The Town of Pahrump's ADA Coordinator shall then determine whether the request for accommodation for a covered disability is reasonable. In making that determination of reasonableness, the ADA Coordinator shall consider whether granting such requests might impose an undue hardship on the Town of Pahrump.

##### *2. Accommodation for Employees*

Whenever an employee approaches his/her supervisor, the Town of Pahrump's ADA Coordinator, or any other manager within the Town of Pahrump requesting some type of accommodation, the Town of Pahrump will initiate the interactive process. Whenever a manager or supervisor becomes aware that an employee has requested or may require some type of accommodation, the manager/supervisor should promptly notify the ADA Coordinator. Upon learning of the employee's request for accommodation, the ADA Coordinator

shall arrange to meet with the supervisor and the employee to discuss his/her accommodation request, the need for any reasonable documentation of the disability and the associated functional limitations, and the impact of the proposed accommodation on the Town of Pahrump.

#### **2.8.7. Requirements of Other Laws**

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

#### **2.8.8. Glossary of ADA-Related Terms**

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

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

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

Other examples of prohibited disability-related questions include, but are not limited to, asking about an employee’s/applicant’s prior workers’ compensation

history, and asking an employee's/applicant's coworker, family member, doctor, or other person about the employee's/applicant's disability.

Questions that are not likely to elicit information about a disability are not prohibited under the ADA. These types of inquiries include asking employees/applicants about their general well-being, whether they can perform the essential job functions, whether they currently use illegal drugs, and if they have been drinking. The Town of Pahrump may also ask an employee, but not a job applicant, about non-disability-related impairments such as how s/he broke his/her arm.

4. A **“medical examination”** is a procedure or test usually given by a health care professional or in a medical setting that seeks information about an individual's physical or mental impairments or health. Medical examinations include, but are not limited to, vision tests conducted and analyzed by an ophthalmologist or optometrist; blood, urine, and breath analyses to check for alcohol use; blood pressure screening and cholesterol testing; nerve conduction tests; range-of-motion tests that measure muscle strength and motor function; pulmonary function tests; psychological tests designed to identify a mental disorder or impairment; and diagnostic procedures such as x-rays, CAT scans, and MRI's. Procedures and tests that employers may require that are generally not considered medical examinations include blood and urine tests to determine the **current** illegal use of drugs; physical agility and physical fitness tests; tests that evaluate an employee's/applicant's ability to read labels or distinguish objects as part of a demonstration of the ability to perform actual job functions; psychological tests; and tests that measure personality traits, such as honesty, preferences, and habits.
5. Under the ADA, an **“employee”** is an individual employed by an employer. Generally, an individual is an employee if the employer controls the means and manner of his/her work performance. Where more than one entity controls the means and manner of how an individual's work is done, the individual may be an employee of each entity.

## 2.9. Drug and Alcohol-Free Workplace

### 2.9.1. Policy

The Town of Pahrump recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills.

1. The Town of Pahrump is committed to:
  - a. Maintaining a safe and healthy workplace for all employees;
  - b. Assisting employees who recognize they have a problem with drugs or alcohol and providing appropriate treatment;
  - c. Periodically providing employees with information about the dangers of workplace drug abuse; and
  - d. When appropriate, taking disciplinary action for failure to comply with this policy.

2. The Town of Pahrump strictly prohibits the following behavior:
  - a. The use, sale, attempted sale, manufacture, attempted manufacture, purchase, possession or cultivation, distribution and/or dispensing of illegal drugs by an employee at any time and in any amount. This prohibition includes the use or possession of prescription medicines for which the individual does not have a valid prescription and the inappropriate use of prescribed medicines for which the employee has a valid prescription. In addition, the Town of Pahrump prohibits employees from possessing open containers of alcoholic beverages while on the Town of Pahrump's premises and/or while on duty and from working with a blood-alcohol level of .04 or more at any time.
  - b. Bringing alcohol, illegal drugs, and other substances which may impair the safety or welfare of employees or the public onto the premises controlled by the Town of Pahrump or placing such substances in vehicles or equipment operated on behalf of the Town of Pahrump.
  - c. Law enforcement personnel performing job-related functions which require possession and/or transportation of such substances are exempt from this section.
3. *Reporting Requirements*
  - a. A supervisor who receives information or is a witness to any use of drugs or alcohol by an employee which violates the Town of Pahrump's policies or the law, is required to report this information to his/her Department Head or Human Resources immediately. The information reported must include:
    - The persons(s) involved, including all witnesses;
    - Any information gathered, such as actual observation of drug /alcohol use, the presence of paraphernalia, observation of any unusual physical signs or behaviors;
    - A written record of specific conversations held with the accused and any witnesses;
    - All pertinent facts, including date(s), time(s), and locations(s).
  - b. A Department Head is required to report this information to his/her immediate supervisor, e.g., the Town Manager or to the Human Resources Coordinator may not conduct a formal investigation, release findings, or administer discipline prior to this disclosure and without specific authorization to do so.
  - c. An employee who witnesses or obtains information regarding illegal drug/alcohol use by his/her immediate supervisor is required to report the incident to that individual's supervisor.
4. Specimen collection, drug testing procedures, sample collection, and alcohol testing procedures will comply with all applicable provisions of federal and state law.
5. A positive test result for alcohol or drugs will be grounds for disciplinary action, up to and including possible termination.
6. Employees in safety-sensitive positions as defined in 49 CFR Part 382, et seq., are subject to the Federal Department of Transportation (DOT) (49 CFR Part 40) and the Federal Motor Carrier Safety Regulations (FMCSR), as prescribed by the Federal Motor Carrier Safety Administration (FMCSA) (49

CFR Parts 382, 383, 387, 390-397, and 399), as well as the Town of Pahrump's Drug and Alcohol-Free Workplace Policy.

### 2.9.2. *Employee Responsibilities*

Each employee is responsible for reviewing and complying with the Town of Pahrump's Drug and Alcohol-Free Workplace Policy.

1. Each employee is responsible for meeting standards for work performance and safe on-the-job conduct.
2. Employees shall not report to work under the influence of alcohol, illegal drugs, or misused prescription or over-the-counter drugs.
3. Employees who suspect they may have a substance abuse problem are encouraged to seek counseling and rehabilitation from a substance abuse professional or other treatment provider. The Town of Pahrump's medical insurance policy may provide for payment of some or all of the treatment costs.
4. It is the employee's responsibility and obligation to determine, by consulting a physician if necessary, whether or not a legal drug s/he is taking may or will affect his/her ability to safely and efficiently perform his/her job duties. An employee whose impairment may affect job performance must contact his/her supervisor and attempt to find an appropriate alternative assignment. If none is available, the employee may take sick leave or be placed on a medical leave of absence (if available and the employee otherwise qualifies) or take other steps consistent with the advice of a physician. If an employee reports to work under the influence of prescription medication and, as a result, endangers him/herself or others, the employee will be disciplined, up to and including termination.
5. Each employee must report the facts and circumstances of any criminal drug or alcohol conviction that occurred while on duty or which may impact the employee's ability to perform the duties of his/her job. If duties involve driving a vehicle, the employee must report to his/her supervisor a conviction for driving under the influence (DUI), and/or revocation or suspension of the driver's license pending adjudication. Notification to the Town of Pahrump must occur before resuming work duties or no later than five (5) days after the conviction or revocation/suspension. The supervisor shall immediately forward the notification to the Town of Pahrump's attorney.
6. Employees in department safety-sensitive positions identified by the Town of Pahrump are subject to random drug and alcohol testing as provided in this policy.
7. Employees must act as responsible representatives of the Town of Pahrump and as law-abiding citizens. It is every employee's responsibility to report violations of this policy to his/her immediate supervisor or to the Human Resources Coordinator. Such reporting is critical in preventing serious injuries or damage to the Town of Pahrump's property.
8. Employees who are required to submit to a drug/alcohol test must complete and sign the consent form.

### **2.9.3. Town Manager / Department Head Responsibilities**

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

1. Authorizing the testing of employees.
2. Coordinating drug and/or alcohol testing.
3. Requesting completion of the consent form.
4. Notifying employees of positive test results and their right to a retest of the same sample.
5. Implementing disciplinary action against employees who fail to comply with provisions outlined in this policy.
6. Notifying the Town of Pahrump's attorney of an employee's conviction of a federal or state criminal drug and/or alcohol statute violation.
7. Ensuring that the drug and/or alcohol test forms and results are kept confidential and only provided to employees with a business need for the information.
8. Identifying department safety-sensitive positions.
9. Notifying employees in department safety-sensitive positions that they are subject to random drug and/or alcohol testing.
10. Ensuring notices relative to this policy and the list of positions designated as department safety-sensitive, if any, are prominently displayed at all departmental facilities housing employees.

### **2.9.4. Supervisor Responsibilities**

Supervisors are responsible for:

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

### **2.9.5. Employer Responsibilities**

Town of Pahrump is responsible for:

1. Providing communication and training on this policy to include a training program to assist supervisors to recognize the conduct and behavior that gives rise to a reasonable suspicion of drug and/or alcohol use by employees and how to effectively intervene.
2. Receiving and maintaining employee drug and alcohol testing records and files from all sources and assuring that they are kept confidential.
3. Making drug and/or alcohol testing and notice forms available.
4. Notifying appropriate department heads of positive results of drug and alcohol tests.

5. Administering the contract with a third party to provide drug and alcohol testing services.
6. Overseeing the administration of the Town of Pahrump's Drug and Alcohol-Free Workplace Policy.
7. Certifying department safety-sensitive positions in consultation with the requesting department head and legal counsel.
8. Notifying department heads of their employees randomly selected for drug and/or alcohol testing.
9. Ensuring the administration of all pre-employment drug testing.

**2.9.6. *Employee Education***

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

**2.9.7. *Employee Assistance and Voluntary Referral***

1. The Town of Pahrump strongly encourages employees who suspect they have substance abuse problems to voluntarily refer themselves to a treatment program. A voluntary referral is defined as being one that occurs prior to any positive test for illegal drugs or alcohol under this policy and prior to any other violation of this policy, including a criminal conviction of that individual for a drug- or alcohol-related offense. A decision to participate in the employee assistance program will not be a protection or defense from discipline.
2. Any employee who voluntarily requests assistance in dealing with a personal drug and/or alcohol problem may do so through a private treatment program for drug and alcohol problems. An employee who is being treated for substance abuse in a recognized rehabilitation program may, if the Americans with Disabilities Act applies, be entitled to reasonable accommodation so long as the employee is conforming to the requirements of the program and is abstaining from the use of controlled substances and/or alcohol.
3. The employee must agree to release treatment information to the Town of Pahrump 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 Coordinator/ADA Officer of the Town of Pahrump in advance of the 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 the Town of Pahrump deems appropriate.
4. The cost of the drug or alcohol rehabilitation or treatment program shall be borne by the employee and/or the employee's insurance provider. All

information regarding an employee's participation in treatment will be held in strict confidence. Only information that is necessary for the performance of business will be shared by the Town of Pahrump's management. Employees are limited to treatment for substance abuse one time only under this policy.

**2.9.8. Reasonable Suspicion Testing**

1. When any supervisor has reasonable suspicion that an employee may be under the influence of alcohol or drugs, the employee in question will be directed by the department head or designee or the Town Manager to submit to drug and/or alcohol testing.
2. The supervisor shall be responsible to determine if reasonable suspicion exists to warrant drug and/or alcohol testing and shall be required to document, in writing, the specific facts, symptoms, or observations which form the basis for such reasonable suspicion. When possible, the documentation will be forwarded to the department head or designee to authorize the drug and/or alcohol test of an employee.
3. The department head or designee or the Town Manager shall direct an employee to undergo drug and/or alcohol testing if there is reasonable suspicion that the employee is in violation of this policy. The employee will be suspended with pay pending results of the test.
4. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
  - a. Information provided either by reliable and credible sources or independently corroborated.
  - b. The first line supervisor or another supervisor/manager receives information from a reliable and credible source as determined by the department head that an employee is violating the Town of Pahrump's policy.
  - c. Direct observation of drug or alcohol use.
  - d. The first line supervisor or another supervisor/manager directly observes an employee using drugs or alcohol while an employee is on duty. Under these circumstances, a request for testing is mandatory.
  - e. Drug or alcohol paraphernalia possibly used in connection with illicit drugs or alcohol found on the employee's person or at or near the employee's work area may trigger a request for testing.
  - f. Evidence that the employee has tampered with a previous drug and/or alcohol test.
  - g. The following behaviors will also contribute toward reasonable suspicion and, collectively or independently, on a case-by-case basis may provide a sufficient reason for requesting a drug and/or alcohol test:
    - h. A pattern of abnormal or erratic behavior.  
  
This includes, but is not limited to, a single, unexplainable incident of serious abnormal behavior or a pattern of behavior which is radically different from what is normally displayed by the employee or grossly differing from acceptable behavior in the workplace.
  - i. Presence of physical symptoms of drug and/or alcohol use.

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

j. Violent or threatening behavior.

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

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

k. Absenteeism and/or tardiness.

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

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

### **2.9.9. Post-Accident Testing**

1. Each employee involved in a motor vehicle or OSHA-recordable accident will be tested for drugs and/or alcohol as soon as possible after the accident, but after any necessary emergency medical attention has been provided.

OSHA-recordable accidents are those accidents that result in:

- a. Medical treatment other than first-aid treatment;
- b. Loss of consciousness, restriction of work or motion; or
- c. Transfer to another job.

Additionally, any accident in which there is property damage estimated to be valued at or in excess of five hundred dollars (\$500.00) will trigger a post-accident test. (An employee may be suspended with pay pending the results of this test and with or without pay pending any subsequent investigation.) An employee who is required to submit to post-accident testing will be provided transportation by the Town of Pahrump to the location of the test.

