NOTICE OF PROPOSED CHANGES TO ALL CITY OF RENO, RENO CIVIL SERVICE COMMISSION RULES

To be considered for approval by the Reno Civil Service Commission Thursday, June 26, 2014, 4:30 p.m. Caucus Room, 7th Floor, Reno City Hall, 1 East First Street, Reno, Nevada 89501.

Questions regarding the proposed rule changes by the Reno Civil Service Commission can be addressed to the Chief Examiner by calling 334-2224. This notice and proposed rule changes are posted on the bulletin board of each department, have been provided to the City Council, the City Manager, and each department head and the president or secretary of each employee organization. Copies may also be obtained from the Offices of Reno Civil Service Commission at 5th Floor, Reno City Hall, 1 East First Street, Reno, Nevada 89501.

EXPLANATION: Matter underscored is new; matter enclosed in brackets and strikeout [--] is material to be omitted.

AMENDMENT TO CIVIL SERVICE RULE VII – CERTIFICATION
OF ELIGIBLES, APPOINTMENTS AND PROBATION,
SECTION 12 ENTITLED "PROBATIONARY PERIOD" AND
SECTION 13 ENTITLED "TEMPORARY AND PROVISIONAL APPOINTMENTS"
TO AMEND TEXT RELATING TO COMPLETION OF
PROBATIONARY PERIODS AND CIVIL SERVICE CONFIRMATION
AND TO ESTABLISH AN EFFECTIVE DATE FOR CERTAIN MATTERS
RELATING TO TEMPORARY APPOINTMENTS,

AND

AMENDMENT TO CIVIL SERVICE RULE X - TRANSFER, SECTION 3 ENTITLED "EMPLOYMENT BY CITY OF RENO OF EMPLOYEES OF AGENCIES, ORGANIZATIONS OR GOVERNMENTAL ENTITIES WHOSE FUNCTIONS HAVE BEEN ASSUMED BY THE CITY OF RENO OR WHOSE FUNCTIONS HAVE BEEN ASSUMED LATERALLY BY AGENCY, ORGANIZATION OR GOVERNMENT ENTITIES" AND ADDITION OF NEW SECTION 4 ENTITILED "CONVERSION FROM NON-CIVIL SERVICE APPOINTMENT STATUS TO CIVIL SERVICE APPOINTMENT STATUS WITHIN THE CITY OF RENO" TO ESTABLISH PROCEDURES FOR BLANKETING INTO CIVIL SERVICE PURSUANT TO RENO CITY CHARTER §9.120,

AND

PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

THE CIVIL SERVICE COMMISSION DOES ORDAIN AS FOLLOWS:

RULE VII - CERTIFICATION OF ELIGIBLES, APPOINTMENTS AND PROBATION

Section 12. Probationary Period.

(a) All original, promotional and reclassified employees who hold positions in the classified service shall be appointed tentatively and be subject to a probationary period as prescribed by the Commission. Except for sworn public safety and other enforcement employees, such probationary period shall be six (6) months in duration and may be extended an additional six (6) months upon approval by the Commission. In no case shall the probationary period exceed twelve (12) months.

In the case of sworn public safety positions, the probationary period shall be twelve (12) months. In the event a twelve (12) month probationary employee suffers injury, illness, or other disability and is unable to perform all of the essential functions of the job, the Commission may, at the request of the appointing authority, extend the probationary period. The extension may not exceed the period of injury, illness or other disability which prevented the employee from performing all of the essential functions of the position and will be approved only in cases where the employer requires the full twelve (12) month period to properly evaluate the employee's job performance.

