

**Regulations
of the
Civil Service Commission
of the
City of Sparks
(Updated January 2025)**





CIVIL SERVICE REGULATIONS

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CIVIL SERVICE REGULATIONS OF THE CITY OF SPARKS STATE OF NEVADA

Pursuant to the provisions of Article IX of the City Charter of the City of Sparks, State of Nevada, the Civil Service Commission of the City of Sparks, Nevada, hereby prescribes the following regulations relating to applicants and the employees of the City of Sparks.

I PURPOSE, AUTHORITY AND APPLICATION

Section 1. Purpose: The general purpose of these regulations is to establish uniform methods of practice and procedure for the administration of the Civil Service program as provided in the Charter of the City of Sparks. The intent of the Charter is interpreted to require that City of Sparks applicants for employment and employees shall have reasonable assurance that employment matters will be dealt with on a uniform, equitable basis so that the citizens of Sparks may derive the benefits and advantages which can be expected to result from a competent staff of employees. Merit principles of competition and fitness shall govern in the procedures for selection, employment, promotion, and retention.

Section 2. Equal Employment Opportunity: The City of Sparks is an Equal Opportunity employer. The City of Sparks shall not discriminate for employment for or against an employee or applicant that is part of any group protected by applicable law.

Section 3. Authority of the Commission: The Commission shall have authority over and be responsible for all phases of the procedures for selection, appointment, and promotion of employees in the Civil Service; for the appeal rights of such employees in regard to suspension, demotion, dismissal and disciplinary action; and for the transfer of employees, together with all responsibilities assigned to this article.

Section 4. Applications: These regulations shall apply to all classified employees defined as those employees in positions and offices of the City service except:

- a) Office to which election is made by the people.
- b) Appointive members of Boards and Commissions.
- c) Appointive offices as specified by the Charter, Article I, Section 1.080.
- d) Temporary employees.

Section 5. Meetings:

- a) The Commission shall hold at least one regular meeting per quarter. The meeting must be held on the same day of each quarter, but if the day is a holiday, the meeting must be held on the next business day.
- b) Upon the request of the City Manager or designee advising the Commission of matters requiring consideration, the Commission shall call a special meeting not later than fifteen (15) days after receiving notice from the City Manager.
- c) Additional meetings may be called by the Chairperson or upon the request of three Commission members.
- d) An official action of the Commission shall be approved by three members of the Commission.
- e) Notice of meetings must be given and meetings must be held as provided in NRS Chapter 241.

Section 6. Severability: If any section or part of any section of these regulations is held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force, or effect of any other section or part thereof.

Section 7. Regulations Prevail: Subject to the provisions of NRS Chapter 288 governing subject matters for mandatory collective bargaining and the provisions of any existing collective bargaining agreement article to the contrary, these regulations shall supersede and prevail over any conflicting provisions of any administrative rules, policies, standard operating procedures, or rules and regulations of any department, division, or unit.

II COMMISSION ORGANIZATION

Section 1. Chairperson: The Civil Service Commission shall select one of its members to serve as Chairperson and one person to serve as Vice Chairperson for a period of one year from the first regular meeting held in July of the selection year. The Chairperson shall preside at all meetings of the Commission.

Section 2. Vice Chairperson: In the absence of the Chairperson, the Vice Chairperson shall preside at the meeting.

Section 3. Record Keeping and Administration: On behalf of the Commission, City of Sparks Human Resources shall have the custody of all books and records, and shall keep, or cause to be kept, a record of all applicants and application and testing materials, and a record of all persons employed by the City of Sparks together with records of all appointments, promotions, transfers, determinations, resignations, demotions, and other changes following record retention rules and regulations. In collaboration with the Commission, Human Resources shall see that all regulations are promptly published in such a manner as may be directed by the Commission and shall bring any case of their infraction before the Commission. Human Resources shall further keep, or cause to be kept, the employment list of each department of the City of Sparks, in accordance with records retention rules and regulations.

Section 4. Amendment to the Regulations: Regulations once adopted may be amended or modified by the Commission through the following procedures:

- a) A notice of the proposal to amend or modify the regulations shall be emailed to City staff and posted in a conspicuous place on bulletin boards accessible to the employees of the City in all departments not less than ten (10) days prior to the time the Commission will meet to hear discussion. The notice shall contain:
 - 1) The time and place for discussion concerning the proposed modification or amendment.
 - 2) A copy of the modification or amendment.
- b) A proposed amendment to the regulations has no effect unless approved by the City Council. The failure of the City Council to reject a proposed amendment within 30 days after its submission by the Commission shall be deemed to constitute approval of the proposed amendment.
- c) A copy of all regulations made by the Commission and all changes to them must be filed in the office of the City Clerk.

III APPLICATIONS AND APPLICANTS

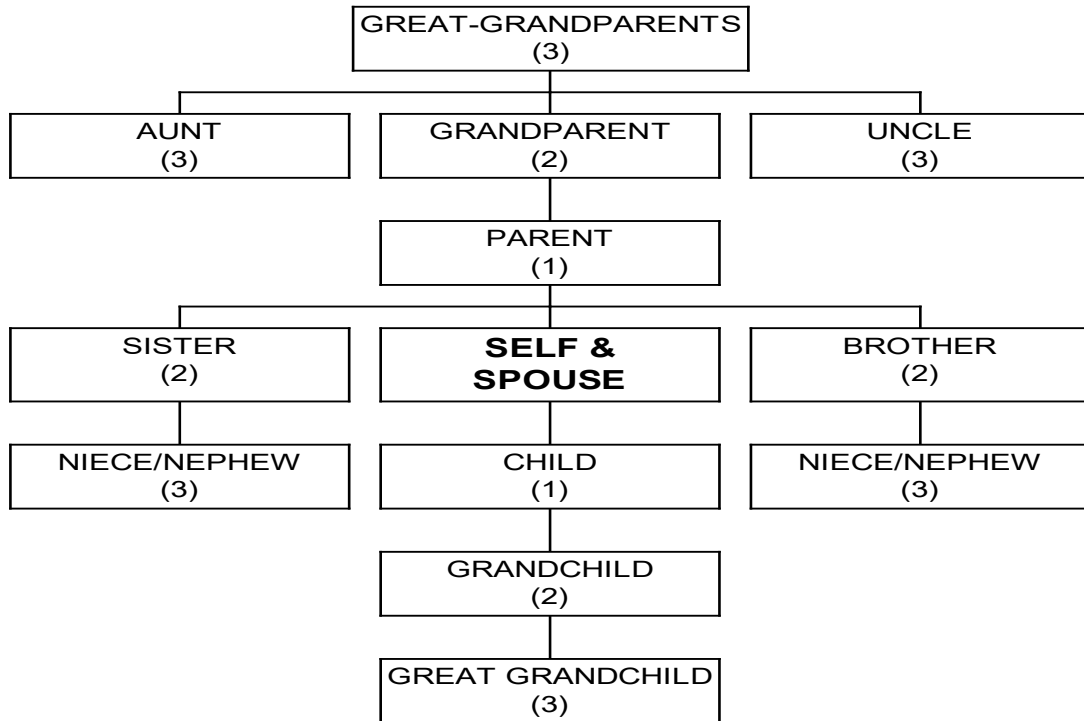
Section 1. General Provisions:

- a) All applications shall be submitted through the electronic portal designated by the City of Sparks as the applicant management system. Such applications must be filled out as directed on the application. The application form shall solicit all necessary and relevant information about the applicant which will show the applicant's qualification and fitness for employment with the City of Sparks.
- b) The application of any person shall be rejected when not filed within the period specified by the job posting or which indicates that the applicant:
 - 1) does not possess the minimum qualifications required for the position, or
 - 2) has made any false statement of facts or practices or attempted to practice any deception or fraud on the application.
- c) If an application has been accepted and the applicant is later found to lack the requirements or to violate these rules, the application shall be rejected; or after examination, shall disqualify a successful candidate and remove his or her name from any eligibility list upon confirmation by the Commission.
- d) Whenever an applicant is rejected, notice of such rejection shall be sent to the applicant. Incomplete applications may be flagged as incomplete requiring the applicant to amend the application, providing the time limit for receiving applications has not expired.
- e) An applicant for a position under Civil Service must provide proof of employment eligibility in the United States upon acceptance of employment by showing any documents as specified by the U. S. Department of Justice Form 1-9.
- f) The minimum age shall be in accordance with federal and state laws.
- g) No person shall be a candidate for employment who teaches or advocates or who is a member of any group which conspires to teach or advocate the overthrow of the government of the United States by force of violence.

Section 2. Nepotism:

- a) Hiring – No hiring authority shall hire relatives within the third degree of consanguinity or affinity of any current employee in the same department, except as provided in section (c) of this regulation.
- b) Supervision – No employee shall directly supervise a relative within the third degree of consanguinity or affinity in the same department, except as provided in section (c) of this regulation.
- c) Exceptions
 - 1) The Civil Service Commission may, by majority vote, grant an exception to sections (a) and (b), provided that the department director and the Human Resources Manager jointly request the exception.
 - 2) Sections (a) and (b) shall not apply when relatives within the third degree of consanguinity or affinity obtain employment within the same department as the result of bumping, displacement, recall or some other non-discretionary personnel action.
 - 3) Sections (a) and (b) shall not apply when the relative within the third degree of consanguinity or affinity is hired in a casual or temporary employment status.

DEGREES OF CONSANGUINITY AND AFFINITY



IV EXAMINATIONS AND ELIGIBILITY LISTS

Section 1. General: The Commission shall provide for competitive examinations for all positions within the Classified Service. They shall provide for notice of such examinations, general qualifications for applicants, practical tests and creation of eligibility lists.

Section 2. Character of Examination & Examination Series: Examinations shall be practical in nature and shall relate only to those matters which will fairly test the general fitness of the persons examined to discharge the duties of the classification in which they seek employment. Examinations may be written, oral, physical, training and/or education assessments, practical performance tests or any combination thereof which has been approved as a merit-based exam through coordination with staff and review of federal and state guidelines. No question pertaining to racial, religious, fraternal or political opinions or affiliations will be allowed at any examination or proceedings. An examination series is required for appointment within the Civil Service, whether for original or promotional appointment.

Section 3. Failure to Pass Test: If an applicant should fail one of the tests in an examination series, he or she shall not be eligible to complete the series unless otherwise ordered by the Commission for the good of the service. In the case where a set of scores must be averaged to determine a total score, consideration will be given to each of the subset scores as to their value to the total score.

Section 4. Notice: Notice of the examination shall be posted in appropriate departments of the City and shall be given such other publicity as deemed necessary. Such notice shall give the date and the character of the examination and shall indicate the qualifications required of applicants. The notice shall fix the period in which applications must be received.

Section 5. Filing: No person shall be admitted to any examination for a position in the Classified Service until he or she has filed an application which shall show the minimum requirements have been met as stipulated by these regulations. No information shall be required which reveals religious or political affiliations, race, age, or color of the applicant. Applications found to be incomplete or incorrect will be rejected, the applicant will be noticed, and the applicant may submit additional information for consideration within 24 hours of being noticed. A written notice designating the time and place of the examination shall be included with the job posting.

Section 6. Refusal to Examine an Applicant: The Commission may refuse to examine an applicant, or after examination refuse to certify an applicant as eligible, and may remove his or her name from an eligibility list for any of the following reasons:

- a) Dismissal from previous City of Sparks employment which was made for cause and sustained at the final level of review if appealed.
- b) Mental or physical unfitness for the position where no reasonable accommodation can be made.
- c) Intentional false statement of fact, as deception or fraud, in securing examination, certification or appointment.
- d) Current habitual use of intoxicating liquors to excess or illegal use of controlled substances.
- e) Failure to meet requirements as contained in examination announcement or other reasonable cause as determined by the Department Director.
- f) Any other willful violation of provision of this regulation.

Section 7. Rating: Each examination shall consist of one or more tests to which weights shall be assigned prior to the examination representing the relative value of each test to the whole. Preassigned weights may be changed at the direction of the Civil Service Commission in the instance of unusual circumstances. In determining the system for rating results of the examinations, due regard shall be taken of the number of candidates and the number of vacancies which may be expected to occur during a reasonable period of time. All applicants for the same examination should be accorded uniform and equal treatment in all phases of the examination and rating procedures.

Section 8. Medical, Psychological and Physical Examinations:

- a) The Commission may establish physical strength and agility as a subject in examination.
- b) A medical, drug, or psychological examination may be required for some positions after a contingent offer of employment is made. Any cost incurred for a job-related physical or psychological examination will be paid by the City. The Commission reserves the right to select the doctor to perform the examination.

Section 9. Grading: All examination papers remain the property of the Commission and shall be retained in its files. No unnecessary delay will occur in marking and grading the examination papers. As soon as the grading is completed, each candidate will be notified of his or her score and rank.