2. In the event an employee is so seriously injured that s/he cannot provide a blood, breath, or urine specimen at the time of the accident, the employee must provide necessary authorization, as soon as the employee's physical condition allows, to enable the Town of Pahrump to obtain hospital records or other documents that indicate whether there were drugs or alcohol in the employee's system when the accident occurred.

3. In the event federal, state, or local officials conducted drug and/or alcohol testing following an accident, the employee will be required to sign a release allowing the Town of Pahrump to obtain the test results from such officials.
4. An employee who is subject to a post-accident test must remain readily available for testing. An employee who leaves the scene before the test is administered or who does not make him/herself readily available may be deemed to have refused to be tested, and such refusal shall be treated as a positive test. Further, the employee, subject to a post-accident test, must refrain from consuming alcohol for eight (8) hours following the accident or until the employee submits to an alcohol test, whichever comes first.
5. For safety reasons, an employee required to submit to post-accident testing may be placed on leave of absence with or without pay pending receipt of the post-accident testing results and any related investigation.

**2.9.10. Department Safety-Sensitive Positions**

1. The Town of Pahrump shall conduct pre-employment testing for drugs and/or random testing for drugs and alcohol for positions identified as department safety-sensitive by the Town of Pahrump. Drug and alcohol testing of applicants and employees in department safety-sensitive positions is mandatory, and successfully passing these tests is a condition of future or continued employment.
2. Department safety-sensitive positions mean employment positions which may, in the normal course of business:
  - a. Require the employee to operate the Town of Pahrump's vehicles or heavy equipment on a regular and recurring basis; and/or
  - b. Involve job duties which, if performed with inattentiveness, errors in judgment or diminished coordination, dexterity, or composure, may result in mistakes that could present a real and/or imminent threat to the personal health and safety of the employee, coworkers, and/or the public.
3. The Town of Pahrump shall maintain a list entitled "List of Positions Designated as Department Safety-Sensitive." The list shall be a public record. Before a position is included on this list, the Town of Pahrump shall post a notice in a conspicuous location accessible to employees at the work site affected that a position is to be included as department safety-sensitive for purposes of pre-employment drug testing and random drug and alcohol testing. The notice will afford an opportunity for comment within a twenty (20) calendar day period.

**2.9.11. Pre-Employment Testing**

1. All applicants being considered for employment in department safety-sensitive positions will be required to submit to a urinalysis test for the detection of illegal drugs as part of a post-offer, pre-employment drug test. All such offers of employment are conditioned upon the ability to pass this drug test. Applicants for positions which require testing will be given a copy of the policy and must complete the Town of Pahrump's consent form in advance of the post-offer, pre-employment drug test.
2. An applicant refusing to complete any part of the drug testing will not be considered a valid candidate for employment with the Town of Pahrump and

such refusal will be considered a withdrawal of the individual's application for employment. An applicant who refuses to test or tests positive shall not be considered for employment with the Town of Pahrump for at least twelve (12) months.

3. When an employee applies for a position that has been identified as being a department safety-sensitive position, the employee will be subject to drug testing in accordance with the procedures contained in this policy before the employee will be considered a valid candidate for the job opening. An employee who tests positive for illegal drugs will no longer be considered an applicant for that position. Such employee will also be subject to discipline under this policy, up to and including termination. An employee may withdraw the application for the position up until the employee is scheduled for pre-employment testing. Once an employee is scheduled for pre-employment testing, if that employee refuses to submit to the test, s/he will be disqualified for consideration for the position and subject to discipline, up to and including termination.

#### **2.9.12. *Random Testing***

1. All employees in positions identified as department safety-sensitive by the Town of Pahrump, as provided in *Section 2.9.10.*, shall be subject to random drug and alcohol testing.
2. 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.
3. Employees selected for a random test but absent due to vacation, sick leave, other leave, or on urgent Town of Pahrump business approved by their department head will not be notified to take the random test until the first day they return to work after random selection. Random selection may result in some employees being tested more than once each year; some may not be tested at all.

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#### **2.9.13. *Consequence of Refusal to Submit to Testing/Adulterated Specimen***

1. An employee who refuses to submit to testing for drugs and/or alcohol will be subject to disciplinary action, up to and including termination. An employee who consents to a drug or alcohol test but fails to appear timely at the collection site, or who fails to give his/her urine sample after reasonable opportunity to do so, will be treated as a refusal to submit to a drug or alcohol test.
2. Submission of an altered or adulterated specimen or substitution of a specimen by a specimen donor will be considered a refusal to comply with this policy and subject the employee to disciplinary action, up to and including termination.

#### **2.9.14. Testing Guidelines**

1. The Town of Pahrump will test for the following types of substances:
  - Marijuana
  - Cocaine, including crack
  - Opiates, including heroin and codeine
  - Amphetamines, including methamphetamines
  - Phencyclidine (PCP)
  - Alcohol
2. Other drugs may be added to this list. Where applicable, the Town of Pahrump will follow federal testing procedures for drugs and alcohol set forth by the Federal Department of Transportation (DOT) 49 CFR Part 40 and the Federal Motor Carrier Safety Regulations (FMCSR). These regulations may be amended from time to time.

#### **2.9.15. Option for Drug Retest**

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

#### **2.9.16. Searches**

1. If the Town of Pahrump suspects that an employee or on-site contractor is in possession of illegal drugs, alcohol, or contraband in violation of this policy, the Town of Pahrump may request the individual to submit to a search of his/her person, personal effects, vehicles, lockers, desks, work area, baggage, and employee quarters. By entering into or being present at a job site while on Town of Pahrump time or representing the Town of Pahrump 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.
2. Searches will be conducted by management personnel and may or may not be conducted in the presence of the person whose property or work area is searched. Any suspected contraband will be confiscated and may be turned over to law enforcement as appropriate. Any person whose property is confiscated will be given a receipt for that property by the Town of Pahrump's representative conducting the search.

### *2.9.17. Discipline Related to Abuse*

1. Employees in violation of the provisions of this policy will be subject to disciplinary action, up to and including termination.
2. An employee may be found to have violated this policy on the basis of any appropriate evidence including, but not limited to:
  - a. Direct observation of illegal use of drugs, prohibited use of alcohol, or possession of illegal drugs or alcohol or related contraband;
  - b. Evidence obtained from a motor vehicle citation, an arrest, or a criminal conviction for use or possession of illegal drugs or for the use, or being under the influence, of alcohol on the job;
  - c. A verified positive test result; or
  - d. An employee's voluntary admission.
3. When an employee is required to undergo treatment under this policy, the employee may be required to comply with the following as a condition of continued employment:
  - a. Monitoring of the treatment program and the employee's participation by the employer;
  - b. Any other reasonable condition that the Town of Pahrump deems necessary to maintain a safe and healthy workplace for all employees.

### *2.9.18. Confidentiality*

All medical and rehabilitation records are confidential medical records and may not be disclosed without the prior written consent of the patient, authorizing court order, or otherwise as permitted by state and federal law. Positive test results may only be disclosed to the employee; the appropriate medical and substance abuse treatment providers; the Town of Pahrump's attorney; a Town of Pahrump representative necessary to respond to an alleged violation of this policy; individuals within the Town of Pahrump who have a need-to-know of drug and/or alcohol testing results; and a court of law or administrative tribunal in any adverse personnel action.

### *2.9.19. Definitions*

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

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

Applicant: A person, including a current employee, applying for any position with the Town of Pahrump (may also be referred to as the candidate).

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

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

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

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

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

Illegal Drugs: Any controlled substance or drug; the sale, possession, cultivation, transfer, use, purchase, or distribution of which is illegal. 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.

Positive Drug or Alcohol Test: Any detectable level of drugs or its metabolite (in excess of trace amounts attributable to secondary exposure) in an employee's urine or blood. With respect to alcohol, a blood alcohol concentration of 0.04 or higher constitutes a positive test.

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

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

## **2.10. Prohibition of Workplace Violence**

### ***2.10.1. Policy***

The Town of Pahrump is committed to providing for the safety and security of all employees, customers, visitors, and property.

### ***2.10.2. Scope***

This policy applies to all employees, including regular, part-time temporary, casual, provisional, and elected officials, as well as contract and temporary workers and anyone else on the Town of Pahrump's property.

### ***2.10.3. Implementation of Policy***

1. The Town of Pahrump will not tolerate any form of workplace violence including acts or threats of physical violence, intimidation, harassment, and/or coercion, which involve or affect the Town of Pahrump or which occur on property owned or controlled by the Town of Pahrump or during the course of the employer's business. Examples of workplace violence include, but are not limited to, the following:
  - a. All threats (including direct, conditional, or veiled) or acts of violence occurring on premises owned or controlled by the Town of Pahrump, regardless of the relationship between the Town of Pahrump and the parties involved in the incident.

- b. All threats of any type or acts of violence occurring off the employer's premises involving someone who is acting in the capacity of a representative of the Town of Pahrump.
  - c. All threats of any type or acts of violence occurring off the employer's premises involving an employee of the Town of Pahrump, if the threats or acts affect the legitimate interests of the Town of Pahrump.
  - d. Any acts or threats resulting in a criminal conviction of an employee or agent of the Town of Pahrump or of an individual performing services for the Town of Pahrump on a contract or temporary basis which adversely affect the legitimate interests and goals of the Town of Pahrump.
2. Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:
    - a. Hitting, shoving, or otherwise assaulting an individual;
    - b. Direct, conditional, or veiled threats of harm directed to an individual or his/her family, friends, associates, or property;
    - c. The intentional or malicious destruction or threat of destruction of the Town of Pahrump's property;
    - d. Harassing or threatening phone calls, notes, letters, or computer messages;
    - e. Harassing surveillance or stalking;
    - f. Unauthorized possession or inappropriate use of firearms, weapons, hazardous biological or chemical substances, or explosives.
  3. The Town of Pahrump desires to detect and deter real, potential, or threatened violence. Every employee is required to report immediately any acts of violence or any threat of violence against any coworker, supervisor, manager, elected official, visitor, or other individual. Supervisory and managerial personnel who witness or become aware of any acts or threats of violence must notify their superior immediately. Every other person on Town of Pahrump property is encouraged to report incidents of threats or acts of violence of which s/he is aware.
  4. Reports of violence or threatening behavior should be made to the Human Resources Coordinator, an employee's immediate supervisor or manager, or any other supervisory or management employee. The Town of Pahrump is committed to ensuring that employees reporting real or perceived threats in good faith will not be subject to harassment or retaliation. Nothing in this policy alters any other reporting obligation established in the Town of Pahrump's policies or in state, federal, or other applicable law.

#### ***2.10.4. Violations***

1. Violations of this policy by any employee will lead to disciplinary action, up to and including termination and/or appropriate legal action. The Town of Pahrump may also take appropriate disciplinary action against any employee who intentionally makes a false or malicious statement about coworkers or others.
2. Actions necessary for bona fide self-defense or protection of employees of the Town of Pahrump or of employer property shall not be considered to violate this policy.

### **2.10.5. Temporary Restraining Orders**

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

### **2.11. Employment of Relatives**

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

In addition, no person shall be employed in a position if such employment would require supervision by a relative who is within the third degree of consanguinity or affinity. For purposes of this paragraph, supervision includes immediate supervisor, second or higher levels of supervision.

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

### **2.12. Code of Ethical Standards**

Consistent with the provisions of NRS 281.481 and NRS 281.230, a code of ethical standards is hereby established to govern the conduct of the Town of Pahrump's officials and employees:

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

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

## 2.13. Political Activity

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

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

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

### 2.13.1. *Running for, or Holding, Political Office*

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

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

If there is a conflict with, or the activities hinder the performance of the duties with the Town of Pahrump, the employee will comply with one of the following: (final approval is at the Town of Pahrump'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 in accordance with the Leave of Absence policy.

The maximum duration of paid or unpaid leave time approved will be six (6) months and is solely at the discretion of the Town of Pahrump. The Town of Pahrump'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.

If there is any question regarding this policy, employees should contact their supervisor for clarification.

## **2.14. Solicitation Prohibited**

### **2.14.1. Employee Activities**

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

### **2.14.2. Non-Employee Activities**

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

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

## **2.15. Work Stoppage Prohibited**

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

## **2.16. Use of Employer Property and Premises**

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

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

## 2.17.

### **Telephone Policy**

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

#### **2.17.1. Personal Phone Calls**

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

#### **2.17.2. Cell Phone Use in Vehicles**

1. Employees on duty and/or conducting official business at any time while operating motor vehicles are prohibited from using cell phones while the vehicle is in motion. This includes dialing, answering, text messaging and checking messages. Employees are neither required nor expected to use a cell phone while the vehicle is in motion.
2. Employees shall pull off the road and safely stop before placing or accepting calls or checking messages.
3. This policy does not include passenger use of cell phones.
4. This prohibition is in effect regardless if the cell phone is issued by the Town of Pahrump or is privately owned by the employee.
5. An exception to this rule is the legitimate use of cell phones by specific departments and for specific reasons as established by each department. For example the police, fire, ambulance, and EMT departments may operate vehicles while using cell phones only in direct response to emergency calls, but must always keep safety a paramount concern.

#### **2.17.3. Phone Use in Business Meetings**

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

#### **2.17.4. Additional Cell Phone Functions & Services**

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

### **2.18. Information Technology**

#### **2.18.1. Policy**

The Town of Pahrump requires employees to use information technology (computer systems, telecommunication and other devices, and electronic information) responsibly.

