

**STOREY COUNTY ADMINISTRATIVE
POLICIES AND PROCEDURES**

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AUTHORITY: BOC
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SUBJECT: Definition of Terms

1. Definition of Terms

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

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

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

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

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

Adulterated Specimens: A specimen is considered adulterated if it contains a substance that is not a normal constituent or contains an endogenous substance at a concentration that is not a normal physiological concentration.

Anniversary Date: The date on which the employee starts work as indicated in-writing in an offer of employment, is reclassified or promoted to a new job classification, or a less than part-time or regular part-time employee becomes a full-time employee. The date on which an employee is demoted to a lower pay range, reassigned, or transferred to alternative positions where their talents or skills maybe best utilized to their own or the organization's benefit, or where they are better able to perform the job in accordance with required standards, is not an Anniversary Date.

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

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

Authentication: For the purposes of FMLA, providing the health care provider with a copy of the medical certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document; no additional medical information may be requested.

Base Rate of Pay. The amount of pay the employee is designated to receive within the pay range for the employee's classification, excluding pay such as overtime, bonuses, longevity, shift-differential, and incentives.

Board: The governing body of Storey County and/or the Storey County Fire Protection District.

Casual Worker: A person hired at the pleasure of the employer to work in an intermittent part-time position with less than an average of twenty (20) hours per week over a fiscal year period.

Child: (Son or daughter) For purposes of FMLA, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing In Loco Parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability."

Clarification: For purposes of FMLA, contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response.

Class: A group of like positions assigned to the same title and pay grade based on similar duties and responsibilities and minimum qualifications. Positions are allocated to the same class when they have a similar job title (e.g., a group of Administrative Assistant I positions), qualifications, pre-employment testing, and similar pay. For instance, five Administrative Assistant I positions in four different departments are all in the same class, "Administrative Assistant I".

Classification: The analysis, development, and placement of positions within the classification plan.

Class Series: Two or more classes which are similar as to the fundamental type of work, but which differ as to degree of responsibility and difficulty, and which have been arrayed in a progression of level of responsibility and complexity of duties. The series of Administrative Assistant I, II, and III is an example of a class series, while each position by itself is a class.

Confidential Employee: An employee occupying a position which by the nature of its duties has access to decisions of management affecting employee relations and has been designated confidential by the Personnel Director with concurrence of the County Manager. In addition, it includes any employee occupying the County Manager's Office and Human Resources. Confidential employees are not covered by this Agreement.

Contraband: Any item such as illegal drugs, drug paraphernalia, or other related items whose possession is prohibited by this policy. This term includes marijuana and related products deemed illegal by federal law.

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

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

County: Storey County or the Storey County Fire Protection District.

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

Day: Calendar days unless work days are specified.

Demotion: Involuntary movement of an employee from one job classification to another job classification having a lower maximum base rate of pay, as a result of disciplinary action or not successfully completing the probationary period related to a recent promotion.

Department Head/Department Manager: An elected official who is directly responsible to the citizens of Storey County, or an appointed officer who is directly responsible to the County Manager or to the Board of Storey County Commissioners, or who is directly responsible to a board created by the Board of Storey County Commissioners, for the overall administration of an office or department of the employer Storey County.

Diluted Specimens: Diluted specimens have creatinine and specific gravity values that are lower than expected for human urine. The HHS has determined that specimens with creatinine levels greater than or equal to 2.0 mg/dL and have a specific gravity greater than 1.0010 but less than 1.0030 are dilute. Individuals with creatinine levels greater than or equal to 2.0 mg/dL but less than 5.0 mg/dL are required to be retested under direct observation.

Disability-Related Inquiry: A question (or series of questions) that is likely to elicit information about a disability.

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

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

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

Dispute: Unresolved work-related problems identified by an employee or group of employees pertaining to work-related issues. Disputes may not be related to disciplinary action.

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

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

Eligible List: A list of names of persons who have satisfactorily completed an examination for a position and have qualified; also includes Reinstatement List (see below). A list of names of persons who have been laid off and are available for reinstatement.

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

Regular Full-time Employee: A person who has successfully completed an initial introductory period in a regular budgeted position and whose regular workweek consists of at least forty (40) hours.

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

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

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

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

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

Equal Employment Opportunity (EEO) Officer: The staff member assigned the responsibility and authority to receive, investigate, and resolve complaints of alleged discrimination/harassment. This individual also has the responsibility to provide training to the employer and assure appropriate notices are posted.

Essential Function: A fundamental job duty of the position held or desired. A function is essential if the job exists to perform that function, a limited number of other employees are available to perform the function, or the function requires special skill or expertise.

Examination/Test: Any measure, combination of measures, or procedures used as a basis for any employment decision. Examinations include the full range of assessment techniques from traditional paper and pencil tests, performance tests, assessment centers, introductory periods, and evaluation of physical, educational, and work experience qualifications through informal interviews and scored application forms. Open examinations are open to all applicants, internal and external. Promotional examinations are open only to selected categories of employees of the employer.