Once in receipt of their test results, the examinee may submit a written appeal of their test results that describes the examinee's reason for appeal. The appeal would proceed in accordance with Regulation XII, Section 3, Appeals, and the examinee may request to review their test if necessary for the appeal. Human Resources may provide the test unless bound by a proprietary or contractual agreement with a testing agency in which case the Human Resources staff will accommodate by providing information in an alternate form such as paraphrasing test material. Appeals and an accompanying request to review the test must be received by Human Resources within 24 hours of score notification.

Section 10. Promotional Examinations: Promotional examinations will be conducted under the same provisions set forth in this regulation.

Section 11. Continuous Examination: Original entrance examinations for classifications in which the need continually exceeds the availability of appointees may be administered as applications are received with results merged into one eligibility list as eligibility is established.

Section 12. Eligibility Lists:

- a) Applicants whose general rating on an examination meets or exceeds the established minimum passing score shall be placed upon an "eligibility list."
- b) If less than five (5) names appear on the eligibility list, the list may be certified. However, the appointing officer may reject such certification, in which case the Commission shall declare the list exhausted.
- c) Fire Department – eligibility lists for the position of Firefighter, Firefighter Recruit, Firefighter/Paramedic, Fire Apparatus Operator, Fire Captain, and Fire Battalion Chief shall continue in force for a period of two years. An eligibility list for these positions may not be extended.
- d) All Other Departments – an eligibility list for classified positions within the City of Sparks, with the exception of the positions listed in subsection (c) of this regulation, shall continue in force for a period of one year. An eligibility list under this subsection may be extended for one or two additional periods of six (6) months each.
- e) The Commission may for justifiable cause on its own initiative declare an eligibility list void at any time.

- f) In a situation where an administrative or clerical error occurs, eligibility lists may be requested for extension on a retroactive basis in accordance with subsection (d) above.

Section 13. Removal of Name from Eligibility List: The Commission may remove the name of an eligible from the list if the eligible has:

- a) Been offered to interview but not appointed, provided another eligible was interviewed and selected from the list. The request to remove the eligible must be based on job-related criteria. Justification by the appointing authority for passing over the eligible will be forwarded to the Commission prior to removing the eligible's name from the eligibility list and will be kept confidential.
- b) Failed to respond to an original notice of appointment within ten (10) calendar days. However, if satisfactory reasons for such failure to respond are presented within thirty (30) calendar days, the Commission may reinstate his or her name on the eligibility list.
- c) Declined Appointment. In the event an applicant declines appointment, his or her name shall be removed from the eligibility list immediately and notification of such action shall be sent to the applicant.
- d) For cause as in Section 7 of these regulations.
- e) In the Police Department or for any position requiring a full Police Department Background, if the candidate has failed any portion of the background, polygraph, psychological, physical or controlled substance screening. Failure by an applicant to pass any portion of the screenings automatically removes the candidate's name from the eligibility list.

V APPOINTMENT AND PROBATION

Section 1. General: No appointing officer shall select or appoint any person for or to any position within the Classified Service except as provided within these regulations nor shall the Commission approve the appointment of any person except as provided by these regulations. Vacancies in the Classified Service, if not filled by transfer, shall be filled by requisition and certification as provided herein.

Section 2. Requisition: Whenever a vacancy is to be filled in the Classified Service, the appointing officer shall make requisition to Human Resources, setting forth the classified title and specifications of the position and any other information deemed appropriate.

Section 3. Certification: Upon the Human Resources Department's receipt of a requisition, the Commission shall ascertain the availability of employment of persons from the appropriate list and shall then certify:

- a) First, from the laid-off list, the same number of names as there are vacancies in the inverse order of their layoff, for positions to which they are eligible;
- b) Second, from the promotional list in which the vacancy occurs, the names of eligibles within the requisitioning department or division;
- c) Third, from an original list for appointment to the classification in which the vacancy occurs.

If less than five names appear on the confirmed eligibility list, such name or names may be certified but the appointing officer may reject such certification in which case the Commission shall declare the list exhausted. Another examination then will be held and ten names certified.

Section 4. Action by Appointing Authority: The Commission shall certify the top 10 entry level candidates, or the top 5 for promotional eligibles, in alphabetical order and forward their names to the department director. The appointing authority shall not be required to participate in any hiring interviews in the event that the appointing authority follows the recommendation of the designee(s) in those instances where the appointing authority delegates to such designee(s) the authority to conduct the hiring interviews and the ranking of candidates. In the event that the appointing authority elects not to follow such recommendation, the appointing authority shall personally conduct hiring interviews of all of the eligible candidates prior to making an appointment. Within ten working days from the last day of interviews, the appointing authority shall choose one or more eligibles to continue in the hiring process. In those instances where additional background, physical examination, or other requirements must be satisfied as part of the hiring process, within ten days of the completion of the requirements, the appointing authority shall choose one or more candidates.

Section 5. Notice of Appointment: Upon receipt of notice of selection, Human Resources Department shall process the appointee and shall so notify the Commission.

Section 6. Probationary Period:

- a) All original and promotional appointments shall be subject to a probationary period of at least six (6) months, not to exceed one year, unless probation is extended beyond one year pursuant to these Regulations. If the service of the probationary employee has been satisfactory to the department director, he or she shall file with Human Resources a completed performance evaluation form indicating the retention of such employee in his or her position is desired.
- b) The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his or her position and for eliminating any

probationary employee whose performance does not meet the required standards of work.

- c) During the probationary period an employee may be terminated by the department director without right of appeal. Notification of termination in writing shall be served on the probationer and a copy filed with Human Resources.
- d) An employee who accepts a promotional appointment and does not satisfactorily complete the probationary period shall be reinstated to his or her previous classification and shall retain his or her previous seniority in the classification provided there is not misconduct on the part of the employee.
- e) At the discretion of the department director, an employee who does not meet the initial probationary requirements but shows the capacity to meet the probationary requirements with additional time may have their probationary period extended to allow the employee time to meet the probationary requirements, up to an additional six (6) months. This extension may exceed the one-year probationary period limit in subsection (a). In such cases, notification of extension of probation will be given to the employee before the initial probationary period expires.

Section 7. Confirmation of Classified Employment: Upon receipt of the completed performance evaluation form indicating successful completion of the employee's probationary period, Human Resources shall submit the name of the employee to the Commission for confirmation as a classified employee.

Section 8. Temporary Appointment:

- a) A department director may employ applicants without approval of the Civil Service Commission for the purpose of doing work which is of a seasonal, temporary, or extraordinary nature.
- b) Time spent under temporary employment shall not be credited to the probationary period and no credit shall be allowed for temporary service when giving an examination for the establishment of any employment or promotional list except as herein provided. However, time spent under temporary employment may be credited to the total service of any employee whose regular employment has been confirmed by the Commission.