#### **2.18.2. Privacy**

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

#### **2.18.3. Use**

1. The computers, associated hardware and software, including electronic mail (email) and access to on-line services (the Internet), as well as voice mail, pagers, and faxes, belong to the Town of Pahrump and, as such, are provided for business use. Very limited or incidental use by employees for personal, non-business purposes is acceptable as long as it is:
  - a. Conducted on personal time (i.e., during designated breaks or meal periods);
  - b. Does not consume system resources or storage capacity; or
  - c. Does not involve any prohibited uses.
2. Employees loading, importing, or downloading files from sources outside the Town of Pahrump's system, including files from the Internet and any computer disk, must ensure the files and disks are scanned with the Town of Pahrump's current virus detection software before installation and execution.
3. Employees may use information technology, including the Internet, during work hours on job-related matters to gather and disseminate information, maintain their currency in a field of knowledge, participate in professional associations, and communicate with colleagues in other organizations regarding business issues.
4. An employee's use of the Town of Pahrump's computer systems, telecommunication equipment and systems, and other devices constitutes the employee's acceptance of this policy and its requirements.

#### *2.18.4. Prohibited Use*

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

1. Sending, receiving, or storing messages that a “reasonable person” would consider to be offensive, disruptive, harassing, threatening, derogatory, defamatory, pornographic, indicative of illegal activity, or any that contain belittling comments, slurs, or images based on race, color, religion, gender, sexual orientation, age, disability, or national origin.
2. Sending, receiving, or storing messages or images that would offend or harass on the basis of race, gender, sexual orientation, national origin, religion, age, political belief, or disability.
3. Sending, receiving, or storing chain letters.
4. Subscriptions to newsletters, advertising, “clubs,” or other periodic email which is not necessary for the performance of the employee’s assigned duties.
5. Sending, receiving, or storing union-related solicitations.
6. Engaging in political activities including, but not limited to, solicitation or fund raising.
7. Engaging in religious activities including, but not limited to, proselytizing or soliciting contributions.
8. Conducting outside employment in any manner.
9. Engaging in illegal, fraudulent, defamatory, or malicious conduct.
10. Downloading, uploading, or otherwise transmitting without authorization:
  - d. Confidential or proprietary information or material
  - e. Copyrighted material
  - f. Illegal information or material
  - g. Sexually explicit material
11. Obtaining unauthorized access to other systems.
12. Using another person’s password or account number without explicit authorization by the Town of Pahrump.
13. Improperly accessing, reading, copying, misappropriating, altering, misusing, or intentionally destroying the information/files of other users.
14. Loading unauthorized software or software not purchased or licensed by the Town of Pahrump.
15. Breaching or attempting to breach any security systems or otherwise maliciously tampering with any of the Town of Pahrump’s electronic systems including, but not limited to, introducing viruses.
16. Using the Town of Pahrump’s information technology for personal, non-business purposes in other than a very limited or incidental way.

#### *2.18.5. Violation of Policy*

Each employee is to complete and sign an acknowledgement form after receiving this policy. Improper or prohibited use of the Town of Pahrump’s property, systems, or services will result in discipline, up to and including termination.

## 2.19.

### Vehicle Use

Purpose: This policy and attached procedures establish uniform vehicle use practices for all Departments and Town employees authorized to operate a Town-owned vehicle. Town-owned vehicles are provided to support Town business activities only and may be operated only by authorized personnel for official Town business.

#### 2.19.1. *Policies:*

1. Town vehicles are to be used for official business only.
2. Each Department Head will provide a list to the Administrative Office of the Department containing driver's name, Town position, department and individual driver's license number (copy of Nevada's driver's license).
3. The Department Head will immediately notify the Administrative Office of the Department of any changes to assigned vehicles.
4. Town vehicles may not be driven to an out-of-Town residence.
5. Alcoholic beverages are not permitted in Town vehicles at any time.
6. Town vehicles shall not be used for the convenience of the employee with regard to transportation needs or other non-business activities. The Town Manager, Fire Chief and Buildings & Grounds Manager are exempted from this section (6) only.

#### 2.19.2. *Procedures:*

1. Authorized drivers must operate Town vehicles in a safe and courteous manner at all times. Employees may not exceed the speed limit unless it is a designated emergency. Seat belts must be worn at all times during the operation of vehicle; authorized passengers in vehicles must also wear seat belts.
2. Non-Town employees are not permitted to operate or ride in a Town-owned vehicle without prior approval from the Town Manager. Individuals doing business with the Town of Pahrump may be transported for business purposes during the driver's scheduled business hours. PVFRS is exempt from this section of the policy to provide for emergency assistance of citizens.
3. Authorized drivers are required to have a current driver's license regardless of whether the employee drives the town vehicle on a regular, temporary or occasional basis.
4. Each authorized driver will notify his/her Department Head of any points incurred on his/her driver's license for situations including, but not limited to accidents, speeding tickets, driving under the influence, and driver's license suspensions or revocations incurred on or off duty.
5. Each authorized driver will take proper care of the interior and exterior appearance of the vehicle while in their possession. Authorized drivers will notify Department Head and mechanic of any mechanical concerns with the vehicle being driven. Each Department Head will assure proper maintenance of vehicles in their possession. Failure to do so may result in disciplinary action.

### **2.19.3. Violations:**

Violations of this policy will be considered misuse of Town property.

Employees misusing or abusing Town-owned vehicles or any provision of this policy may be subject to appropriate disciplinary action, up to and including termination.

## **2.20. Outside Employment**

### **2.20.1. Policy**

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

### **2.20.2. Conflicting Employment**

Outside employment may be classified as in conflict with the Town of Pahrump's interests if it:

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

### **2.20.3. Procedure**

1. An employee must notify his/her supervisor or manager of outside employment.
2. In order to determine if there is a conflict with the employee's duties, the supervisor or manager may request information, such as:
  - a. The outside employer's name;
  - b. Hours of proposed employment;

- c. Job location; and
  - d. Duties to be performed. If the supervisor or manager turns down the request, the employee may request and the Town of Pahrump will grant a review by another person at a management level.
3. If there is a conflict with the employee's employment, the supervisor or manager will inform the employee that the outside employment is not allowed.
  4. The supervisor or manager will advise the Town Manager of conflicts or perceived conflicts caused by an employee's outside employment.
  5. The employee must terminate the outside employment if s/he wishes to remain an employee of the Town of Pahrump.
  6. Employees who engage in outside employment which is prohibited by this policy are subject to discipline, up to and including termination.

## **2.21. Dress and Grooming**

### **2.21.1. Policy**

Each employee is expected to dress and groom appropriately for the job, presenting a clean, safe, and neat appearance. An employee unsure about whether attire or grooming is appropriate should consult with his/her supervisor.

The Town of Pahrump will establish standards as to appropriate attire and grooming. The Town of Pahrump may also establish special requirements based on safety concerns.

In setting standards for dress and grooming, supervisors will consider the following factors:

1. The specific nature of the work and the work environment.
2. The attire of other employees engaged in similar work.
3. Safety considerations such as necessary precautions when working with or near machinery.
4. The nature of the employee's public contact, if any.
5. The effects on others of the attire or grooming such as heavy scents when coworkers have allergies.

### **2.21.2. Enforcement**

When the Town of Pahrump believes an employee's dress or grooming does not comply with established standards, 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. An employee who disagrees with a supervisor's judgment on matters of dress and grooming shall address the issue with Human Resources.

### 3. EMPLOYMENT

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

#### 3.1. Hiring and Selection Process

When a vacancy occurs, the Town of Pahrump will use the following procedure:

1. The supervisor or manager will notify the Town Manager that a vacancy exists. The supervisor or manager will review, update, and provide a copy of the job description to the Town Manager. The Town Manager may approve filling the vacant position.
2. Management has the options of announcing positions internally, externally, or both. Position announcements will be open for a minimum of ten (10) working days.
3. All applicants must complete and sign the Town of Pahrump's application form. Applicants may attach résumés or other supplemental information, as required, to the application form.

#### 3.2. Scope

It is the policy of the Town of Pahrump to select the most appropriately qualified applicant to fill all vacancies. The selection process may evaluate, but is not limited in evaluating, an applicant's knowledge, skill, achievement, physical and mental fitness, personal characteristics, and aptitude. The selection process may include, but is not limited to, evaluation of applications; appraisal of experience, training, and/or education; written tests; personal interviews; performance tests; physical ability tests; evaluation of work performance and work samples; medical and psychological evaluations; or any combination of these or other techniques.

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

#### 3.3. Source of Candidates

Regular positions may be filled by applicants selected from existing eligible lists. If no eligible list exists, the Town of Pahrump may use an examination process (open or promotional) to create an eligible list. For open examinations, the position vacancy announcement will be posted internally and externally.

Promotional examinations limit consideration of applicants to qualified employees currently working within a single department (departmental/promotions) or to qualified employees currently working within the Town of Pahrump (employer-wide/promotional).

Departmental/promotional vacancies shall be limited to employees in regular status who have completed at least twelve months of service. Employer-wide/promotional vacancies are limited to regular employees of the Town of Pahrump with at least twelve months of service.

7. Records which are required for employees in safety-sensitive positions, as defined in 42 CFR Part 382 and U.S. Department of Transportation regulations, shall be made available to subsequent employers upon receipt of written request from the employee or former employee.
8. In accordance with NRS 239.012, a public officer or employee who acts in good faith in disclosing or refusing to disclose information, and his/her employer are immune from liability for damages, either to the requester or to the person whom the information concerns.

### 3.15. Applicant/Employee Investigations

The Town of Pahrump desires to maintain a productive, efficient, effective, healthy, and safe work environment and, as a result, will conduct pre-employment background checks of applicants and current employees as necessary. \*

### 3.16. Offers of Employment

#### 3.16.1. Job Offer Letters

After an applicant has been selected for employment or promotion, the Department Head will notify the Human Resources department, who will extend an official written offer of employment. The Human Resources Coordinator may contact the selected applicant by telephone to determine whether there is continued interest in employment and to indicate that a request to hire has been made, but must state that only a notification in writing can be considered as an official job offer. 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.

#### 3.16.2. Pre-employment Drug Screening

1. The Town of Pahrump may require successful applicants who have been offered an appointment to a regular position or casual work to consent to a pre-employment drug screen. The Town of Pahrump will advise the selected applicant that the presence of one or more drug metabolites may be cause for rejection from further consideration for employment, and that offers of employment are contingent upon a negative drug test result. The applicant may be asked to authorize the Town of Pahrump, as a condition of employment, to conduct through the Town of Pahrump's designated laboratory testing facility, a drug screen test. Refusal to authorize and participate in a drug screen shall eliminate the applicant from further consideration for the position.
2. The Town of Pahrump may direct applicants to an appropriate collection facility. The drug test must be undertaken as soon after notification as possible, and in no circumstances later than forty-eight (48) hours after notice to the applicant.
3. The Town of Pahrump will advise applicants of the opportunity to submit medical documentation to support a legitimate use for a specific drug. Such information will be reviewed only by medical consultants determining whether the applicant is lawfully using an otherwise illegal drug.

When deciding what type of examination to use, the Town of Pahrump will consider such factors as the impact of the decision on the Town of Pahrump's efforts to have a workforce which is representative of:

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

### **3.4. Job Announcements**

#### **3.4.1. Open Examinations**

The Town of Pahrump will announce all vacancies for regular positions. An announcement may be for the purpose of filling a single vacancy or to establish an eligible list for one or more vacancies in the same job class. Position vacancies will be publicized to allow potentially qualified and interested individuals to learn of employment opportunities and to encourage applicants from diverse sources. Vacancy announcements will always be posted at the Pahrump Town Offices and in such other places as the employer feels appropriate. The announcement will normally include:

1. Title and pay of the class of the vacancy;
2. Nature of the work to be performed, including the essential job functions;
3. Minimum as well as any preferred qualifications, including education and/or experience, knowledge, skills, and abilities; and
4. Manner of applying.

Applications from present employees may be considered for open positions before non-employee applicants are considered. Regular employees will be paid for open examinations or interviews held during their scheduled work time. Casual workers will not be paid for time taking open examinations or being interviewed.

#### **3.4.2. Promotional Examinations**

Notice of promotional examinations will be posted in the Town of Pahrump's work locations as appropriate. When an eligible list is to be established as a result of a promotional examination and used to fill more than the current vacancy, the announcement will state the time period during which the list will be used and state that only the most appropriately qualified applicants will be placed on the list. Regular employees who take a promotional examination or who are interviewed during their work time will be paid. Casual workers will not be paid for time taking promotional examinations or being interviewed.

### 3.5. General Requirements for Filing of Applications

#### 3.5.1. Application Forms

Applications for employment must be made in writing on prescribed forms. Applicants must complete a separate application form for each vacancy unless the job announcement indicates otherwise. The Town of Pahrump may also require resumes, completed supplemental questionnaires, and other evidence of education, training, experience, or other lawful requirements. Applications submitted become the property of the Town of Pahrump.

#### 3.5.2. Signatures

Applications must be signed by the applicant. Faxed and email copies of the application form may be accepted with the provision that a signed original will follow.

### 3.6. Application Filing Periods

Examination announcements will specify the application filing period. Applications must be received by the date specified. The filing period may end on a specific date and/or may allow acceptance of applications until a sufficient number of appropriately qualified candidates have applied. The Human Resources Coordinator, consulting with department management, will determine when sufficient applications have been received.

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

### 3.7. Eligibility of Applicants

An applicant may be disqualified from further participation in the examination process and/or from placement on an eligible list by the Town of Pahrump for material reasons, including, but not limited to, those listed below:

1. The application does not indicate the candidate possesses the qualifications required for the position.
2. The application is not fully and/or truthfully completed.
3. The applicant has prior convictions that relate to the position for which s/he is being considered. Prior conviction shall not automatically disqualify an applicant from employment; however, an applicant's prior conviction of a crime may be considered in the employment decision. An applicant may be denied employment if s/he is convicted of a crime which relates to the position sought.
4. The applicant has been discharged from or resigned in lieu of dismissal from any prior employment for any cause which would constitute a reason for dismissal from employment with the Town of Pahrump.
5. The applicant does not appear at the time and place designated for an examination or interview.
6. The applicant is a former employee of the Town of Pahrump who, absent a compelling reason, quit without notice.
7. Candidate's failure to possess a valid license, certificate, permit, etc. If a prospective candidate for a position cannot obtain the required license, certificate, permit, or

occupational certification required for the job, s/he will not be given any further employment consideration. Any job offer, offer of promotion, or offer of transfer previously made will be withdrawn.

