

Underlined and bolded material is that portion being added.
[Stricken and bracketed] material is that portion being deleted.

BILL NO. _____

SUMMARY – An ordinance to amend Clark County Code Chapter 2.40 to update provisions regarding the establishment and administration of a county merit personnel system.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY CODE CHAPTER 2.40 TO UPDATE PROVISIONS REGARDING THE ESTABLISHMENT AND ADMINISTRATION OF A COUNTY MERIT PERSONNEL SYSTEM; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, Chapter 2.40 of the Clark County Code governing the county's merit personnel system has not been revised in many years and the contents of which will now be incorporated in Chapter 2.40 exclusively;

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. *Section 2.40.010 of the Clark County Code is amended to read as follows:*

2.40.010 - Definitions

Unless the context requires otherwise, the terms as used in these rules shall have the following meanings:

- (a) "Appointing authority" is an elected board, county manager, ~~[assistant]~~ **deputy county manager, chief financial officer, chief administrative officer** or department head having authority to make appointments to positions in the county service.
- (b) "Board" is the board of county commissioners.
- (c) "Class" is a group of positions sufficiently similar with respect to their duties and responsibilities that the same title may reasonably and fairly be used to designate each position allocated to the class, that substantially the same tests of fitness may be used, that substantially the same minimum qualifications may be

required and that the same schedule of compensation may be made to apply with equity.

~~[(d)]~~ "Class specification" is a written description of a class, consisting of a title, a definition, examples of duties and minimum qualifications.]

[(e)**d**] "Classification" is [the systematic process of analytically grouping positions into classes based on the similarity of actual duties and responsibilities.] **any position which has been defined by a job description and salary schedule.**

~~[(f)]~~ "Classification plan" consists of all the classes which have been established, along with the rules for maintaining the plan and the class specifications.]

(e) "Collective Bargaining Agreement" those agreements negotiated with a certified bargaining group and approved by the board of county commissioners.

~~[(g)]~~ "Demotion" is any movement of an employee from one classification to another classification with a lower salary range excluding salary schedule adjustments.]

[(h)**f**] "Department head" is an appointed or elected official directly responsible to the county manager or [his/her] designee, elected judges or the electorate for the overall administration of a department.

[(i)**g**] "Exempt status" is granted to a county employee designated exempt from the provisions of the merit system in accordance with NRS 245[.216 or 3.310].

~~[(j)]~~ "Intermittent employee" is a person who has successfully completed an initial probationary period in a budgeted position in the competitive service which requires a scheduled workweek of at least twenty hours but less than forty hours per week.]

[(k)**h**] "Part-time hourly employee" is **paid for actual hours worked on a schedule** [a person hired to fill a position in the noncompetitive service having an irregularly scheduled workweek (] normally less than twenty hours per week[)] **and no more than 1,039 hours in a fiscal year.**

[(l)**i**] "Permanent **status** [position]" **is granted to an employee who has successfully completed the initial probationary period in a permanent position.** [budgeted position in the competitive service with a normally scheduled workweek of forty 40 hours.]

[(m)**j**] "Position" is a group of duties and responsibilities that have been assigned to an employee on a full-time or part-time basis and either approved by the board of county commissioners or established in statute.

[(n)**k**] "Promotion" is any movement of an employee from a position in a class to a position in a class having a higher maximum salary rate, excluding general salary adjustments and salary schedule adjustments.

- ~~([e]l)~~ "Reassignment" is any movement of an employee from one position to another position having the same salary range within the same department.
- ~~([p]m)~~ "Reclassification" is the reallocating of a position to its appropriate class based upon a comparative reevaluation of duties and responsibilities.
- ~~([4]n)~~ "Salary schedule" is the minimum and maximum salary set for each classification ~~[as designated by the position compensation plan].~~
- ~~([f]o)~~ "Salary schedule adjustment" is the change of the assigned salary schedule for a class when it is determined that the class is either under or over compensated in relationship to comparable positions in the job market.
- ~~[(s)]~~ ~~"Seven hundred hour employee" is a person appointed to a position in accordance with NRS 245.185.]~~
- ~~[(t)]~~ ~~"Staff director" is an employee appointed by and reports directly to the county manager and heads a division in the office of the county manager.]~~
- ~~([u]p)~~ "Temporary employee" is a person hired to fill a position in the noncompetitive service not to exceed six months.
- ~~([v]g)~~ "Transfer" is any movement of an employee from a position in one county department to a position in another county department having the same salary range.