Section 9. Status of Employees: Appointment to a temporary position or any position not in the classified service shall confer neither Civil Service status nor any privilege or promotion or transfer to any position in the service. Under extraordinary circumstances the Civil Service Commission may review individual cases for purposes of confirming Civil Service status.

VI PROMOTION

Section 1. General: Promotion is defined as a progression to a higher classification of service through Civil Service procedures with a resulting increase in pay.

Section 2. Method: As the needs of the service may require, the Commission shall conduct competitive promotional examinations for positions within the Civil Service. Such examinations may be written, oral, practical, assessment center, or physical, or any combination thereof which the Commission may direct.

Section 3. Eligibility: To be eligible to enter an examination for promotion, an existing employee shall be a classified employee in the Civil Service and must have completed the necessary service requirement and other requirements as stated in the examination announcement. In the case where there are insufficient internal candidates for promotion, the position may be posted externally and external candidates may be considered given the candidate meets all requirements for qualification as stated in the advertised job announcement.

Section 4. Notice: Notice of promotional examination shall be posted on the City's website and emailed to potentially eligible City staff. Such notice shall give the date, place, qualifications, and character of the examination. Notices shall fix the period in which applications will be received.

Section 5. Filing: Application for promotional examinations shall be made upon the form furnished by Human Resources, and shall be filed with Human Resources before expiration of the filing period.

Section 6. Examinations: The regulations governing promotional examinations shall, except as herein provided, be the same as for original entrance examinations as provided in Regulation IV. Where positions require special physical fitness, the Commission may cause a special investigation of eligibles to be made to determine whether they continue to meet the required physical standards.

Section 7. Eligibility Lists: Regulations governing the establishment of promotional eligibility lists shall be the same as provided for original lists.

Section 8. Requisitions and Certifications: The regulations governing requisitions and certifications for promotion shall be the same as provided in Regulation V.

VII TRANSFER

Transfers shall be subject to approval by the Commission. An employee may be transferred at any time from one position to another position in the same comparable classification. If the transfer involves a change from one department to another, the Human Resources Director or designee must approve the action. Notice of all transfers shall be filed with the Commission by Human Resources. Routine transfers shall not be used to bring about a promotion, demotion, advancement or reduction, each of which may be accomplished only as provided in these regulations. No person shall be transferred to a position for which he or she does not possess the minimum qualifications.

When special needs occur, the department director, with the employee's concurrence, may request that an employee be transferred to a position in a higher or lower salary range. Special needs may include transfers to meet reasonable accommodation as defined in the Americans with Disability Act. The department director will make his or her request to Human Resources, who will present the needs to the Civil Service Commission. The Commission will review the needs and staff recommendations on each request and make a determination on the merits of the request.

When business needs occur, the department director, in consultation with Human Resources and with the employee's concurrence, may request that an employee be transferred to a position in their department or a different department, given the employee meets the minimum qualifications of the intended job transfer. Transfers due to business needs may include transfers to retain newly hired staff that have not met their probationary requirements due to training limitations but have demonstrated the ability to perform other functions needed by the City in a different capacity.

VIII LAYOFF PROCEDURE

Section 1. General: Whenever it becomes necessary in any department, through lack of work or funds, or abolishment of the job, personnel shall be laid off or reduced in grade according to the procedures outlined in this section.

The term layoff shall be defined as the loss of employment for reasons other than disciplinary cause or lack of performance. Layoff may be appealed only on procedure violations or on the grounds that no genuine lack of work or funds exist.

Section 2. Layoff Formula:

- a) A department director with the assistance of Human Resources shall determine in what “career ladder” and at what level reductions in staff will have the least detrimental effect on department operations and will specify layoff accordingly. A “career ladder” for purposes of layoff, is defined as the normal line of progression from trainee, entry or preparatory levels to supervisory or administrative levels within a job specialty. The minimum qualifications, test for fitness, and the duties and responsibilities are similar but different in level. “Career ladder” includes all positions which an employee has previously held in City service, provided that such positions are reasonably related to the present position and the employee is still qualified to hold the former position.
- b) Prior to implementing any layoffs, the City will freeze all vacant positions within the “career ladder(s)” designated for layoff. Employees facing layoff may bid for vacancy and with department director’s approval be placed in the position. If none of the employees who bid for the vacancy are approved by the department director, the vacancy shall remain frozen for the duration of that fiscal year or six months, whichever is greater, and those who bid for the position must be given, in writing, the reason(s) they were not selected.
- c) Within the “career ladder” selected and at the specified level, all nonclassified employees of the department shall be laid off before any classified employees of the department and in the following order: temporary and then probationary. An individual who attained classified status but is serving a new probationary period because of a promotion is grouped with classified employees for layoff purposes. If an employee has been employed in a “career ladder” for a period of time equivalent to the minimum required to complete a probationary period, but because of promotions within the “career ladder” has never completed a probationary period, such employee shall, for layoff purposes, be considered a classified employee.
- d) If additional reductions are necessary, classified employees shall be laid off based on the following procedures:

Seniority with the City and disciplinary actions within the past year will be utilized in accordance with the following formula.

One point shall be allowed for each complete month of continuous service with the City. Twelve (12) points will be deducted for any disciplinary action greater than a written reprimand agreed to or affirmed on appeal, incurred within a one-year period prior to the date of layoff.

If there are two employees with the same seniority points and the same hire date, seniority will be determined by the drawing of lots.

Employees with the least total points will be laid off first, in numerical order from low to high.

Section 3. Returnees from Military Service: Employees returning from a period of active military service are entitled to seniority points as if they had been continuously employed by the City of Sparks. If such an employee had not completed the probationary period prior to entry into military service, such employee must be rehired to the former position or a similar position if the former position has been abolished and be required to serve the remainder of their probationary period. Such employee may not be rehired to a position that has already been designated as a layoff category. Layoff of employees returning after military leave will be in accordance with the provisions of Title 38, U.S. Code.

Section 4. Demotions, Transfers:

- a) In lieu of being laid off, an employee may elect temporary demotion to any class with lower maximum salary within the same "career ladder" in which the layoff is occurring within the department. In no case may an employee bump into a higher classification.
- b) Those employees laid off will have employment right at a lower level within the same "career ladder" within the department determined by the point totals. Employees being bumped will match point totals with incumbents in the next lower class in the "career ladder" for continued employment.
- c) An employee with service in another classification and "career ladder," may bump an employee of the former department from a position in a classification in which such employee previously held status provided the employee's service points are greater. In all cases, the point system will be applied only to continuous City of Sparks employment. "Continuous employment" shall be defined as employment with the City of Sparks following any permanent break in service.
- d) A department may transfer employees to fill vacancies rather than use a re-employment list provided that the transfer is to a position for which the employee is qualified, or if the transfer does not adversely affect other employees. If for example a person in a layoff class is qualified for a totally unrelated position in another department, he or she may be transferred there in lieu of termination, but only if such a transfer does not result in other employees being bumped.