8. The applicant is a former employee whose performance evaluations indicated below acceptable performance and/or behavioral problems, such as insubordination, leave abuse, or excessive tardiness.

### **3.8. Reduction of Applicant Pool**

The Town of Pahrump may determine at any point in the examination process that only those applicants who possess qualifications deemed suited to the vacancy being filled will continue to be considered.

### **3.9. Examination Process**

#### ***3.9.1. Administration of Examinations***

All examinations for employment of whatever type are conducted under the direction of the Town of Pahrump. Examinations shall be conducted when there is a need to establish an eligible list or in any circumstances the Town of Pahrump deems appropriate.

#### ***3.9.2. Factors Evaluated***

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

#### ***3.9.3. Types of Examinations***

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

1. Evaluation of employment applications;
2. Assessment of experience, training, and/or education;
3. Written tests;
4. Personal and group interviews;
5. Performance tests;
6. Physical ability tests;
7. Evaluation of work performance and work samples; and
8. Medical and psychological evaluations.

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

#### **3.9.4. Minimum Standards**

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

#### **3.9.5. Introductory Period**

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

Prior to completion of the introductory period, the supervisor may conduct at least one (1) performance evaluation to ascertain the advisability of continued employment. When an employee has successfully completed the introductory period, s/he will be notified in writing.

### **3.10. Eligible Lists**

The Town of Pahrump may maintain eligible lists consisting of the names of applicants eligible for hire based on the examination process. While generally used to fill a single position, eligible lists may be used to fill additional positions which occur within six (6) months of the establishment of the list or until a published expiration date, whichever occurs first.

An applicant will be removed from an eligible list if the applicant submits a written request to be removed, or if the applicant fails to respond within an allotted time period to instructions regarding participation in an examination or selection interview mailed to the eligible applicant. An eligible applicant who refuses an offer of employment will be removed from an eligible list unless the specific circumstances of the refusal warrant otherwise as determined by the Town of Pahrump.

### **3.11. Referral of Applicants for Hire**

When the hiring department requests that a vacancy be filled, the Human Resources department will provide the hiring manager with the names of applicants from the appropriate eligible list. Any person on an appropriate reinstatement list shall be considered for appointment in accordance with the Town of Pahrump's established layoff policy. Eligible applicants will be referred for consideration on the basis of the results of competitive examination scores or, in the case of reinstatement lists, according to the Town of Pahrump's layoff policy.

When an eligible list (except a reinstatement list) contains fewer than three (3) eligible applicants willing to accept appointment, the Town of Pahrump may make an appointment from among such eligible applicants or may request the Human Resources department to

provide a new list. When so requested, the Human Resources department will provide the Town of Pahrump with eligible applicants from another appropriate eligible list or, if no other list exists, conduct a new examination and establish a new eligible list.

### **3.12. Selection**

From among those applicants referred, the Town of Pahrump will select an applicant for hire and notify the applicant of the selection.

### **3.13. Correction of Administrative Errors**

If the Town of Pahrump should discover any administrative error regarding the process of filling a vacancy, it can be corrected at any time during the duration of the eligible list. No such correction shall affect an appointment.

### **3.14. Reference Checks**

Acquiring and providing accurate employment references is an important component of acquiring, retaining, and providing relevant information concerning employees. Therefore, the Town of Pahrump is committed to adhering to the following procedure whenever conducting a background/reference check for an applicant for employment or when responding to inquiries from others for information regarding a current or former employee.

#### ***3.14.1. Acquiring References***

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

1. Obtain a Town of Pahrump employment application that is signed and dated by the applicant. The applicant must have completed all relevant sections of the application.
2. Obtain authorization from the applicant by means of his/her signature directly on the application and/or separate release form for the release of information from former employers, military, educational institutions, other institutions, personal references, and other individuals listed on the application. Authorization for release of such information by the applicant shall include a release from liability of any company, institution, or individual providing such information. If an applicant refuses to sign such a release, s/he will be eliminated from further consideration for employment with the Town of Pahrump.
3. Inform the applicant that the Town of Pahrump will conduct a background/reference check and that evaluating the applicant's suitability for employment includes contacting employment and other references, educational institutions, and personal and professional associates to verify information provided.
4. Develop questions that are related to the essential functions of the position and are non-discriminatory. Questions related to an applicant's training, knowledge, skills, production, timeliness of work, and ability to work with others are examples of appropriate inquiries. Discriminatory or non-work

related questions such as family or marital status, disabilities, age, and related areas are not appropriate.

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

5. Identify the appropriate individual(s) to question regarding the applicant's work performance, knowledge, skills, and abilities related to the essential functions of the position.
6. Adequately document the conversation and record refusals to provide information.
7. Maintain strict confidentiality of all background/reference information. Only employees, supervisors, or management officials of the Town of Pahrump who have a demonstrable work-related need-to-know should be accorded access to such information.

#### **3.14.2. *Providing References***

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

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

1. Name
2. Class/Job Title
3. Dates of Employment
4. Salary
5. Information regarding an employee terminated for violent actions in the workplace or who may have demonstrated dangerous behavior in the workplace will be provided only after consultation with Town of Pahrump's legal counsel.
6. Employment information and opinions regarding the character, honesty, and potential for violence of the Town of Pahrump's employees may be provided to governmental employers, including, but not limited to, any federal, state, county, municipality or city employers, or any other private (non-governmental) employer where the employee's character, honesty, sexual misconduct, and potential for violence are relevant issues. Examples include, but are not limited to, jobs which involve public safety, entrustment for the care or safety of children, the elderly or health care patients, or positions having access to money and/or valuables. The Town of Pahrump must provide information requested by law enforcement agencies in accordance with NRS 239B.

7. Records which are required for employees in safety-sensitive positions, as defined in 42 CFR Part 382 and U.S. Department of Transportation regulations, shall be made available to subsequent employers upon receipt of written request from the employee or former employee.
8. In accordance with NRS 239.012, a public officer or employee who acts in good faith in disclosing or refusing to disclose information, and his/her employer are immune from liability for damages, either to the requester or to the person whom the information concerns.

### **3.15. Applicant/Employee Investigations**

The Town of Pahrump desires to maintain a productive, efficient, effective, healthy, and safe work environment and, as a result, will conduct pre-employment background checks of applicants and current employees as necessary

### **3.16. Offers of Employment**

#### ***3.16.1. Job Offer Letters***

After an applicant has been selected for employment or promotion, the Department Head will notify the Human Resources department, who will extend an official written offer of employment. The Human Resources Coordinator may contact the selected applicant by telephone to determine whether there is continued interest in employment and to indicate that a request to hire has been made, but must state that only a notification in writing can be considered as an official job offer. 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.

#### ***3.16.2. Pre-employment Drug Screening***

1. The Town of Pahrump may require successful applicants who have been offered an appointment to a regular position or casual work to consent to a pre-employment drug screen. The Town of Pahrump will advise the selected applicant that the presence of one or more drug metabolites may be cause for rejection from further consideration for employment, and that offers of employment are contingent upon a negative drug test result. The applicant may be asked to authorize the Town of Pahrump, as a condition of employment, to conduct through the Town of Pahrump's designated laboratory testing facility, a drug screen test. Refusal to authorize and participate in a drug screen shall eliminate the applicant from further consideration for the position.
2. The Town of Pahrump may direct applicants to an appropriate collection facility. The drug test must be undertaken as soon after notification as possible, and in no circumstances later than forty-eight (48) hours after notice to the applicant.
3. The Town of Pahrump will advise applicants of the opportunity to submit medical documentation to support a legitimate use for a specific drug. Such information will be reviewed only by medical consultants determining whether the applicant is lawfully using an otherwise illegal drug.

4. The Town of Pahrump will not extend a final offer of employment to any applicant with a verified positive test result, and such applicant will not be considered for any vacancy of the Town of Pahrump for a period of twelve (12) months. The Town of Pahrump shall disqualify the applicant on the basis of failure to pass the applicable test(s).

### **3.16.3. Other Conditions**

All offers of initial and continuing employment are conditioned upon the applicant furnishing satisfactory evidence of identity and legal authority to work in the United States. Each applicant must attest to his/her identity and legal authority to work in the United States in accordance with the applicable federal statute by completing and signing INS Form I-9 (Employment Eligibility Verification). Social security numbers will be verified through Homeland Security's Basic Pilot Program, or a similar verification database. Depending on the specific position, offers of employment may also be contingent upon passing a pre-employment physical examination, background check, submitting documentation of qualifications, and/or obtaining job-required licenses.

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

### **3.17. Orientation**

The hiring supervisor or manager will be responsible for the orientation of each new employee. Orientation may include, but is not limited to, a review of the organization and services of the Town of Pahrump, work rules, standards of performance, and personnel policies and procedures including the policies relating to fair employment practices, illegal harassment, workplace violence, and alcohol and drug abuse. Additionally, the supervisor or manager will ensure that the new employee:

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

### **3.18. Failure to Appear for Work**

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

### **3.19. Transfers**

A transfer is a lateral move to a job in the same pay range as the employee's present position. An employee who wants to transfer to another available position must be qualified for the identified position. If the transfer is to another department, the employee must then contact the hiring supervisor or manager, who will consider the transfer request by conducting discussions with the employee and appropriate supervisors or managers with knowledge of the employee's job performance. The hiring supervisor will also consider the employee's past performance, qualifications, abilities, and job experience as key factors in

evaluating transfer requests. Approval of the transfer is at the sole discretion of the Town of Pahrump.

### **3.20. Promotions**

The Town of Pahrump encourages employees to apply for promotional opportunities for which they are qualified. Promotions will be based on the qualifications of all candidates for the positions. Employees interested in announced positions must express their interest in writing to the hiring supervisor or manager.

### **3.21. Rehire**

Regular employees, or employees serving an introductory period following promotion who subsequently resign, may be rehired without undergoing any further examination within one (1) year of the effective date of their resignation. The rehire must be to a position in the same class or a class comparable to the one in which the employee formerly served as a regular employee.

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

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

### **3.22. Casual Employment**

#### ***3.22.1. Purpose***

Because some of the Town of Pahrump's work is indefinite and/or irregular with regard to schedule and duration, the Town of Pahrump may 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 the Town of Pahrump.

#### ***3.22.2. Duration of Casual Employment***

A casual worker does not have a right to or expectation of continued employment or any property right regarding employment. A casual worker may be terminated at any time, with or without cause, with or without notice, and shall have no right to appeal except when the action is alleged to have violated the Town of Pahrump's policies regarding fair employment practices and/or prevention of illegal harassment.

#### ***3.22.3. Employment in a Regular Position***

The Town of Pahrump may hire a casual worker into a regular position only after the candidate has been found to be qualified as a result of completing an authorized recruitment and selection process for that position. The employee's service date will be determined according to the date of hire in the regular position with no credit given toward completion of an introductory period or the accrual of benefits for the time an employee was hired for casual work.

### 3.23.

## License/Occupational Certification

### 3.23.1. Purpose

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

### 3.23.2. Employee Responsibilities

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

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

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

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

### 3.23.3. Candidate's Failure to Possess a Valid License, Certificate, Permit, etc.

If a prospective candidate for a position cannot obtain the required license, certificate, permit, or occupational certification required for the job, s/he will not be given any further employment consideration. Any job offer, offer of promotion, or offer of transfer previously made will be withdrawn.

## 3.24.

### Volunteer Program

#### 3.24.1. *Purpose*

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

#### 3.24.2. *Scope*

This policy covers the essential elements of an effective volunteer program which is compliant with applicable state and federal regulations pertaining to the Town of Pahrump's volunteers. As this policy is broad in scope, individual departments should establish additional specific requirements consistent with this policy to guide the use of volunteers within the specific program areas.

#### 3.24.3. *Planning*

Prior to implementing a volunteer program, a department will develop a plan for utilizing volunteers.

1. The plan **may** include:
  - a. Job assignment descriptions for each volunteer.
  - b. A statement describing how and by whom volunteers are overseen.
2. The plan **must** include:
  - a. A needs assessment and a statement outlining how volunteers will be used to meet these needs;
  - b. A budget for any personnel costs, operating costs, and direct and indirect costs

#### 3.24.4. *Recruiting, Screening, Interviewing, and Selecting Volunteers*

The Town of Pahrump's ability to meet its goals and objectives is directly related to the skills and abilities of volunteers selected. Criteria for selecting volunteers will be developed in the same manner as used for selecting new employees.

The Town of Pahrump prohibits discrimination, harassment, or retaliation directed at volunteers on the basis of their race, color, religion, age, gender, sexual orientation, national origin, ancestry, or disability.

The recruitment, screening, and interviewing process should be planned and sufficiently thorough to result in selecting the best volunteer possible for departmental needs.

Volunteer applicants engaged in activities for the Town of Pahrump on a regular basis shall complete the Town of Pahrump's volunteer application, including an acknowledgment that the function to be performed is not a paid position and the person is truly volunteering his/her services.

The Town of Pahrump will solve problems associated with the volunteer's performance or behavior. However, if problems cannot be corrected, the services of the volunteer will discontinue.