SECTION TWO. *Section 2.40.020 of the Clark County Code is amended to read as follows:*

2.40.020 - Declaration of policy and purpose

It is ~~[the]~~ declared **that the purpose of Clark County's merit personnel system** ~~[policy]~~ as **outlined in this ordinance is to ensure** ~~[of Clark County]~~ that:

- (a) Employment **opportunities** ~~[in the county government]~~ shall be based on merit and **qualifications** ~~[fitness]~~, free of personal and partisan political considerations, **and in compliance with uniform personnel policies and procedures and federal and state laws;**
- (b) Just and equitable ~~[incentives and]~~ conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the county government;
- (c) Positions **with** ~~[having]~~ similar duties and responsibilities shall be classified and compensated on a uniform basis;
- (d) Recruitment and selection shall be based on **uniform** ~~[the]~~ policies and procedures ~~[established in the Clark County merit personnel system];~~

- (e) Every consideration shall be given to the rights and interests of employees consistent with the best interest of the public and the county;
- (f) Continued employment of employees covered by this chapter shall be subject to good conduct, the satisfactory performance of work, necessity for the performance of work, and the availability of funds;
- (g) Every employee is expected to comply with the spirit and intent of this merit **personnel** system[;].
- ~~[(h) The county personnel system, as established by ordinance policies and procedures, and as administered in accordance therewith, shall conform to the foregoing policy.]~~

SECTION THREE. *Section 2.40.030 of the Clark County Code is amended to read as follows:*

2.40.030 – Classification of personnel

- (a) All employees in the county service shall be divided into the competitive service and the noncompetitive service. Elected officials and members of boards, commissions and authorities who are not included in the noncompetitive service shall not be included in either category.
- (b) The competitive service shall **be comprised of** all employees, except those who are specifically placed in the noncompetitive service by the terms of this chapter.
- (c) The noncompetitive service shall comprise the following:
 - (1) The county manager, ~~[and assistant]~~ **deputy** county manager(s), **chief financial officer, chief administrative officer, and other members of the senior executive team as determined by the county manager;**
 - (2) **All department heads elected and appointed** ~~[The administrative heads of departments and officials elected county-wide];~~
 - (3) ~~[A number of e]~~**E**mployees exempted in each department as designated by the department head, excluding the department head, which shall not exceed three percent of the permanently established positions as authorized by the board of county commissioners in accordance with NRS 245~~[-316];~~ **and**
 - ~~[(4) Employees exempted in accordance with NRS 3.310 or by rule of court]~~
 - ~~[(5) Persons under contract to perform duties for the county;]~~
 - ~~[(64) Temporary or part-time hourly [(provisional)] employees. [as defined in the policies and procedure;].~~

- ~~[(d)]~~ Employees designated as exempt from the competitive service may also hold a right to a previously held classification and position in the competitive service, in accordance with the provisions established in the Clark County merit personnel system.]
- ~~[(e)]~~**d)** Except as prohibited by statute, or employment agreement, those persons specified in subsections (c)**(1)**(2),and(3)~~[(4)]~~ of this section shall be entitled to the ~~[same]~~ benefits of employment as established in this chapter ~~[to which employees in the competitive service are entitled,]~~ except tenure or access to any type of review, grievance, appeal or arbitration process, and to those additional benefits as provided by resolution of the board of county commissioners. ~~[provided, however, that officials elected county-wide shall not, upon leaving office, retirement or death, be entitled to payment for their unused sick leave. Notwithstanding the foregoing provision, those officers elected county-wide and in office on or before March 4, 2003 shall be entitled upon leaving office, retirement or death, to payment for their unused sick leave accrued through March 4, 2003.]~~ Those persons specified in subsections (c)~~[(5) and (6)]~~ **(4)** of this section shall not be entitled to any of the benefits of employment to which other employees are entitled under this chapter.

SECTION FOUR. *Section 2.40.040 of the Clark County Code is amended to read as follows:*

2.40.40 – Promulgation of policies and procedures.