Section 5. Re-Employment: The names of persons laid off or reduced in accordance with this section shall be placed on the laid off register, to be prepared by Human Resources in the inverse order of layoff, that is, the last person laid off shall be the number one person on the layoff register. Persons on the layoff register shall have precedence over all others for appointment. If a vacancy occurs in a different department than that of the layoff, those eligible from the register may bid for the position and with the approval of the department director be placed in that position. If the department director does not approve any who have bid for the position, that position shall remain frozen for the duration of the fiscal year, or six months, whichever is greater. All bidders must be notified, in writing, of the reason they were not selected. The names of such persons shall also be placed at the top of the Citywide eligibility list for the classification of grade in which they were employed at the time of layoff. The laid off employee shall be rehired by the City if any openings occur within the next twenty-four (24) months. If no eligibility list exists, the names of such employees shall constitute the eligibility list. A name shall be dropped from the laid off register after twenty-four (24) months from the date it is placed thereon.

IX RESIGNATION, RETIREMENT, LEAVE OF ABSENCE

Section 1. Resignation: An employee in the Classified Service who wishes to leave City employment in good standing, shall file with his or her supervisor, at least two weeks before leaving, a written resignation which shall contain the reason for leaving and the effective date. Failure to comply with this procedure will be considered cause for denial of future employment with the City. The supervisor shall forward notice of such resignation to Human Resources prior to the effective date.

Section 2. Retirement: Retirement of employees shall be as provided by State law and City ordinance.

Section 3. Leave of Absence; Military leave; Maternity/Paternity/Adoption Leave:

- a) Leave of Absence: Upon application to the Commission, an employee in the Civil Service may be granted a leave of absence without pay for a period not to exceed one year without prejudice to his or her status, provided that such application shall first have been approved by the head of his or her department and Human Resources.
- b) Military Leave: Whenever any employee in the Civil Service, whether serving a probationary period or regularly confirmed as provided in these rules, shall be called into the active service of the Armed Forces of the United States, the following shall apply to such employee;
 - 1) Said employee shall be granted a leave of absence without pay from the employ of the City of Sparks.
 - 2) During such service, said employee shall retain all rights to which he or she is entitled under the provisions of these regulations.
 - 3) Any employee whose name shall appear on any promotional list or lists at the time of such induction shall, at the time of his or her honorable discharge or release, be placed on the corresponding list or lists then in force in the position.
 - 4) After the completion of such military service and provided such employee makes written application for immediate reinstatement within thirty (30) days after receiving an honorable discharge or release from active duty, said employee shall be restored to his or her former position provided it shall appear to the satisfaction of the Commission that such employee is capable of performing his or her former service to the City. The provisions of this section shall not apply to any employee receiving other than an honorable discharge or release.
 - 5) In the event any such employee is, in the opinion of the Commission, physically incapable of performing his or her former service with reasonable accommodation but is physically and mentally employable in some other branch of the Civil Service, that employee shall be placed on an appropriate eligibility list.
 - 6) If an employee has been promoted, transferred, or hired to fill a position made vacant by an employee called to active military duty, appropriate action will be taken to restore the job to the original employee upon his or her return. This action may include demotion, transfer, or termination of the employee who filled the position.
- c) Maternity/Paternity/Adoption Leave: Maternity/Paternity/Adoption leave of absence must be requested in writing and shall be in accordance with the Family and Medical Leave Act and City policy pursuant to the City of Sparks Administrative Rules.

Section 4. Reemployment: An individual who has resigned in good standing from a classified position and who desires placement on a reemployment list may, within one (1) year of the resignation, submit a request to the Commission for reemployment in any classification(s) previously held in which the individual had obtained classified status. An individual seeking reemployment must provide a new application and meet the current minimum qualifications for

the classification for which reemployment is sought. Prior to reemployment an individual must satisfy any pre-employment screening criteria established for the classification.

Upon approval by the Commission, the name of the applicant will be placed on the reemployment list for such classification. Placement on the reemployment list will be for an eligibility period of one (1) year from the date of Commission approval. Eligibility may be extended for up to an additional two (2) years, provided the individual reapplies each year before the expiration date of the individual's last eligibility period. A reemployment list shall only be certified by Human Resources and sent to the department when the appointing officer has a vacancy and has requested an eligibility list. Notwithstanding any other provision of these Regulations, an appointing officer may make an appointment from a reemployment list so certified or a list certified pursuant to Article V. If an individual on such reemployment list is not appointed, the appointment shall comply with Article V of these Regulations.

Individuals who are appointed from the reemployment list shall serve a new probationary period appropriate to the classification.

X PROHIBITED ACTS

Section 1. Prohibited Acts: An employee of the City who has authority to recommend, effectuate or approve the hiring, removal, promotion or discipline of another employee of the City shall not:

- a) Discriminate for or against an employee or applicant that is part of any group protected by applicable law.
- b) Solicit or consider a written or oral recommendation or statement concerning a person under consideration for hiring, removal, promotion or discipline, except for:
 - 1) A record of employment of the person maintained by an employer in the regular course of business; or
 - 2) An evaluation of the person's character, loyalty, ability, aptitude, suitability, qualifications or history of performance, if within the personal knowledge of the person furnishing the evaluation and if relevant to the position for which the person is under consideration;
- c) Coerce an employee to engage in a political activity or to provide, or retaliate against an employee for refusing to provide, a political contribution or service;
- d) Deceive or willfully obstruct a person regarding his/her right to seek a position of employment;
- e) Influence a person to withdraw from seeking a position of employment or obstruct another person who seeks such a position;
- f) Except as specifically authorized by an ordinance, administrative rule or regulation, or state or federal law, grant a preference or advantage to an employee or applicant for employment, including defining the scope or manner of competition or the requirements for a position of employment, to assist or obstruct any person who seeks such a position;
- g) Retaliate against an employee or applicant for employment for disclosing information he/she reasonably believes to evidence:
 - 1) A violation of an ordinance, administrative rule or regulation, or state or federal law; or
 - 2) A mismanagement or gross waste of money, an abuse of authority, or a situation that presents a substantial and specific danger to the public health or safety, unless the disclosure is:
 - (i) Specifically prohibited by a contract to which the City is a party and not required by an ordinance, administrative rule or regulation, or state or federal law; or
 - (ii) Prohibited by an ordinance, administrative rule or regulation, or state or federal law.