Specific requirements that apply to employees, such as fingerprinting, detailed background checks, and screening for drug use, apply to volunteers. \*

#### *3.24.5. Managing Volunteers*

Volunteers shall receive appropriate oversight for the functions performed including an orientation to the Town of Pahrump's policies and procedures, departmental operating procedures, safety practices, and other relevant information.

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

The Town of Pahrump will maintain detailed and accurate records of volunteer activities including a roster of active volunteers. The date, time, and duration of each volunteer activity session must be recorded, along with the work performed. The Town of Pahrump will remove volunteers from the roster whenever volunteers are inactive for more than thirty (30) days.

Volunteers may be reimbursed for expenses incurred. In addition, the Town of Pahrump may provide limited and reasonable benefits and/or nominal remuneration to volunteers. The benefits provided cannot be in an amount or of a type that implies that the volunteer is being paid a wage or salary for time spent as a volunteer, or for the quantity or quality of the work performed. All such benefits must be approved, in advance, by the Pahrump Town Board.

Annual performance evaluations may also be completed on volunteers.

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

## 4. POSITION CLASSIFICATION PLAN

### 4.1. Policy

#### *4.1.1. Classification Plan*

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

#### *4.1.2. Classification*

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

#### *4.1.3. Maintenance and Revision*

The Town of Pahrump will periodically review the classification plan and revise, add, or abolish classes.

#### *4.1.4. New Positions*

When a new position is to be created, the Department Head will recommend to the Town Manager an appropriate class for the new position. When preparing a request for a new position, the requesting party shall consult the Human Resources department to determine the appropriate classification for the duties to be assigned to the new position.

#### *4.1.5. Reclassification*

1. When the duties of a position have changed to the extent they no longer fit within the current class, the duties will be reviewed and, if appropriate, the position reclassified to the appropriate class. Reclassification will not be undertaken as a substitute for discipline or hiring practices, nor to effect a

change in salary in the absence of a significant change in assigned duties and responsibilities.

2. Reclassification must be confirmed by the Town Manager and will become effective no earlier than the first day of the next pay period following the approval.
3. A change in a position's classification does not constitute the sole basis for determining whether the employee in a position will also be assigned to the new position.
  - a. The decision as to reclassification of a position shall be made by the Department Head with the concurrence of the Town Manager. The decision to place the current employee in the new class shall be based upon the qualifications and job performance of the employee. The employee will be assigned to the class whenever a position is reallocated to a higher level class and the employee has satisfied the following requirements:
    - i. Completes the introductory period for the position as previously allocated;
    - ii. Demonstrates acceptable or better job performance; and
    - iii. Possesses the knowledge, skills, and ability required for the higher class.
  - b. Whenever a position is reclassified to a lower level class, the employee will be placed in the lower level class effective the first day of the pay period which follows the approval of the reclassification. (See also *Y-Rate, Section 5.11.*)
  - c. At the discretion of the Town of Pahrump, out-of-class pay may be paid back to the date on which a formal reclassification request was made if the reclassification is *subsequently* approved.

#### **4.1.6. Reallocation**

A class may be reallocated to a higher pay grade or to a lower pay grade based on a change in duties and responsibilities for all positions in the class, or based upon salaries paid by other comparable employers. Whenever a class is reallocated to a different grade level, the employees affected will be placed in the new grade effective the first day of the pay period following the date that the reallocation is approved by the Town of Pahrump (refer to *Section 5.6.4., item 3*).

## **4.2. Procedure**

### **4.2.1. Requests for Classification Review**

#### **1. Submission Process**

- a. Requests for classification review are made by the supervisor to the Department Head. An employee may request that the supervisor submit a request for classification review. The Department Head will review the request and, if appropriate, send it with a written memorandum explaining the reasons the request meets the criteria for a classification study to the Human Resources department. At a minimum, the request shall include the specific duty and responsibility changes, and a verification that the changes are to be permanent. The Human Resources Coordinator will review the request and indicate whether or not s/he will conduct a study.

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

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

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

## 5. COMPENSATION PLAN

### 5.1. Paydays

Employees are paid biweekly on Thursday. If a payday falls on a holiday, employees are paid on the preceding work day.

### 5.2. Pay Period Defined

The pay period begins at 12:01 a.m. on Monday and ends fourteen (14) days later at midnight on Sunday. The standard work period begins at 12:01 a.m. on Monday.

### 5.3. Work Time

#### 5.3.1. Attendance

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

#### 5.3.2. Work Schedules

The supervisor or manager shall schedule work hours according to the needs of the Town of Pahrump.

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

#### 5.3.3. Rest Periods

Employees will be granted one (1) fifteen (15) minute break or rest period during each work period of four (4) or more hours. Employees may not take rest periods at the beginning or at the end of the work period. Rest periods may not be scheduled or taken consecutively or in conjunction with meal periods.

#### 5.3.4. Meal Periods

Employees who work six (6) or more hours in a work day are allowed an uninterrupted, unpaid meal period of thirty (30) minutes or longer at or about mid-point of their work day. Supervisors or managers will be responsible to ensure that wherever and whenever possible, employees will be permitted the half-hour meal period uninterrupted by work-related duties. If an employee's meal period is interrupted by a work-related matter, the employee will be paid for the meal period.

#### 5.3.5. Work Assignments

Work should be scheduled in a manner which allows employees rest periods and meal periods. The Town of Pahrump may adjust rest and meal periods from time to time to meet the needs of individual employees and/or to respond to changes in

department workload. Nothing herein should be considered to limit or restrict the authority of the Town of Pahrump to make temporary assignments to different or additional locations, shifts, hours of work, or duties as needed to meet the Town of Pahrump's needs or to respond to unforeseen or emergency situations.

## 5.4. Time Reporting

### 5.4.1. Purpose of Time Reporting

Recording of hours worked and/or leave time taken by employees is necessary to provide an accurate basis for preparing paychecks, to assure compliance with federal and state law, and to maintain an effective and efficient cost accounting system. (For payroll purposes, non-exempt employees covered by the Fair Labor Standards Act (FLSA) must report all time spent performing work.)

### 5.4.2. Hours Worked

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

1. Time worked before or after the normally assigned shift, or any other irregular hours, **even if the employee volunteers his/her time.**  
**GUIDELINE:** Periods of six (6) minutes or less are not considered overtime unless they occur regularly.
2. Rest periods of ten (10) minutes or less.
3. Travel time that occurs during an employee's normally scheduled work hours, including regular days off, holidays, etc.
4. Hours spent at lectures and training activities, unless attendance is completely voluntary.
5. Hours spent serving as volunteer ambulance, fire, or law enforcement personnel for an emergency response during normally scheduled work hours.

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

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

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

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

### 5.4.5. Responsibility for Time Reporting

Employees are responsible for accurately completing their own timesheets. Supervisors shall **not** alter or adjust the hours that an employee reports on his/her timesheet. If the supervisor believes the employee has completed his/her timesheet in error, the supervisor shall discuss the issue with the employee.

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

## 5.5. Overtime

### 5.5.1. *Non-Exempt Employees*

1. Employees in positions designated as “non-exempt” will be eligible for overtime compensation for hours worked in excess of ten (10) hours in any one (1) work day or hours worked over forty (40) in one (1) work week.
2. All overtime hours must be specifically authorized in advance by the employee’s supervisor or manager. Overtime will be compensated at one and one-half (1.5) times the employee’s regular rate of pay. An employee’s regular rate includes all payments made by the Town of Pahrump to the employee. Examples of payments to be included are on-call pay, shift differential, hazard duty pay, and longevity pay. Employees who earn overtime may, with the approval of the Department Head, elect to receive compensatory time off in lieu of overtime pay. Requests for compensatory time off in lieu of overtime must be made in writing and, once approved, will be placed in the employee’s payroll file. Compensatory time will be earned at the rate of one and one-half (1.5) hours off for each overtime hour worked. Employees who elect compensatory time off may accrue up to 80 hours. When an employee has exceeded the maximum number of hours specified, the excess hours will be paid out as overtime. Compensatory time off is to be taken at the earliest time which is mutually agreeable to the employee and supervisor or manager. Paid overtime will be included in the same paycheck covering the pay period in which the overtime was earned. At any time, the Town of Pahrump may pay an employee in cash on any regular paycheck for compensatory time earned and not used. The Town of Pahrump reserves the right to pay out any and all compensatory time earned at its discretion.
3. Time paid but not worked, such as sick leave, holidays, and annual leave, does not count toward hours worked for the purpose of computing overtime hours.

### 5.5.2. *Exempt Employees*

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

Consistent with the FLSA and NRS 281.100, employees in exempt positions are not required to be paid for overtime. Eligibility for overtime is based upon the duties and responsibilities of each individual employee. Subject to certain exceptions set forth in the regulations, an exempt employee will be paid the full salary for any work week in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees will not need to be paid for any work week in which they perform no work, unless the employee is on approved paid leave.

1. Deductions from pay will be made when an exempt employee does not have or use paid leave and is absent from work for one or more full days for personal reasons. The deduction will be made in accordance with Town of Pahrump's vacation and sick leave policies. Deductions in pay, including from sick or annual leave balances, shall not be made for partial day or hour-by-hour absences, except for eligible employees utilizing intermittent leave under the Family Medical Leave Act (FMLA). Deductions will also be made to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. The Town of Pahrump will pro rate an employee's salary based upon the days worked during the initial and terminal pay period of employment.
2. Exempt employees are generally expected to be available to perform their job duties during normal business hours (usually 8:00 a.m. to 5:00 p.m., Monday through Friday). It is expected that in order for exempt employees to complete their assigned work from time to time, it will be necessary that they work beyond the normal work days and business hours of the Town of Pahrump. If, however, an exempt employee is working well beyond a forty (40) hour work week on a regular recurring basis, the Town of Pahrump may examine staffing levels and the employee's work habits and procedures.
3. The Town of Pahrump may choose to recognize an exempt employee for hours worked beyond normal business hours.
  - a. In recognition of instances when an employee has completed an extraordinary work assignment and spent substantially more than a typical work week to accomplish the job, managers may allow an exempt employee to take limited periods of time off without using accrued paid leave.
  - b. The Town of Pahrump may grant an exempt employee up to three (3) days of time off in any calendar month in recognition of extraordinary work assignments completed. The Town Manager shall approve such time off. The decision to grant such leave is at the sole discretion of the Town of Pahrump. Such leave is not charged against accrued leave and, therefore, is not recorded on the employee's timesheet.
  - c. The limited periods of time off do not constitute additional compensation to exempt employees on an hour-for-hour basis for hours worked in excess of forty (40) hours per week. Accordingly, exempt employees will not "accrue a balance" of compensatory leave hours.

### 5.5.3. "Safe Harbor"

The Town of Pahrump 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 manager. An investigation will be conducted on a timely basis and the Town of Pahrump will act to correct any errors as soon as practicable. The Town of Pahrump will not make improper deductions of pay from any employee, regardless of exempt or non-exempt status. Improper deductions should be reported to Human Resources. The complaint will be investigated and the Town of Pahrump will act to reimburse the employee if an error is found. The Town of Pahrump will continuously make a good faith commitment to comply with all provisions of FLSA and state laws and intends this policy of correction to satisfy the "safe harbor" provisions of the FLSA regulations, as amended effective August 23, 2004.

If a non-exempt employee feels s/he has been improperly paid for overtime under the FLSA or state law, it is the responsibility of the employee to seek correction by reporting any error to Human Resources 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 Town of Pahrump will act to correct any errors as soon as practicable.

## **5.6. Rates of Pay**

### ***5.6.1. Compensation Plan***

Except as may otherwise be provided by a collective bargaining agreement, each regular position will be assigned to a class and pay range in the compensation plan. Assignment to a pay range will be based on the relative level and complexity of the duties, responsibilities, and authority of the job. The Town of Pahrump shall determine the pay ranges based on these considerations:

1. Rates paid by other employers for comparable work;
2. Other financial commitments of the Town of Pahrump; and
3. Funds available to the Town of Pahrump for salaries.

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

### ***5.6.2. Hiring Rate of Pay***

The normal hiring rate is the minimum salary in the pay range for the position's classification. The Town of Pahrump may authorize an advanced hiring rate within the salary range.

### ***5.6.3. Advanced Rate Hire***

Fairness and equity in the administration of the compensation plan will be maintained when making advanced rate hires. The Town of Pahrump may authorize advanced rate hires when all of the following circumstances exist:

1. The applicant's qualifications indicate s/he will perform at a level commensurate with the requested rate.
2. Based on the applicant's current or most recent salary, an advanced rate hire is required for the applicant to accept the position (Town of Pahrump will not consider salaries paid more than twelve [12] months prior to the job offer.):

3. Other applicants with similar qualifications not requiring an advanced level salary are unavailable; and
4. Funds are available in the hiring department's budget to pay the higher rate.

**5.6.4. Salary on Promotion**

1. Except as may otherwise be provided by a collective bargaining agreement, a regular employee who is promoted to a new classification will move to a place in the new pay range which provides at least a five percent (5%) pay increase, not to exceed the top salary in the range for the new class. A promoted employee's salary shall not be less than the starting pay of the salary range for the new position.
2. Reclassification to a class with a higher salary range is a promotion.
3. Reallocation of an existing class:
  - a. To a higher salary range is NOT a promotion. An employee in a class that is reallocated to a higher salary range shall be placed in the range closest to his/her current salary that does not provide a decrease.
  - b. To a lower salary range shall be placed closest to the employee's current salary that does not provide a decrease. If the employee's salary exceeds the top salary of the lower pay range (refer to *Section 5.11. Y-Rate*).