- (a) The county manager or ~~[his or her]~~ designee shall administer and maintain the merit personnel system, and other policies and procedures provided by this chapter and its authority. ~~[by the policies and procedures authorized by the board and by other applicable law.]~~ The county manager or his or her designee shall perform the duties and have the powers concerning personnel matters as follows:
- (1) Develop, maintain and administer ~~[Recommend to the county such new or revised]~~ personnel policies and procedures as deemed desirable to interpret the provisions of this chapter and applicable statutes;
- ~~[(2)]~~ Administer and maintain the merit personnel system, and other policies and procedures established by this chapter and its authority;
- ~~[(3)]~~**2)** Develop, maintain and administer ~~[apply]~~ supplementary policies and procedures as deemed desirable for ~~[the]~~ recruitment and selection, compensation, promotion, employment actions, position types, work schedules, employee performance evaluations, employee separation, training, discipline and disciplinary and other related

aspects of personnel management ~~[for all personnel in the competitive service in the county departments, subject to the provisions of county ordinances, board policies and to personnel policies and procedures stated in this chapter, or adopted pursuant to this chapter;]~~

~~[(4)]~~**3** Administer various procedural phases of the personnel program as well as the development, negotiations and administration of employee labor contracts~~[-]~~ **and**

~~[(5)]~~**4** **In accordance with NRS 288, the right to determine the following:**

(i) Appropriate staffing levels and work experience standards, except for safety considerations;

(ii) The content of the workday, including without limitation workload factors, except for safety considerations;

(iii) The quality and quantity of services to be offered to the public; and

(iv) Safety of the public.

(b) Pursuant to NRS 245, the board of county commissioners establishes this merit personnel system as follows: ~~[The following policies shall apply to county employees in the competitive service except as otherwise noted within the policies and shall include]:~~

(1) Classification of all county positions, not exempt from the merit personnel system, based on the duties, authority and responsibility of each position, with adequate provisions for reclassification of any position whenever warranted by changed circumstances;

(2) A pay plan for all [competitive and noncompetitive] county positions employees, including exempt employees other than elected officers covered in other provisions of NRS or by special legislative act;

~~[(3)]~~ ~~Methods for determining the merit and fitness of candidates for appointment or promotion;]~~

~~[(4)]~~ ~~The filling of vacancies;]~~

~~[(5)]~~**3** ~~[The r]~~**Reduction in force and removal of employees;**

~~[(6)]~~**4** Hours of work, attendance regulations and provisions for sick and vacation leave;

~~[(7)]~~**5** Temporary appointments;

~~[(8)]~~ ~~Probationary and qualifying employees;]~~

~~[(9)]~~**6** Relationships with **employees and** employee organizations;

~~[(10)]~~ ~~Employee management relations for noncontract employees;]~~

- ~~[(11) Providing a pretermination and post-termination appeal process;]~~
- ~~[(12)]~~**7** Employee **training and** development [and education programs];
- ~~[(13) Employee assistance and wellness programs;]~~
- ~~[(14)]~~**8** Grievance procedures [for collective bargaining unit employees]; **and**
- ~~[(15)]~~**9** Other policies[, practices] and procedures necessary for the administration of the county's merit personnel system.; and
- ~~[(16) Standards and procedures governing appointments, reassignments and transfers of employees.]~~

SECTION FIVE. Chapter 2.40 of the Clark County Code is amended by the addition of a new section 2.40.045 to read as follows:

Classification and Pay Plan

- (a) **A classification plan shall set forth job descriptions for all county positions in the county service and the associated salary schedule. Human Resources is responsible for developing, maintaining, and adjusting the content of each description and shall at a minimum include the following specifications in describing all positions:**
 - (1) The official title of the position classification to be used in all official records, payroll and communications.**
 - (2) A general description of the essential work to be performed, and examples of duties, including the level of supervision provided, and extent of supervision exercised over other employees when applicable.**
 - (3) Minimum qualifications including education, training, experience, licenses, certifications and physical requirements an applicant must possess to be considered for the classification.**
 - (4) Maintaining salary schedules for all classifications in the county service for the duties and responsibilities assigned to each classification.**
 - (5) Adjusting salary schedules as necessary to comply with provisions of applicable collective bargaining agreements.**
 - (6) Performing salary schedule audits and making recommendations to the county manager regarding salary schedule adjustments when necessary.**