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

Grade: The designation of a salary range for job classifications of same or similar worth.

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

Incomplete or Insufficient Certification: For purposes of FMLA, a medical certification is considered incomplete if the employer receives a certification, but one or more of the applicable entries have not been completed. A medical certification is considered insufficient if the employer receives a complete certification, but the information provided is vague, ambiguous, or non-responsive.

In Loco Parentis: A relationship in which a person has put him/herself in the situation of a parent by assuming and discharging the obligations of a parent to a child, with whom he or she

has no legal or biological connection, including day-to-day responsibilities to care for or financially support a child.

Invalid Specimens: An invalid specimen is one that contains an unidentified adulterant, contains an unidentified interfering substance, has an abnormal physical characteristic, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing testing or obtaining a valid drug test result.

Job Competencies: The knowledge, skills, and abilities (KSAs) and other personal characteristics that work together to produce outstanding performance in a given area of responsibility.

Job Description. A written description of a job which includes information regarding the general nature of the work to be performed, specific responsibilities and duties, and the employee characteristics required to perform the job.

Job Specifications: The specific qualifications necessary to be able to perform the job.

Key Employee: A salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite.

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

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

Legal Drugs: Prescription drugs and over-the-counter drugs that have been legally obtained and are being used in the manner, combination, and quantity for which they were prescribed or manufactured. This term does not include marijuana or related substances that are deemed illegal by federal law.

Medical Examination: A procedure or test usually given by a health care professional or in a medical setting that seeks information about an individual's physical or mental impairments or health.

Next of Kin: For purposes of FMLA, the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

Orientation Period: A trial or working test period which is an integral part of the examination and selection process during which an employee serves in an at-will status and is required to demonstrate fitness for the position for which s/he was hired by actually performing the duties of the position. The employee in the orientation period may also be referred to as a Probationary Employee.

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

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

Positive Drug or Alcohol Test: Any detectable level of drugs or its metabolite (in excess of trace amounts attributable to secondary exposure) in an employee's urine or blood. With respect to alcohol, a blood alcohol concentration of 0.02 or higher constitutes a positive test.

Probationary Employee: An employee who is undergoing a working evaluation period during which s/he is required to demonstrate his/her ability to carry out the duties of the position to which hired and during which s/he is employee "at-will" and may be laid-off or discharged from employment for any reason with or without cause.

Promotion: The movement of an employee from one position class to another position class having a higher maximum base rate of pay, usually as a result of some type of examination but not as a result of reallocation of a class.

Rate of Pay: An employee's salary or wages as shown in the employer's compensation plan.

Reallocation: A change of an entire class to a higher or lower pay grade.

Reclassification: The process of analyzing and redeveloping the duties, responsibilities, and minimum qualifications of an existing position and moving it to another class within the classification plan.

Reasonable Accommodation:

- a modification or adjustment to a job application process that enables a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
- a modification or adjustment to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- a modification or adjustment that enables a covered employee, with a disability, to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

Reassignment: Transferring individual employees to alternative position classes where their talents or skills may be best utilized to their own or the organization's benefit or where they are better able to perform the job in accordance with required standards.

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

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

Regular Position: An authorized position which appears in the authorized position list contained in the employer's budget documents or its amendments approved by the County Commissioners. (Normally a regular position consists of duties which must be performed at least twenty [20] hours per week on a regular, year-round basis.)

Regular Rate of Pay. The employee's base rate of pay plus other additional pay for which the employee's specific assignment may entitle him/her.

Regularly Scheduled Shift. The shift created by the department that is the same schedule for at least 30 days.

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

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

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

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

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

Son or Daughter of a Covered Servicemember: For purposes of FMLA, a biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood In Loco Parentis, and who is of any age.

Son or Daughter on Covered Active Duty or Call to Covered Active Duty Status: For purposes of FMLA, employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood In Loco Parentis who is on covered active duty or call to covered active duty status, and who is of any age.

Spouse: A husband or wife as defined or recognized under State law for purposes of marriage.

Step: A specific rate of pay within the salary range established for a class. (Also see Rate of Pay.)

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

Substituted Specimens: Substituted specimens have creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine. The HHS has determined that specimens with creatinine levels of less than 2.0 mg/dL are substituted.

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

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

Temporary Employee: A casual worker in a temporary position with a specified ending term date.

Transfer: A lateral change of an employee from one position to another position in the same class, such as an employee moving from one office to another office, but keeping the same position title.

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

Work Week: 7 consecutive periods of 24 hours which may begin on any day and at any hour of the day.

Work Day: A period of 24 consecutive hours which begins when the employee begins work.

RESPONSIBILITY FOR REVIEW: The County Personnel Director and/or Administrative Officer will review this policy every 5 years or sooner as necessary.