Retaliate against an employee or applicant for exercising a right of appeal provided by an ordinance, administrative rule or regulation, or state or federal law.

Section 2. Violations of Provisions by Classified Employees: Violations of the provisions of these regulations by classified employees of the Civil Service shall be grounds for suspension, demotion, dismissal or other disciplinary action. Violation of the provisions of these regulations or failure to maintain these regulations in full force and effect within their respective departments by the department director to which these regulations are or shall hereafter become applicable, shall be grounds for a recommendation by the Commission to the City Manager that suitable disciplinary action be taken against the department director.

XI DISCIPLINE, SUSPENSION, DEMOTION, DISCHARGE

Section 1. General: An employee in the classified service may be disciplined, suspended, demoted, or discharged only by the City Manager or his or her designated representative. An employee may be given an oral or written reprimand by the supervisor or department director.

Section 2. Disciplinary Authority of the City Manager:

- a) The City Manager or his or her designated representative may suspend without pay for a period not to exceed 30 days or dismiss or demote a classified employee pursuant to regulations adopted by the Civil Service Commission for the betterment of the service or for other justifiable cause. Notice thereof, together with a full statement of the reasons, shall be immediately filed with the Commission and a copy served upon the employee.
- b) A classified employee who has been recommended by the department director to be terminated will be given a written statement setting forth the specific charges and at least a three (3) working days' notice prior to the informal pre-termination hearing before the City Manager or designated representative. The employee may be placed on suspension pending the outcome of the pre-termination hearing. Pursuant to Regulation V, Section 6(c), probationary employees may be terminated without right to appeal.
- c) The hearing will be informal and will not follow formal rules of evidence. The employee may have a representative present. The employee will be asked to respond to the specific charges and give his or her "side of the story."
- d) Failure on the part of the employee to attend the scheduled hearing will waive his or her right to the pre-termination hearing.
- e) The City Manager or designated representative within seventy-two (72) hours of the close of the pre-termination hearing will forward his or her decision to the employee and the Civil Service Commission. The written decision may modify, rescind or sustain the proposed termination.
- f) A dismissal, involuntary demotion or suspension does not become effective until the employee is notified in writing of the action and the reasons therefor. The notice may be delivered personally to the employee or mailed to his or her last known address by registered or certified mail, return receipt requested. The effective date of the dismissal, involuntary demotion or suspension is the date of delivery of the notice or, if notice is mailed and the letter is returned to the sender, three (3) days after mailing.

Section 3. Causes: Employees may be disciplined for justifiable cause only. These include activities which would affect their ability or fitness to satisfactorily perform their assigned duties. Factors deemed part of any group protected by applicable law except when based upon a bona fide occupational qualification, may not be considered as cause for any classified employee to be suspended, discharged, or otherwise disciplined. Reasons which may be considered cause for disciplinary action include, but are not limited to, the following:

- a) That the employee is incompetent or inefficient in the performance of his or her duties and responsibilities.
- b) That the employee is unsafe to him- or herself or other employees in the performance of his or her duties and responsibilities.
- c) That the employee has been abusive in his or her attitude, language, behavior, or conduct toward a fellow employee, supervisor, or the public, or that his or her action has resulted in physical harm, injury, or fear of same to such persons.
- d) That the employee has accepted a fee, gift, or other valuable consideration in the course of performing his or her duties and responsibilities which is given and/or received with the hope or expectation of receiving favored treatment or other special consideration.

- e) That the employee has been insubordinate, willfully disobedient, or has failed to obey any lawful and reasonable direction from an appropriate supervisor.
- f) That the employee has been convicted of a felony or a criminal offense while employed by the City.
- g) That the employee has taken an active part in political management or political campaigns for elective office during working hours.
- h) That the employee has falsified any document, report or statement relating to his or her employment with the City of Sparks.
- i) That the employee through negligence or willful misconduct has caused damage to public property or waste of public supplies.
- j) That the employee has been inexcusably absent, has failed to receive prior approval for any paid or unpaid absence, or has abandoned his or her position.
- k) That the employee has refused to perform a reasonable light duty assignment that is offered because of illness or industrial accident.
- l) That the employee has been guilty of intentional discrimination because of race, color, national origin, religion, age, sex, marital status, political affiliation, or disability, except when based upon a bona fide occupational qualification.
- m) That the employee has concealed information, or failed to properly report an accident or incident under the purview of any federal or state statute or city ordinance or regulation.
- n) That the employee's unexcused absence is such that the efficiency or effectiveness of the program is impeded.
- o) That the employee has violated City or department rules and regulations governing outside employment.
- p) That the employee has stolen public or private property, misappropriated City funds, or has been an accomplice in any of these activities while employed by the City of Sparks.
- q) That the employee has consumed alcoholic beverages or any other intoxicants or illicit drugs, including marijuana or other controlled substances without lawful prescription, during working time or while on special assignment, without prior approval of the City Manager or the department director, or that the employee has reported to work under the influence of drugs or alcohol.
- r) That the employee has engaged in conduct either during or outside of regular duty hours which is of such a nature that it causes discredit to the City.
- s) That the employee has solicited or received any contribution of campaign funds for any candidate for any City elective office.

Disciplinary action is not limited to the above which is outlined as a guide. There may be other actions which are considered sufficient cause for discipline.

Any employee suspended, demoted or discharged may demand a formal hearing before the Commission. The demand shall be in the same form as that provided in Article XII, Section 3.

Section 4. Demotion: The demotion of an employee to a lower grade classification, and/or pay shall be made by the City Manager or designee, through the department director. Conditions under which demotions may be made and the procedure to be followed in each case are listed in the following sections.

- a) Upon showing inefficiency, incapacity, misconduct or for other just cause, the City Manager may demote an employee by filing with the Commission the notice of such reduction together with a statement detailing the causes and stating time, place and circumstances, a copy of which shall be served on the employee.
- b) The demoted employee shall have right of appeal and shall be given an opportunity for a hearing as provided in Article XII. An employee so demoted, shall lose all prior rights to the higher class.