- (7) Performing reclassification audits and making recommendations to the county manager regarding classification adjustments.
- (b) Human Resources will be responsible for the administration of a pay plan which shall set forth the salary and benefits for all competitive and noncompetitive county employees and shall at a minimum provide the following:
 - (1) Except as otherwise restricted in this merit personnel system or other applicable policies or procedure as authorized by the board of county commissioners or the county manager, permanent non-management employees not covered by a collective bargaining agreement who have successfully completed a probationary period will be granted at a minimum, benefits provided for in the applicable collective bargaining agreement which do not relate to employee discipline, discharge, or grievance procedures.
 - (2) Management employees will receive salary and benefits as provided by the board of county commissioners.

SECTION SIX. *Chapter 2.40 of the Clark County Code is amended by the addition of a new section 2.40.050 to read as follows:*

Reduction in force

- (a) The county has discretion to determine when a reduction in force is necessary.
- (b) Employees covered under a collective bargaining agreement will be laid off and recalled in accordance with the requirements of the collective bargaining agreement.
- (c) Employees not covered under a collective bargaining agreement will be laid off within the affected department and recalled in the following manner:
 - (1) Probationary employees in the affected classifications shall be eliminated first.
 - (2) An employee's seniority, knowledge, skills and abilities will be considered. Seniority shall be determined in the same manner as detailed in the applicable collective bargaining agreement in which similar titles are covered.

- (3) Employees and former employees having permanent status who were laid off or reduced in schedule as a result of the layoff, will take precedence over all others during a recall period.**

SECTION SEVEN. Chapter 2.40 of the Clark County Code is amended by the addition of a new section 2.40.055 to read as follows:

Hours of work, attendance regulations and provisions for sick and vacation leave

- (a) The official workweek is comprised of seven (7) defined days. The number of hours in a regular workday is generally 8-10 hours and/or the number of hours in a regular workweek is generally 40 hours, unless otherwise defined in a collective bargaining agreement, and approved by the board of county commissioners and certified by the public employee retirement system.**
- (b) A department head may impose other work shifts and/or work schedules to meet operational needs.**
- (c) Time and attendance requirements shall be outlined in departmental policies and applicable collective bargaining agreements.**
- (d) Sick and vacation leave balances will be accrued each pay period in accordance with state law and any applicable collective bargaining agreement and county policies and procedures.**

SECTION EIGHT. Section 2.40.070 of the Clark County Code is amended to read as follows:

2.40.070 – ~~[Certified employees' bargaining groups].~~ Relationships with employees and employee organizations:

- (a)** The county may~~[, from time to time,]~~ enter into agreements with certified bargaining groups, ~~[, as said groups are defined by the laws of the state of Nevada.]~~ **as defined in NRS 288.** ~~[Any such agreements or modifications shall not be contrary to the provisions and intents of this chapter.]~~ Any agreements, modifications or recognition of employee bargaining units or groups shall be in strict conformity with the laws of the state of Nevada pertaining thereto and shall not, in any way, conflict with said laws.

- (b) In the event of a conflict between this chapter and the provision of any county recognized collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.**
- (c) Human Resources will administer an employee and labor relations program to strengthen employer-employee relationships.**

SECTION NINE. Chapter 2.40 of the Clark County Code is amended by the addition of a new section 2.40.075 to read as follows:

Employee training and development

- (a) The county will administer a training and development program to include:**

 - (1) A mandatory new employee orientation program to include subject matter deemed to be appropriate and/or necessary to reflect ongoing organizational development.**
 - (2) A variety of general employee training courses and programs designed to develop the specific skills necessary for the efficient and effective function of all county employees.**
 - (3) Instructional programs and/or training deemed necessary to implement countywide initiatives and programs.**
 - (4) The county manager may provide policies and procedures for mandatory training.**

SECTION TEN. Section 2.40.080 of the Clark County Code is amended to read as follows:

2.40.080 - Separation or discharge of personnel.

- (a) Grievance procedures for employees covered under a collective bargaining agreement shall be administered in accordance with the requirements of the collective bargaining agreement.**
- (b) Employees in the competitive service not covered by a collective bargaining agreement will be afforded a pre-termination and/or post-termination meeting.**
- (c) Employees failing their probationary period will be terminated without right of appeal.**
- (d) Employees in the noncompetitive service may be separated from the county at the will of the appointing authority.**

SECTION ELEVEN. *Section 2.40.090 of the Clark County Code is amended to read as follows:*

2.40.090 - Standards of conduct.