**5.7. Salary Increase Schedule**

**5.7.1. Salary Advancements Authorized**

1. An employee who is currently not paid at the top of the salary range for his/her class is normally eligible for an advancement on his/her anniversary date. Raises in salary resulting from advancements are based on longevity and satisfactory performance, and are not automatic. An advancement may be granted only upon a finding by the Town of Pahrump that the employee meets all of the performance requirements of the position and complies with all of the Town of Pahrump's rules, regulations, and policies. An employee who is determined to be eligible for an advancement shall receive up to a 4% increase within the salary range.
2. Except when Y-rated, an employee will not be paid a regular rate of pay above the top pay of the salary range for his/her classification.
3. Salary advancements are administered by the Human Resources department, subject to the confirmation of the Department Manager and Town Manager that there is adequate documentation that all requirements have been met.

**5.7.2. Anniversary Date/ Salary Advancement**

1. The date on which an employee becomes eligible for consideration for advancement is known as the *anniversary date*. When approved in writing, advancements will become effective at the beginning of the pay period in which the employee's anniversary date occurs.
2. A promotion and reclassification to a class with a higher salary range shall not establish a new anniversary date.
3. A demotion or reclassification to a class with a lower salary range shall not establish a new anniversary date.

## 5.8. Withholding of Salary Advancements

### 5.8.1. Job Performance

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

### 5.8.2. Unpaid Leaves of Absence

An employee's eligibility for consideration for advancement shall be delayed by temporary layoffs or unpaid leaves of absence in excess of fifteen (15) working days during the twelve (12) month period following the employee's last advancement. The employee's anniversary date shall be adjusted by the total number of days of unpaid leave.

### 5.8.3. Granting of Withheld Advancements

The Town of Pahrump may approve an advancement at the beginning of any pay period upon finding that the employee now meets the qualifications for an advancement. The employee's anniversary date shall be adjusted to the date on which the advancement is actually granted. If an advancement is not granted in the interim, the employee shall be considered for advancement on the next anniversary date.

### 5.8.4. Longevity Pay

Following completion of five (5) years of service, non-bargaining unit employees will receive longevity pay at the rate of 1% for each year of service up to ten (10) years or ten percent (10%) of his/her hourly pay rate.

This amount is added to the employee's hourly rate of pay. This policy is effective upon passage of the 2008 Town of Pahrump Personnel Policy and will be paid forward only and not be paid retroactively to the five-year anniversary date.

## 5.9. Flat Rate Salaries

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

## 5.10. Casual Worker Compensation

### 5.10.1. Rates of Pay

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

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

### 5.10.2. Advancements

In July of each year, the Town of Pahrump may advance casual workers up to 4% within the approved pay range for the work assigned. The Town of Pahrump shall consider the qualifications and performance of the worker, the length of time the

casual worker has been assigned to the work, the rates paid to regular employees assigned similar work, and the funds available when determining whether to grant a pay advancement.

**5.10.3. *Implementing Pay Increases***

To authorize a pay increase, the Department Head will certify that a casual worker's performance is acceptable and request the increase in a memorandum to the Town Manager not later than the first day of June.

**5.11. *Y-Rate***

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

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

**5.12. *Work Out-of-Class***

**5.12.1. *Policy***

Employees may occasionally be asked to perform duties beyond the scope of their normal position or asked to temporarily assume the duties of a higher level budgeted position for a short period. In the event that such work extends beyond a short-term assignment, the Town of Pahrump establishes criteria for paying employees for temporarily performing work beyond the assigned duties of their current job class, and for employees temporarily assigned the duties of a management or administrative position.

**5.12.2. *Assignments***

1. Employees may be temporarily assigned the duties and responsibilities of a budgeted, higher level position provided the position is currently vacant, **or** the employee normally filling the position is on authorized leave, **or** has been temporarily relieved of all regular duties to complete a special project approved by the Town of Pahrump, **or** because of temporarily increased workload requirements.
2. The same employee shall not be assigned to the higher level duties for more than six (6) consecutive months unless specifically approved by the Town Manager, who may extend the assignment for not more than an additional six (6) months.

**5.12.3. *Employee Eligibility***

1. Employees must be formally assigned and actually performing the duties of the higher job class.

2. The salary range for the higher paid class must be at least five percent (5%) above the range for the employee's current job class.
3. Beginning on the fourteenth (14<sup>th</sup>) consecutive work day of performing the duties of the higher level position, employees will be paid at a rate five percent (5%) above their current rate of pay, or at the entry rate of the higher job class, whichever is greater, but not to exceed the top salary of the higher classification.
4. The provisions of this section shall not be used to authorize additional pay for any of the following:
  - a. To provide additional compensation pending action on a request for reclassification of a position or approval of a recommendation to reclassify a position.
  - b. To reward employees for outstanding service or for any purpose other than those stated.

## 6. LEAVE PLANS

### 6.1. Holidays

#### 6.1.1. *Holidays Designated*

The following holidays are recognized by the Town of Pahrump:

New Year's Day – January 1

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

President's Day – Third Monday in February

Memorial Day – Last Monday in May

Independence Day – July 4

Labor Day – First Monday in September

Nevada Day – Last Friday in October

Veterans Day – November 11

Thanksgiving Day – Fourth Thursday in November

Family Day – Friday following the fourth Thursday in November

Christmas Day – December 25

Employee Birthday

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

#### 6.1.2. *Holiday Pay*

1. Recognized holidays are typically non-work days. Each 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. Employees who work seven (7) or seven and one half (7.5) hours per day according to their regular schedule will receive holiday pay based on that schedule.
2. Employees whose normal work week consists of four (4) eight and a half (8.5) hour days, and one six (6) hour day ("8.5 / 6"), will adjust their workday to eight (8) hours during a holiday week, if the holiday falls on Friday. If the holiday is celebrated on any other weekday, "8.5 / 6" employees may work an additional half (½) hour on Friday or may use annual leave or compensatory time off in order to receive forty (40) hours pay for the work week. 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.
3. Employees who work a 4/10 schedule, as stated in Section 5.3.2., may use annual leave time or compensatory time off in order to receive ten (10) total hours of holiday pay.

### **6.1.3. *Weekend Holidays***

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

### **6.1.4. *No Accrual***

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

### **6.1.5. *Work on Holidays***

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

## **6.2. Annual Leave**

### **6.2.1. *Annual Leave Accrual***

1. All regular full-time employees will earn annual leave beginning from their initial date of hire. Upon successful completion of six (6) months of eligible employment, an employee may use their accrued annual leave. Unless provided for under a collective bargaining agreement, regular full-time employees will earn .0625 hours of annual leave for each regularly scheduled hour on paid status.
2. Except as noted, all accrual rates are expressed in terms of fractions of an hour earned for each regularly scheduled hour worked or on paid leave. Annual leave is not accrued for any other hours.
3. Annual leave is earned and credited to the employee on a biweekly basis coinciding with pay periods.

### **6.2.2. *Regular Part-time Employees***

Regular part-time employees who regularly work twenty (20) hours or more per week will earn annual leave on a pro-rated basis for hours actually worked.

### **6.2.3. *Eligibility Maximum Accrual***

1. All eligible full-time and part-time (working twenty (20) hours or more per week) employees will be credited with the equivalent of six (6) months of earned, accrued annual leave at the end of six (6) months of employment.
2. Accrued annual leave may not exceed 240 hours unless it is determined that the employee requested and was denied leave because of the Town of Pahrump's business requirements. When allowing accrual above the maximum, the Town of Pahrump will establish with the employee a specific

schedule for use of the excess leave or may authorize cash payment for accrued annual leave, subject to funds being available in an approved budget.

3. The amount of annual leave accrual is based upon years of service adjusted, as specified, for leaves of absence without pay.

#### *6.2.4. Use of Annual Leave*

Annual leave is provided to employees for the purpose of rest and relaxation from their duties and for attending to personal business. Employees may not use annual leave before the end of the pay period in which the hours accrued.

#### *6.2.5. Annual Leave Pay at Termination*

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

### **6.3. Sick Leave**

#### *6.3.1. Policy*

##### *1. Accrual*

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

- a. Regular employees will accrue sick leave at the rate of .0625 hours per each regularly scheduled hour worked or on paid status. Sick leave is not accrued for any other hours.
- b. Sick leave hours are earned and credited to the employee on a biweekly basis, coinciding with pay periods.
- c. Unused sick leave will be credited to the employee's sick leave balance to a maximum accrual of 130 hours per year. Sick leave accrual will cease when the employee's total balance reaches 720 hours and will not resume until the balance falls below 720 hours.

##### *2. Use of Sick Leave*

- a. Sick leave is for use in situations in which the employee must be absent from work due to:
  - b. His/her own physical illness or injury.
  - c. His/her own exposure to contagious diseases or when attendance at work is prevented by public health requirements.
  - d. The need to care for a dependent child or spouse or parent who resides with an employee or who is dependent upon the employee for support.
  - e. 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.
  - f. Any disability, including disability caused or contributed to by pregnancy, miscarriage, abortion, or childbirth.

No employee shall be entitled to sick leave because of a condition arising from an injury purposely self-inflicted or caused by the employee's own willful misconduct.

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

3. *Abuse of Sick Leave*

Use of sick leave for purposes other than those listed in 6.3.2 above is evidence of abuse of sick leave. Abuse of sick leave is cause for disciplinary action, up to and including termination.

4. *Illness During Annual Leave*

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

5. *Return to Work*

An employee on sick leave shall notify his/her department manager as soon as the employee is able to return to work. An employee returning from an extended absence shall give as much advance notice of return as possible. If an employee misses three (3) or more regularly scheduled shifts, the Town of Pahrump will require a statement from a licensed physician or health practitioner certifying the employee's fitness to return to work. The Town of Pahrump may require an employee to provide a medical doctor's statement certifying the illness/injury incapacitated the employee from performing his/her duties, was necessary for the employee to make a full and timely recovery, or was appropriate to avoid the spread of a contagious disease. The statement must also certify the employee's fitness to return to work.

6. *Sick Leave at Separation*

Upon separation from employment due to resignation, retirement, disability, or death, an eligible employee shall receive a one-time recognition payment based upon the amount of unused sick leave remaining in the employee's sick leave account. The amount to be paid out is not to exceed \$5,000 or 25% of accrued leave, provided that the employee has at least ten (10) years of service. If the separation is due to the death of the employee, the compensation due will be paid to the beneficiary(s) designated by the employee.

7. *Sick Leave*

Regardless of the amount of any additional accrued sick leave, nothing in this policy is intended to imply that an employee who is not available to work beyond the expiration of any applicable Family and Medical Leave Act (FMLA) rights, is entitled to continued employment. The Town of Pahrump reserves the right to terminate based on business needs/requirements. Granting of any additional sick leave is at the sole discretion of the employer.

### 6.3.2. Procedure

#### 1. Leave Approval

An employee shall complete an appropriate leave request form as soon as the need for a leave is known. The Town of Pahrump shall determine whether to approve use of accrued sick leave and shall approve such a request whenever it is deemed reasonable.

#### 2. Notification

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

#### 3. Doctor's Certification

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

### 6.3.3. Catastrophic Leave

Catastrophic leave is available to full-time, regular employees when the employee experiences a catastrophe and the employee has exhausted all available leave. A catastrophe is defined as a period of disability requiring a lengthy convalescence as determined by an attending physician. A catastrophe may also involve a condition which is diagnosed by a physician as creating a substantial risk of death.

The employee must have exhausted all accrued sick time, annual and compensatory time and receive approval from the Town Manager to be eligible to receive catastrophic leave donations.

An employee's health insurance will continue in full effect during the time an employee is in Catastrophic Leave status, although sick and annual leave will not accrue during use of Catastrophic Leave.

## 6.4. Family and Medical Leave

### 6.4.1. Policy

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

### *1. Eligibility*

Employees who have been employed by the Town of Pahrump for at least one (1) year and worked for the Town of Pahrump at least one thousand two hundred-fifty (1,250) hours during the preceding 12-month period and are employed at a work site where fifty (50) or more employees work for the Town of Pahrump within seventy-five (75) miles of that work site are eligible for family and medical leave.

### *2. Compensation During Leave*

Family and medical leave will be unpaid leave unless the employee has accrued paid leave and is otherwise eligible to use the leave. If an employee requests leave for the employee's own serious health condition or for the serious health condition of the employee's spouse, child, or parent, the employee **must** use all of his/her accrued paid sick leave or annual leave as part of the FMLA leave. If leave is requested for any of the other reasons identified below, an employee **must** use all of his/her accrued paid annual leave as part of the FMLA leave. The remainder of the leave period will then consist of unpaid FMLA leave.

### *3. Intermittent or Reduced Schedule Leave*

When medically necessary (as distinguished from voluntary treatments and procedures), leave may be taken on an intermittent or reduced schedule basis. Employees needing intermittent leave or reduced schedule leave must attempt to schedule their leave so as not to disrupt the Town of Pahrump's operations. The Town of Pahrump 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.

#### *6.4.2. Duration of and Reasons for Leave*

Any eligible employee, as defined above, may be granted a total of twelve (12) work weeks of unpaid family and medical leave during a 12-month period. This period is measured backward from the date an employee uses any FMLA leave. A "work week" is defined as a calendar week, regardless of the number of days the employee normally works. Twelve (12) calendar weeks does not entitle the 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 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; or
4. An employee's 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.

Unpaid FMLA leave will run concurrently with paid vacation, sick, and/or personal leave. Unpaid FMLA leave may also run concurrently with workers' compensation

leave or other benefits. The entitlement to family and medical 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 the Town of Pahrump, their combined time off may not exceed twelve (12) work 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) work weeks within a 12-month period to care for a son, daughter, or spouse with a serious health condition.

#### **6.4.3. *Application for Leave***

In all cases, an employee requesting leave must complete the Town of Pahrump's approved leave form and return it to the Human Resources Coordinator. The completed application must state the reason for the leave, the expected duration of the leave, and the starting and ending dates of the leave.