- c) Lack of Work: When it becomes necessary to effect a reduction in force because of lack of work or funds, the appointing authority shall accomplish such reductions in the order prescribed in Article VIII.
- d) Voluntary: The employee, upon his or her own initiative, may request reduction to a vacancy in a previously held classification or any lower classification for which the employee is qualified, for physical or other good reasons. The appointing officer shall indicate thereon his or her approval prior to forwarding it and the notice of change to the Commission. Such reduction shall be without prejudice to the employee's future status and the employee shall be entitled to credit for previous service in the lower classification. No further reference to the Commission needs to be made prior to effecting the reduction; provided, such reduction shall not displace any classified or probationary employee.

XII CLAIMS, APPEALS, HEARINGS

Section 1. Claims: The claim of any employee who has a Civil Service classification, that he or she has been deprived of or separated from, a position to which he or she is entitled or the complaint of any employee through his or her representative regarding conditions of Civil Service employment may be presented to the Commission. Should the investigation, as provided by Section 2, below, result in a hearing, the procedure as set forth below shall prevail.

Section 2. Investigations: All claims or complaints, including citizen complaints, shall be in writing. The Commission, if it deems it advisable, shall cause a preliminary investigation of any complaint or claim so presented. During the course of such investigation, the Chairperson of the Commission shall have the authority to administer oaths, require the production of relevant books or records, and the attendance of any officer, employee, or other person. In case the Commission orders a hearing, it shall set a time and place for same and notify the parties involved and the City Manager.

Section 3. Appeals: Any employee in the Classified Service who has been suspended, reduced in pay grade, demoted, or discharged, may appeal such personnel action to the Commission, provided there is no appeal procedure available to the employee under a collective bargaining agreement in which he or she is covered. If the employee is covered under an agreement, he or she will select either appeal procedure he or she wishes, but under no circumstances will the employee be allowed appeal under both procedures (Civil Service and Collective Bargaining contracts). If the employee chooses the Civil Service procedures, he or she will provide the Commission with a written waiver of his or her agreement/contract appeal rights. All appeals must be in writing and filed with Human Resources within ten (10) working days from the date of the employee's notice of such personnel action. Notice of all suspensions, pay grade reduction, demotions, or discharges is provided to the Commission at their quarterly meetings. Employee may appeal in the following or similar forms: "To the Civil Service Commission of Sparks, Nevada: Please take notice that I appeal the order of the City Manager of the City of Sparks, dated _____, 20____, (demoting, discharging or suspending) me." The notice of appeal shall be signed by the employee demoted, discharged or suspended and shall clearly state the name and the address of such employee. Failure to file within the prescribed time shall be considered as acceptance of the action and the action shall be deemed complete.

Any candidate who is challenging the results of their Civil Service examination must follow the appeals process identified in these Regulations.

Section 4. Hearing to Determine Reasonableness of Dismissal, Demotion or Suspension; Judicial Review:

- a) The Commission shall grant the employee a hearing within 20 working days after receipt of the employee's written request unless the time limitation is waived, in writing, by the employee at the time the request is filed or there is a conflict with the hearing calendar of the Commission or its hearing officers. If a hearing is not held within 20 days, it must be scheduled for the earliest possible date. The date for a hearing may not be vacated or the hearing continued except for good cause.
- b) The Commission may appoint a Hearing Officer to conduct or assist in conducting a hearing. The Commission may delegate to the Hearing Officer such authority as the Commission deems appropriate.
- c) Technical rules of evidence do not apply at the hearing.
- d) All testimony at the hearing must be recorded or reported by a shorthand reporter certified pursuant to NRS Chapter 656 and may be transcribed, if necessary, for the deliberation of the Commission or a Hearing Officer, or for an appeal to the District

- Court. The cost of a transcript ordered by the Commission or a Hearing Officer must be paid by the City.
- e) Unless the parties stipulated otherwise, the Commission or Hearing Officer shall render a decision in writing, setting forth the reasons therefore, within 30 days after the hearing.
 - f) Commission Action: The action taken by the City Manager shall stand unless modified or revoked by the Commission. If the Commission finds that the reason for which the action was taken was insufficient, it shall modify or revoke the action. If the charges are found to be substantially true and valid and made in good faith for the purpose of improving the public service, the Commission may sustain the action or may impose such other disciplinary action as the Commission deems just and proper.
 - g) If the Commission or Hearing Officer determines that the dismissal, demotion or suspension was without just cause, the action must be set aside, and the employee must be reinstated with full pay for the period of dismissal, demotion or suspension.
 - h) The decision of the Commission or Hearing Officer is binding on the parties.
 - i) Any petition for judicial review of the decision of the Commission or Hearing Officer must be filed within 30 days after service of the decision.

Section 5. Notice of Hearing: Method of Service

Notice of the time and place of a hearing scheduled pursuant to Section 4 must be served upon the employee and may be served in the same manner as a summons is served in the State of Nevada or by mailing it to the employee by registered or certified mail, return receipt requested, at the address stated in the Notice of Appeal with postage thereon fully prepaid. An affidavit by a person serving notice by mail pursuant to this section setting forth the facts of service shall be deemed to constitute conclusive proof that all parties in interest have been provided with full and sufficient notice of the hearing.

Section 6. Issuance of Subpoenas; Discovery; Oaths, Examinations and Exclusion of Witnesses:

- a) The Civil Service Commission or Hearing Officer may, upon application of any party to a hearing, issue subpoenas requiring the attendance and testimony of witnesses at the proceeding.
- b) The Commission or Hearing Officer may, upon motion of a party, direct that an opposing party participate in a discovery conference at which both parties and their counsel may question the other party and receive answers, request and receive copies of relevant documents or examine relevant documents and records and any other physical evidence with the opposing party intends to use at the hearing.
- c) The Commission or Hearing Officer, or any agent designated by the Commission, may administer oaths and affirmations and examine witnesses.
- d) The Commission or Hearing Officer may exclude from the hearing a person whose conduct at the hearing is disorderly, contemptuous, insolent, or disruptive.

Section 7. Subpoenas Extend to all Parts of the State; Service of Subpoenas; Attendance of Witnesses:

A subpoena issued pursuant to Section 6 extends to all parts of the state and must be served in accordance with the provisions of the Nevada Rules of Civil Procedure, Rule 4. No witness may be required to attend at a place out of the country in which he or she resides unless the distance is less than 100 miles from his or her place of residence, except that the Civil Service Commission or Hearing Officer, upon affidavit of any party showing that the testimony of that witness is material and necessary, may endorse on the subpoena an order requiring the attendance of the witness in response to the subpoena.