The ~~[Clark County merit personnel system]~~ **county manager** shall ~~[include]~~ **establish a code of conduct and** ethical standards ~~[and will]~~ **to** include policies and procedures relating to preferential treatment, conflict of interest, full disclosure, confidential information, additional compensation/notice of additional employment, use of county property, political activities, image of local government, and public information.

SECTION TWELVE. *Section 2.40.140 of the Clark County Code is amended to read as follows:*

2.40.140 - Fingerprinting.

- (a) ~~[Applicants:]~~ Every applicant for **county** employment ~~[to the following occupational categories: child and social services, information technology/IT security, custodial/maintenance, criminal justice, comprehensive planning and development, financial services, regulation and licensing, human resources, law enforcement and code enforcement, and any recreational and educational occupations.]~~ shall be fingerprinted **when the application is for:**
- (1) **A peace officer;**
 - (2) **A firefighter position;**
 - (3) **A position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or National Crime Information Center; or**
 - (4) **Any position for which an applicant's criminal history would disqualify them from the position pursuant to a specific provision of state or federal law.**
- (b)** ~~[Other applicants:]~~ **The county manager may provide policies and procedures for the fingerprinting of applicants to specific positions other than those listed in subsection (a).**
- (b)c)** ~~[Authorization]~~. Pursuant to NRS 239B~~[-040]~~(a), the county shall forward the fingerprints obtained under subsection (a) **or (b)** of this section, to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation (FBI) for its report.

SECTION THIRTEEN. *Section 2.40.150 of the Clark County Code is amended to add a new section as follows;*

2.40.150 - Employee privacy

In order to protect the privacy interests of county employees and other individuals, the following records are considered confidential and will only be released as required by law, pursuant to a court order or subpoena, or as may be necessary for the county to defend against claims or complaints. Except as otherwise required by law, any release may be redacted or subject to an order of protection, as appropriate.

- (a) All complaints and investigations regarding matters of discrimination, harassment and/or retaliation held by the office of diversity will remain confidential.**
 - (1) Access to investigative summaries shall be granted to an employee or representative of a recognized bargaining agent when a complaint has been sustained, the employee is recommended for discipline, and a grievance has been filed.**
 - (2) Access to witness statements, witness names, internal communications, investigator work product including notes and techniques and investigative conclusions is prohibited. This list is illustrative and not exhaustive.**
- (b) All complaints and investigations conducted by human resources regarding misconduct or bullying will remain confidential.**
 - (1) Access to investigative summaries shall be granted to an employee or representative of a recognized bargaining agent when a complaint has been sustained, the employee is recommended for discipline, and a grievance has been filed. Access to this file is limited to investigative summaries only.**
 - (2) Access to witness statements, witness names, internal communications, investigator work product, notes, techniques and investigative conclusions is prohibited. This list is illustrative and not exhaustive.**
- (c) Basic employee information may be released consisting of: job title, current salary, date of hire, salary history, promotional history, date of separation, employment status, department assignment and duties. Personal information including records containing the employee's address, telephone number, family status, etc., will not be released except by written approval from the employee or pursuant to subpoena or court order compelling release.**

- (1) Employee performance records or information, disciplinary records or information and medical information will only be released by written approval from the employee, or in accordance with law, subpoena or court order compelling release, or in defense of claims or complaints against the county or its employees by the employee.
- (2) Employees may obtain access to their own employment files by written request.

SECTION FOURTEEN. *If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.*

SECTION FIFTEEN. *All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.*

SECTION SIXTEEN. *This ordinance shall take effect on January 3, 2022, and be in force from that time onward, and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.*

PROPOSED on the _____ day of _____, 2021.

PROPOSED BY: Commissioner _____

PASSED on the _____ day of _____, 2021.

AYES : _____

NAYS: _____

ABSTAINING: _____

ABSENT : _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
MARILYN KIRKPATRICK, Chair

ATTEST:

Lynn Marie Goya, County Clerk

This ordinance shall be in force and effect from and after
the _____ day of _____ 2022.