The Town of Pahrump may require the use of FMLA leave for any absence which would otherwise qualify as FMLA leave, even if no formal application for such leave was made by the employee, provided notice is given to the employee.

#### **6.4.4. *Notice of Leave***

An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, 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, if possible.

#### **6.4.5. *Medical Certification of Leave***

An application for leave based on the serious health condition of the employee or the employee's spouse, child, or parent must be supported by an employer-approved "medical certification statement" completed by the treating 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 be needed. 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.

If the employer questions the validity of the certification, the Town of Pahrump may require, at its expense, that the employee obtain a second opinion. If the second opinion conflicts with the original opinion, the Town of Pahrump may require, at its expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the Town of Pahrump 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, the Town of Pahrump may require the employee to recertify that the original medical condition still exists. Such requests can be made no more frequently than once every thirty (30) days unless the circumstances reported in the original certification have changed significantly or the Town of Pahrump 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, the Town of Pahrump may request recertification if the employee requests an extension of leave, the circumstances described by the original certification have changed significantly, or the Town of Pahrump receives information casting doubt upon the continuing validity of the certification.

The Town of Pahrump 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 his/her employer periodically of his/her status and intention to return to work. The Town of Pahrump has the authority to determine how often the employee must provide this notification.

#### **6.4.6. *Benefits Coverage During Leave***

During a period of family or medical leave, an employee will be retained on the Town of Pahrump's health plan under the same conditions that would apply if the employee was not on family or medical 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 family or medical leave, the employee will be required to reimburse the Town of Pahrump 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 worksite relocation of more than seventy-five (75) miles from the current worksite.

An employee is not entitled to the accrual of any seniority or employment benefits during any unpaid leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date the leave began.

#### **6.4.7. *Restoration to Employment***

Upon returning to work, an employee on family or medical 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. The Town of Pahrump cannot guarantee that an employee will be returned to his/her original job. The Town of Pahrump will determine whether a position is an "equivalent position."

#### **6.4.8. *Return from Leave***

An employee must complete the employer's notice of intent to return from FMLA leave before s/he will be returned to active status. If an employee wishes to return to work prior to the expiration of a family or medical 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 family or medical leave of absence was due to the employee's own serious health condition.

#### **6.4.9. Failure to Return from Leave**

Failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to disciplinary action, up to and including termination, unless the Town of Pahrump has granted an extension. Note: Refer to Town of Pahrump's other leave policies. An employee who requests an extension of family or medical leave due to the continuation, recurrence, or onset of his/her own serious health condition, or of the serious health condition of the employee's spouse, child, or parent, must submit a request for an extension, in writing, to the Town of Pahrump. 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 granted or extended will not be considered as FMLA. Rather, such time will be characterized as either paid or unpaid leave, thereby ending the Town of Pahrump's return-to-duty obligations included in Section 6.4.7. Nothing in this policy limits Town of Pahrump's obligations of reasonable accommodation under the Americans with Disabilities Act.

### **6.5. Leave of Absence Without Pay**

#### **6.5.1. Policy**

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

#### **6.5.2. Procedure**

##### **1. Approval – Less Than 30 Days**

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

##### **2. Approval – More Than 30 Days**

The Town of Pahrump may grant a leave in excess of thirty (30) days following written certification by the employee that the leave is consistent with the intent of this section.

##### **3. Purpose**

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

##### **4. Employer Termination of Leave**

The Town of Pahrump may terminate any leave of absence without pay, except those granted pursuant to statute or regulation, prior to its expiration by providing written notice to the employee. The document granting the leave of

absence will state the terms of the leave and any reason(s) for terminating such leave. Upon receipt of notice of termination of the leave, the employee is required to return to work within five (5) calendar days or by a later-approved alternate date. In the event the Town of Pahrump terminates a leave of absence, the employee will be returned to the same class or position s/he occupied when the leave of absence was granted.

#### 5. *Failure to Return*

An employee who fails to return to duty on the date specified is considered to have abandoned his/her employment, unless there is a proven compelling reason beyond the control of the employee.

#### 6. *Insurance*

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

#### 7. *Return from Leave*

Granting of a leave of absence without pay does not guarantee immediate reinstatement to paid status provided, however, employees returning from leave taken pursuant to the Family and Medical Leave Act (FMLA) shall have the right to immediate reinstatement at the end of the approved leave. An employee who does not return from a leave of absence without pay on the first work day following the end of a leave will be considered to have resigned.

#### 8. *Medical Leaves*

The Town of Pahrump may require a physician's certification or other appropriate type of verification to substantiate a need for a medical leave of absence without pay.

#### 9. *Anniversary Date*

An employee's anniversary date will be reduced by the number of days off work for all unpaid leaves of absence in excess of fifteen (15) days during any 12-month period. (See special provisions for Military Leave in *Section 6.8* below.)

#### 10. *Benefit Accrual*

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

### 6.6. **Court Leave**

#### 6.6.1. *When Granted*

The Town of Pahrump will grant court leave to allow employees to serve as juror or a witness in a court proceeding provided that neither employee nor the employee's collective bargaining representative is a party to the action. Employees shall

provide their supervisors with relevant documents verifying the need for court leave as soon as the need becomes known.

#### **6.6.2. Compensation**

Subject to the following conditions, eligible employees shall receive their regular base rate of pay for those hours spent in court and traveling to and from court when such time occurs during employee's regular scheduled work days and hours of work. Non-regular employees will be granted time off without pay. Personnel appearing in court as part of their duties are not affected by this policy.

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

#### **6.6.3. Late Start/Early Release**

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

### **6.7. Bereavement Leave**

A regular, full-time or part-time employee who must be absent from work to attend the funeral of a family member who is within the first degree of consanguinity or affinity may use up to a maximum of forty (40) hours of bereavement leave per each occurrence, and up to twenty-four (24) hours of bereavement leave for a family member in the second or third degree of consanguinity or affinity. With the advance approval of the Town Manager, bereavement leave may be extended a maximum of sixteen (16) hours, and be charged to accumulated sick leave. Employees who are not regular full-time or part-time employees may take up to five (5) days of bereavement absence without pay. Supervisors or managers may require evidence of attendance at the funeral.

### **6.8. Military Leave**

#### **6.8.1. Policy**

Employees who are members of the uniformed services are entitled to military leave. 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 nation's emergency. The Army National Guard and Air National Guard are also covered.

#### **6.8.2. Notice and Notification**

1. The Town of Pahrump 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. The Town of Pahrump may require written (orders) or verbal notice of service obligation, but must waive the requirement if notice is impossible or unreasonable.

#### **6.8.3. Salary and Benefits**

##### **1. Leave Without Pay**

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

##### **2. Health Insurance**

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

##### **3. Seniority**

An employee is entitled to the seniority (and rights and benefits governed by seniority) s/he had accrued at the commencement of military leave, plus any additional seniority rights and benefits that s/he would have attained if s/he had remained continuously employed (the "escalator principle"). However, if an introductory period is a bona fide period of observation and evaluation, the returning employee must complete the remaining period of introduction upon reemployment. The employer must count time served for the purpose of

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

#### 4. *Retirement*

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

#### 5. *Death or Disability*

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

#### 6. *Other Leave*

The Town of Pahrump must count time served in the military when calculating the employee's Family Medical Leave Act eligibility.

#### 6.8.4. *Reemployment*

1. An employee has certain report-to-work obligations following military service. Eligible returning service members must be promptly reemployed, which in most cases means within two weeks of reporting. The employee's report-to-work obligations are:
  - a. Service of one to thirty (30) days: The beginning of the next regularly-scheduled work period on the first full day following completion of service, and expiration of an eight-hour rest period following safe transportation home.
  - b. Service of thirty-one (31) to one hundred eighty (180) days: Application for reinstatement must be submitted not later than fourteen (14) days after completion of military duty.
  - c. Service of one hundred eighty-one (181) or more days: Application for reinstatement must be submitted not later than ninety (90) days after completion of military duty.

2. The deadline for reinstatement may be extended for up to two years for persons who are convalescing due to a disability incurred or aggravated during military service, and the employer must make reasonable accommodations for the impairment.
3. Reemployment rights apply to veterans whose cumulative period of uniformed service does not exceed five years while employed by the same employer. Time spent in National Guard and reservist training does not count towards the five-year period.

#### **6.8.5. Discharge**

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

### **6.9. Emergency Conditions/Disaster Leave**

#### **6.9.1. Emergency Volunteer Service**

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

#### **6.9.2. Emergency Road Conditions**

1. Any non-exempt employee who is unable to report to work due to road closures or hazardous road conditions caused by ice, snow, floodwaters, washouts, or slides shall not receive regular salary. Employees are advised to use their best judgment in making a decision of whether or not to report to work under such conditions. Should an employee decide to remain at his/her residence, all reasonable attempts should be made to notify his/her immediate supervisor. Any employee wishing to receive payment for time missed due to hazardous road conditions may do so by using either accrued annual leave or accrued compensatory leave time.
2. Any non-exempt employee who reports to work late due to road closures or hazardous road conditions will be compensated only for the actual hours worked. In the event the employee wishes to receive a full day's pay, s/he may use annual leave or accrued compensatory leave time to complete the normal work period.
3. Any employee who elects not to report to work due to hazardous road conditions or reports to work late under such conditions shall not be subject to discipline. In the event the supervisor is in doubt of the employee's reasoning, the final decision shall be made by the employer on the basis of documentation or confirmation of the hazardous conditions by either a law enforcement agency or the appropriate public works agency having jurisdiction over the roadways in question.

**6.9.3. *Disaster Area Declaration***

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

**6.10. **Blood Donor Leave****

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

## **7. BENEFITS**

### **7.1. Health Insurance Coverage**

#### *7.1.1. Eligibility*

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

#### *7.1.2. Benefits*

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

#### *7.1.3. Plan Changes*

The Town of Pahrump will, from time to time, evaluate the health coverage plan that is offered and make adjustments, as the Town of Pahrump deems appropriate, in the level of coverage and the amount of premium cost to be paid by the employer.

#### *7.1.4. Retirees*

The Town of Pahrump provides paid health insurance coverage through its group plan for non-bargaining unit retirees who were hired by the Town of Pahrump prior to July, 1997 and have ten (10) or more years of service to the Town of Pahrump. Dependent coverage is not available to retirees.

Non-bargaining unit retirees who relocate and are eligible for Town-paid health insurance may locate a plan suitable to his/her locale, provided the cost does not exceed the cost for current employee coverage.

### **7.2. Life Insurance Coverage**

#### *7.2.1. Eligibility*

Full-time regular employees are covered by an employer-paid term life insurance and accidental death and dismemberment insurance plan effective the first of the month following start of employment.

#### *7.2.2. Policy*

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

#### *7.2.3. Coverage*

Eligible employees are covered by a life insurance policy in the amount of \$25,000. Dependent life insurance is available on an employee-contribution basis.

### 7.3. Retirement

As defined in NRS 286, the Town of Pahrump is considered a public employer and employees in positions considered to be regular 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. Details are available in Chapter 286 of the NRS.

### 7.4. Workers' Compensation

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

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

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

## 7.5. Light Duty

Employees on short-term disability or workers' compensation are encouraged to return to work as soon as medically possible. Temporary light duty assignments in many cases provide the appropriate transition back to full duty. Light duty assignments accommodate medical limitations and where feasible, will be arranged following review with the department head, human resources, and/or the Town Manager. Assignments may or may not be within the employee's regular department. They are arranged on a temporary basis for a period not to exceed 90 days. The attending physician must approve working overtime while on light duty in advance.

Emergency Services is excluded from the Light Duty Policy.

## **7.6. Deferred Compensation**

Employees may defer a portion of their taxable income by participation in a deferred compensation plan offered through the Town of Pahrump.

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

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

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

## **7.7. Educational Assistance**

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

1. Employees must be in a regular full-time status.
2. The course must be taken from an accredited institution of higher learning or an employer-approved adult education class.
3. The course must be job-related or be required for a degree that is job-related.

An employee must request approval for educational assistance from his/her supervisor or manager. Upon approval by the supervisor or manager, the request is forwarded for review and approval by the Town Manager. If approved by the Town Manager, payment will be made upon successful completion of the course as follows: 100% reimbursement for an "A" grade; 85% reimbursement for a "B" grade; or 70% reimbursement for a grade of "C". No reimbursement will be given for lower than a "C" grade. Town Manager approval may be conditioned upon meeting commitments for continuing employment and/or job-related conditions. Employees who voluntarily terminate their employment within six (6) months of receiving educational assistance must reimburse the Town of Pahrump for the full amount of the assistance provided.

## 8. TRAVEL EXPENSES

Unless approved in advance by the Town Manager, employees must travel at least 50 miles from their designated workstation to be considered in "travel status" and therefore, eligible for reimbursement of per diem expenses.

### 8.1. Policy

1. Employees in travel status will be reimbursed for reasonable expenses which are required for the performance of their assigned duties and which are appropriately authorized.
2. To obtain reimbursement, employees must submit an expense report on a proper claim form and substantiate the amounts claimed as required below.

### 8.2. Allowances

#### *8.2.1. Mileage*

The Town of Pahrump will attempt to make a vehicle available to employees to use for official travel. If there are no Town of Pahrump vehicles available and the employee must use a personal vehicle, mileage will be reimbursed at the per mile rate set by the Internal Revenue Service. If an employee drives a personal vehicle for personal reasons, mileage will be reimbursed at a lower rate as set by the Internal Revenue Service. 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. Employees using a personal vehicle for official travel must have proof of current registration and insurance for that vehicle.

#### *8.2.2. Lodging*

Moderate cost lodging should be pre-arranged at a location nearest to the meeting/training site as possible. Reimbursement will be based on the cost of a single room if available. A receipt is required for reimbursement of incurred lodging expenses.