Section 8. Fees, Mileage and Expenses of Witnesses:

- a) All witnesses appearing pursuant to subpoena, other than parties or officer of employees of the City, are entitled to receive fees and mileage in the same amounts and under the same circumstances as prescribed in NRS 50.225.
- b) Witnesses entitled to fees or mileage who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day are entitled, in addition to fees and mileage, to the per diem allowance provided in NRS 281.160 for State Officers and employees for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearings.
- c) Fees for mileage and per diem allowances must be paid by the party at whose request the witness is subpoenaed. The Civil Service Commission or Hearing Officer may award as costs the amount of such expenses to the prevailing party.

Section 9. Enforcement of Subpoenas:

- a) If any witness refuses to attend or testify as required by a subpoena issued by the Civil Service Commission or Hearing Officer, the Commission may file a petition with the District Court stating that:
 - 1) Due notice has been given for the time and place of attendance of the witness;
 - 2) The witness has been subpoenaed pursuant to Charter Section 9.125; and
 - 3) The witness has failed or refused to attend or has refused to answer questions propounded to him or her;And asking for an Order of the court compelling the witness to attend and testify before the Commission or Hearing Officer, as required by the subpoena.
- b) Upon such a petition, the Court shall enter an order directing the witness to appear before the Court at a time and place to be fixed by the Court in its Order, the time to be not more than ten (10) days after the date of the order and then and there show cause why he or she has not attended or testified. A certified copy of the Order must be served upon the witness.
- c) If it appears to the Court that the subpoena was regularly issued, the Court shall enter an Order that the witness appear before the Commission or Hearing Officer at the time and place fixed in the Order and testify, and upon failure to obey the Order, the witness must be dealt with as for Contempt of Court.

XIII RECORDS AND REPORTS

Section 1. Employee Records: Human Resources shall be the custodian of all employee records. These records shall be handled and administered as confidential records. Human Resources shall be the central depository for all employee records which shall include completed application forms, medical records, and all correspondence which affect the employees. Human Resources maintains several files containing employee records, depending on the type of record, including but not limited to: personnel files, medical files, and industrial insurance/worker's compensation files.

Section 2. Reports: Human Resources will be responsible for keeping the Commission advised on all matters pertaining to employments, transfers, promotions, demotions, reduction layoff, suspension, reinstatement, leave of absence, and return to duty; all terminations and the reasons; and creation or abolition of any position.

In addition to an initial performance evaluation of a probationary employee, department directors shall provide for regular efficiency reports of members of the department, for courses, tests or examinations to be required within the department, and for any other act or thing necessary or desirable to bring about advancement or promotion of the members within the department, according to merit, and to bring about full and efficient operation of the department so that it may better serve the public.

XIV DEFINITIONS

Affinity: Relationship by marriage (includes legal adoption).

Appeal: Request for reconsideration pursuant to Regulation XII.

Applicant: A person who applies for a classified position and is scheduled to take an examination for appointment or promotion to a classified position.

Appointee: A person who has been appointed or employed.

Appointing Authority: The term “appointing authority” means the City Manager, except when the City Manager has delegated this authority to a Department Director.

Candidate: A person who has successfully tested for a position and who has been placed on an eligibility list.

Certification: The recommendation for probationary appointment, either original or promotional, given by the Commission to an applicant who has successfully completed the required examination or examinations and is eligible for such appointment.

Charter: The Charter of the City of Sparks.

City Manager: The duly appointed City Manager of the City of Sparks.

Classification Description: A listing of the duties, tasks, or operations and responsibilities undertaken and performed by an individual in the execution of his or her job.

Classified Service: All employees of the City who have been determined to be under the regulations of the Civil Service Commission, except those employees elected, appointed by the City Council or City Manager, or temporary employees.

Commission: The duly appointed Civil Service Commission of the City of Sparks, County of Washoe, State of Nevada.

Confirmation: Action taken by the Commission affirming that an employee has successfully completed his or her probationary period and shall henceforward be entitled to the rights and privileges accruing to classified employees under the City Charter.

Consanguinity or Affinity: Relationship by blood or marriage (includes legal adoption).

Demotion: The reduction of an employee to a lower grade, classification, and/or a decrease in pay.

Disciplinary Action: A personnel action taken against an individual employed by the City of Sparks who has violated the policies, rules or authority governing his or her work. Discipline may include, but is not limited to, suspension, demotion or dismissal.

Eligible: Those persons who have successfully completed an examination consisting of one or more tests as determined by the Commission and who are eligible to be appointed to a vacant Civil Service position for which they have qualified.

Eligibility List: A list of names of applicants who have passed the prescribed entrance or promotional examinations for positions in the Civil Service and have been approved by the Civil Service Commission.

Examination: A course of inquiry into the fitness of an applicant to hold a position under the provisions of the City Charter and these regulations. Examination may consist of oral, written, practical performance or agility tests, or any combination thereof.

Job-Related Criteria: Factors related to critical job performance based on the applicable Classification Description.

Laid Off List: A list of employees in the Classified Service of the City who have been removed from active City Service because of lack of work or funds, or abolishment of the job or position, or for other good cause or circumstances which are beyond the control of the officers and employees involved.

Leave of Absence: A period of excused absence from the Civil Service which has been approved and granted in the manner set forth in these regulations.

Personnel: See Classified Service.

Probationary Period: That period between appointment of an applicant and his or her confirmation as a classified employee in the manner set forth in these regulations.

Probationer: An employee who has probationary status.

Promotion: Progression to higher classification of service through Civil Service procedures with a resulting increase in pay.

Rating: An evaluation, appraisal, score or grade given in any examination or personnel proceeding.

Rejection: The right of the Commission for cause to refuse to accept the application of any person or, if such application has been accepted, the right to refuse to examine or certify such applicant.

Resignation: The voluntary separation of any employee from the Civil Service.

Retirement: The separation of an employee from the active service within the provision of the Public Employees Retirement System of the State of Nevada or any retirement system which shall hereafter be adopted by the City of Sparks.

Seniority: The amount of service credit an individual attains within a classification within a department. Departmental seniority will be compared first, then City seniority. All else being equal and if individuals started work with the City the same day, they shall draw lots to determine their seniority.

Suspension: The temporary removal of an employee from his or her office or position for a specified period of time with or without loss of pay.

Temporary Employee: A person employed by the City for the purpose of doing work which is of a seasonal, temporary, or extraordinary nature.

Termination: The separation of an employee from the service for other than voluntary reasons.

Test: One section of an examination series.

Transfer: Movement of an employee from one classified position to another as permitted by these Regulations.

XV DISTRIBUTION

Upon adoption of the regulations, the Commission shall have sufficient number of copies reproduced to distribute as the Commission deems necessary.

Amendments to the regulations shall be reproduced and distributed as the Commission deems necessary.