#### *8.2.3. Meals*

1. The cost of meals shall be reimbursed at the per diem rate as established by the state and posted by US General Services Administration. Up to a fifteen percent (15%) gratuity is allowable.
2. If the cost of meals purchased exceeds these allowances, the employee may apply to the Town Manager for a variance on the allowances by submitting such request with the original receipts and an explanation for the expenditures.
3. Except as provided in *item 6* below, an employee shall be entitled to reimbursement for the cost of breakfast only if s/he is required to leave his/her normal work location prior to 6:00 a.m., and return to such location after 10:00 a.m.
4. Except as provided in *item 6* below, an employee shall be entitled to reimbursement for the cost of lunch only if s/he is required to leave his/her normal work location prior to 10:00 a.m., and return to such location after 3:00 p.m.

5. Except as provided in *item 6* below, an employee shall be entitled to reimbursement for the cost of dinner only if s/he is required to leave his/her normal work location prior to 4:00 p.m., and return to such location after 8:00 p.m.
6. No reimbursement shall be allowed for any meal which is provided or made available to an employee as part of the cost of a meeting, class, or other function, regardless of whether the employee partakes of the provided meal or purchases his/her meal elsewhere.

#### **8.2.4. Other Expenses**

Necessary business telephone calls, parking charges, and/or ground transportation will be reimbursed.

#### **8.2.5. Unallowable Expenses**

1. The Town of Pahrump does not reimburse for fines and parking tickets, towing or impounding fees, traffic violations, alcoholic beverages, personal entertainment, tobacco, or expenses unrelated to the business purpose of the travel as determined by the Town Manager.
2. The Town of Pahrump discourages combining personal travel with business travel due to the public's perception regarding use of Town of Pahrump funds. Employees must clearly disclose any personal travel and/or vacation time to be taken in conjunction with employer travel. An employee's family may accompany the employee on Town of Pahrump business, provided travel is not in a Town of Pahrump vehicle, unless specifically authorized by the Town Manager. The Town of Pahrump will not, however, pay any additional expenses so incurred.

### **8.3. Processing**

#### **8.3.1. Claims**

All claims with required receipts for travel expenses are to be submitted for approval to the Town Manager within five (5) working days following the trip.

#### **8.3.2. Advances**

Employees may request an advance to cover anticipated expenses of at least fifty dollars (\$50.00). This request must be made not more than three (3) weeks nor less than one (1) week before departure. When advanced funds have been provided, all unused funds must be returned with a claim form submitted to the Finance department within five (5) working days following any trip.

## 9. EMPLOYEE SEPARATION

### 9.1. Resignation

#### 9.1.1. *Notice*

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

#### 9.1.2. *Return of Employer Property*

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

#### 9.1.3. *Job Abandonment*

The Town of Pahrump may consider employees who are absent from work without approved leave for a period of three (3) consecutive work days to have abandoned their position and, thus, to have resigned. Employers are required to follow due process procedures in this example.

#### 9.1.4. *Final Paycheck*

The Town of Pahrump shall issue a paycheck by the next payday following the effective date of resignation if sufficient notice was given by the employee.

Whenever an employer discharges an employee, the wages and compensation earned and unpaid at the time of such discharge shall become due and payable within seventy-two (72) hours after discharge.

### 9.2. Layoffs

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

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

#### 9.2.1. *Alternatives to Layoff*

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

#### 9.2.2. *Order of Layoffs*

In deciding which employees shall be laid off and which retained, the Town of Pahrump shall consider job-related factors such as job knowledge, skills, and ability

to do the required work; previous work experience, including ability to perform other jobs which the employee may be called upon to perform as a result of the layoff; attendance, safety, and disciplinary records; performance evaluations while with the Town of Pahrump; and efficiency of operations. Where two employees are equally qualified based on the application of these factors, the Town of Pahrump shall retain the employee with the most time served since the current hire date.

#### **9.2.3. Designation of Employees to be Laid Off**

In the event of a layoff, the Department Head shall provide the Human Resources Coordinator with a list designating the class, position, and names of employees to be laid off. The Department Head shall be responsible for providing the rationale for selecting particular employees within the same job class for layoff. The Human Resources Coordinator shall review the list for conformance to Town of Pahrump policy.

#### **9.2.4. Layoff Notice**

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

#### **9.2.5. Reinstatement**

Persons who have been laid off shall be placed on one or more reinstatement lists. All employees laid off from positions in the same class shall be placed on a single reinstatement list without regard to department. A laid-off employee may request and receive placement on a reinstatement list for any job class in which s/he previously held post-introductory status. When a vacancy occurs in the same job class for which a reinstatement list exists, the Department Head shall fill the vacancy using the appropriate reinstatement list.

#### **9.2.6. Reinstatement Process**

The most recently laid-off employee on the applicable reinstatement list who is qualified for the position and is willing to accept employment in the class and department where a vacancy exists shall be reinstated. The Department Head may select the most appropriately qualified employee based upon the same considerations described under *Section 9.2.2., Order of Layoffs*. An employee reinstated to a position in the same class and department as held prior to the layoff will not be required to serve an additional introductory period, provided the required introductory period had been served prior to layoff.

#### **9.2.7. Duration of Reinstatement List**

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

## 10. PERFORMANCE MANAGEMENT

### 10.1. Statement

The Town of Pahrump's performance management system is designed to be a formal, objective, constructive, consistent, and ongoing process by communicating to the employee the expected job standards and behavior which s/he is expected to achieve. The Town of Pahrump views performance management as an ongoing process that focuses on the future and continued improvement.

#### *10.1.1. Purpose*

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

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

#### *10.1.2. Ongoing Communication Regarding Performance*

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

#### *10.1.3. Frequency of Performance Evaluations*

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

1. For new employees, five (5) months after initial hire and eleven (11) months after hire.
2. Six (6) months following transfer to a new position within the same class.
3. When there is a significant change (either improvement or deterioration) in performance or behavior affecting the job.
4. Within three (3) months following an evaluation documenting that the employee's performance needs substantial improvement. (The Town of Pahrump encourages frequent, ongoing meetings between the employee and supervisor.)

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

#### ***10.1.4. Written Record***

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

The employee and the supervisor may make additional working notes of preparation information which is communicated during the performance evaluation meeting.

#### ***10.1.5. Personnel Actions Resulting from Performance Evaluations***

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

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

#### ***10.1.6. Employee Involvement***

The Town of Pahrump strongly encourages employee participation in the performance evaluation process. Opportunities for participation include the following:

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

## **10.2. Procedure**

### ***10.2.1. Steps in the Performance Evaluation Process***

As part of the performance evaluation process, supervisors will:

1. Establish and communicate a written performance plan which states expectations the employee must meet at the beginning of the evaluation period.
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. Continue to monitor performance, providing feedback, as well as coaching and counseling, throughout the evaluation cycle.

#### ***10.2.2. Documentation of Performance Evaluations***

Supervisors must use the Town of Pahrump's approved performance evaluation form and ensure that the completed and signed form becomes a permanent record in the employee's personnel file.

## 11. DISCIPLINARY ACTIONS AND APPEALS

### 11.1. Discipline and Appeal

#### 11.1.1. *Justification for Discipline*

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

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

12. Willfully or intentionally violating or failing to comply with the Town of Pahrump's policies, rules, regulations, and/or procedures.

### **11.1.2. Forms of Disciplinary Action**

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

1. Counseling (document time, date, and subject)
2. Written reprimand
3. Suspension without pay \*(See Note Below)
4. Termination

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

- a. Pay deductions may only be made in cases of violations of safety rules of major significance, including those rules related to the prevention of serious danger in the workplace or to other employees. An example would be violating a rule that prohibits smoking in explosive plants or around flammable material. Deductions can be made in any amount.
- b. 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.
- c. Suspensions for performance issues must be made in full-week increments.

### **11.1.3. Due Process**

Prior to taking disciplinary action involving suspension,<sup>4</sup> or termination against any regular employee, the Town of Pahrump will take action intended to ensure that the employee is afforded due process. Due process in regard to employment-related disciplinary action includes, among other actions, making certain the employee is provided notice of the reason for the disciplinary action and is given the opportunity to provide a response to the proposed disciplinary action prior to an appropriate supervisor making a final decision regarding the disciplinary action.

#### **1. Written Notice**

In situations where the proposed disciplinary action involves a suspension,<sup>4</sup> and/or termination, written notice of the proposed disciplinary action will be hand-delivered or sent certified mail to the employee. The notice will include the following information:

- a. The nature of the disciplinary action proposed;
- b. The effective date of the proposed disciplinary action;
- c. A statement of the proposed disciplinary action with documentation, statements, and/or other evidence supporting the proposed disciplinary action;
- d. A statement advising the employee of his/her right to file a written response, or to submit a written request for a pre-disciplinary conference with the Town Manager, within five (5) work days of receipt of the notice of proposed disciplinary action; and

- e. A statement that the employee's failure to file a written response or request a pre-disciplinary conference in a timely manner, or to appear at the pre-disciplinary conference after requesting such, will constitute a forfeiture of the employee's rights to any further appeal.

2. *Employee Review*

If the employee requests, s/he will be given the opportunity, as soon as practical, to review the documents or other evidence, if any (except for confidential and privileged documents), on which the proposed disciplinary action is based.

3. *Conference Prior to Implementation*

When the employee requests a conference after receipt of the Notice of Proposed Disciplinary Action, but prior to any disciplinary action being imposed, the Town Manager will schedule a meeting with the employee and his/her representative (if the employee requests a representative be present) in a timely manner to review the reason for and basis of the proposed disciplinary action. At this conference, the employer will also provide the employee with an opportunity to present relevant information which may impact the nature or severity of the proposed disciplinary action.

4. *Implementation of Discipline*

No later than five (5) work days from receipt of the employee's written response or conclusion of the pre-disciplinary conference, the Town Manager will issue a written decision to the affected employee. The written decision will inform the employee that:

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

5. *Appeal*

The written decision may be appealed as provided for in NRS 269.083 or the collective bargaining agreement for covered employees. However, if the Town Board vote results in no action, the final authority for discipline reverts to the Town Manager.

**11.1.4. *Administrative Leave During Disciplinary Proceeding***

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

**11.1.5. *Disciplinary Action Record Retention***

Records of disciplinary action will be retained in the employee's master personnel file for two (2) years from the date of the action, provided no further disciplinary action is imposed for infractions similar in nature within those two (2) years. If the disciplinary action is part of progressive discipline, all related disciplinary action

will be retained for two (2) years after the last written action. If it results in termination, the disciplinary action will be retained for the length of the master personnel file.

## 12. DEFINITION OF TERMS

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

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

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

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

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

**Applicant:** A person, including a current employee, who is applying for any position with the Town of Pahrump. May also be referred to as the candidate.

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

**Authorized Driver:** An employee or volunteer who is appropriately licensed and is expected, or has been granted permission by the Town Manager to operate a Town-owned vehicle.

**Board:** The governing body of the Town of Pahrump.

**Call-Out:** An employer-initiated call to an intermittent worker to work that day or a portion of that day. The intermittent worker has the option whether to accept the opportunity for work on a call-to-call basis.

**Casual Worker Hire:** An at-will employee who may work on a call-out basis and/or works less than twenty (20) hours per week on an ongoing basis or works for more than twenty (20) hours per week for a period of fewer than one hundred twenty (120) consecutive work days.

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

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

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

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

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

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

**Day:** Calendar days unless work days are specified.

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

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

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

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

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

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

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

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

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

*Regular Part-Time Employee:* A person who has successfully completed an initial introductory period in a regular budgeted position which requires at least twenty (20) hours per week, but less than full-time employment.

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

*Exempt Employee:* An employee who is exempt from the overtime provisions of the Fair Labor Standards Act. (Such determination is made on the basis of duties and responsibilities performed and the method of pay computation.)

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

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

**Equal Employment Opportunity (EEO) Officer:** The staff member assigned the responsibility and authority to receive, investigate, and resolve complaints of alleged discrimination/harassment.

**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. (See *Section 2.8.8.* of these policies for a more complete description.)

**Examination/Test:** Any measure, combination of measures, or procedures used as a basis for any employment decision. Examinations include the full range of assessment techniques from traditional paper

and pencil tests, performance tests, assessment centers, introductory periods, and evaluation of physical, educational, and work experience qualifications through informal interviews and scored application forms. **Open** examinations are open to all applicants, internal and external. **Promotional** examinations are open only to selected categories of employees of the Town of Pahrump.

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

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

**Illegal Drugs:** Any controlled substance or drug which is illegal to sell, possess, cultivate, transfer, use, purchase, or distribute. Illegal drugs include prescription drugs not legally obtained and/or prescription drugs not being used in the manner, combination, or quantity prescribed, or by the individual for whom prescribed.

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

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

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

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

**Medical Examination:** A procedure or test usually given by a health care professional or in a medical setting that seeks information about an individual's physical or mental impairments or health. (See Section 2.8.8. of these policies for a more complete description.)

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

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

**Positive Drug or Alcohol Test:** Any detectable level of drugs or its metabolite (in excess of trace amounts attributable to secondary exposure) in an employee's urine or blood. With respect to alcohol, a blood alcohol concentration of 0.04 or higher constitutes a positive test.

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

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

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

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

**Regular Position:** An authorized position which appears in the authorized position list contained in the Town of Pahrump's budget documents or its amendments approved by the Town Board. (Normally a

regular position consists of duties which must be performed at least twenty [20] hours per week on a regular, year-round basis.)

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

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

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

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

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

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

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

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

**Temporary Employee:** A casual worker.

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

**Travel Status:** An employee is considered to be in travel status if conducting authorized Town of Pahrump business at least 50 miles from his/her designated workstation. Travelers shall be considered in travel status from the time an authorized trip begins until it ends.

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