- (b) The probationary period shall be regarded as an integral part of the examination process and shall be used for closely observing the employee's work, for securing the most effective adjustment of the employee to the position, and for eliminating any probationary employees whose performance does not meet the required standards of work.
- (c) During the probationary period, the employee's immediate supervisor will counsel the probationary employee at least once a month to assess the adjustment of the employee to the position. A written record of such meeting will be placed in the employee's file.
- (d) Upon completion of the probationary period, the appointing authority shall be responsible for notifying to the Commission in a timely manner that the employee has successfully completed the probationary period and requesting confirmation. Confirmation of a probationary employee shall be granted by the Commission or its designee in writing confirming that the probationary employee has satisfactorily completed the probation period and is confirmed into the classified service
- (e) The department head, or the City Manager, may terminate any classified employee during the probationary period without rights of appeal, except in cases in which the employee claims that the termination occurred as a result of unlawful discrimination or any other illegal act. To be effective, written notice of such action must be issued by the appointing authority and given to the employee and the employee organization prior to the established completion date of the probationary period and a copy must be forwarded to the Commission by the date of the meeting of the Commission immediately following the effective termination date. If written notice of termination is not received by the probationary employee and the employee organization prior to the established completion date of the probationary period, the employee shall be considered to have satisfactorily completed the probationary period.
- (f) The Chief Examiner may reinstate a probationary employee terminated from an original

- appointment to the eligible list from which initially hired upon showing of good cause. This individual must notify the Chief Examiner within ten (10) working days in writing for consideration to remain on the eligible list.
- (g) A probationary employee serving an original appointment to a position in the classified service who is subject to lay off because of a reduction in staff will be reinstated on the active eligible list from which initially hired. All Civil Service Rules including those related to hiring, selection and interviewing will apply. If such employee is re-hired from the active eligible list, the probationary period will resume from the time served prior to layoff. Such laid off probationary employee will have no Civil Service rights, including but not limited to, rights of seniority, displacement, reinstatement to an active eligible list, resumption of employment and appeal.
- (h) A confirmed employee serving under appointment to a position in the classified service who is subject to lay off because of a reduction in staff, whose name appears on a reinstatement list, and who is re-hired from that reinstatement list shall not be required to serve an additional probationary period. However, if such employee is re-hired from a re-employment list, rather than a reinstatement list, the employee shall be required to serve a new probationary period, unless otherwise requested by the City Manager or his or her delegate, at which time the Commission may, upon a showing of good cause, consider and waive the probationary period requirement. As used in this section, good cause may include, but is not limited to, verification that the candidate has maintained required certifications and has demonstrated the ability to successfully perform the essential functions of the position in accordance with the required standards of work.
- [(h)] (i) Any probationary employee whose probationary status results from promotion shall be considered terminated from the promotional position, without the right to appeal to the Commission, should the department head determine that adjustment to the promotional position is unsatisfactory before completion of the probationary period. Such employee shall be returned to the former classification, provided the employee does not displace any employee with greater classification seniority. Should no position exist, the employee shall either be appointed to a vacant position in the next lower classification or be placed on the laid-off list.

Section 13. Temporary and Provisional Appointments.

Temporary Appointments. Vacancies in the temporary service shall be filled as provided below:

(a) Temporary Appointments. The department head or City Manager may employ qualified applicants to fill positions in the temporary service provided that prior to such employment, the Chief Examiner is supplied with a copy of the City's approved personnel requisition form setting forth the Class Specification Title, Class Number, Position Control Number (if applicable), anticipated duration of employment, and the name of the pending appointee, when available. If upon review, the Chief Examiner determines that the appointment does not meet any of the requirements set out in these Rules, he or she shall promptly notify the appointing authority of the revisions which must be made before the appointment may take effect. The department head or City Manager may request the names of persons who have applied for and passed an examination currently viable for a Civil Service eligible list from which to fill such temporary positions.

Appointment to temporary positions shall not exceed six (6) calendar months unless extended by the Commission. The Commission, upon a showing of good cause, may approve a one (1) time only extension for up to three (3) calendar months provided the extension is requested and approved prior to expiration of the initial six (6) calendar month appointment period. Persons hired under a temporary appointment, upon separation, may not be re-employed in a temporary position for a period of no less than six (6) calendar months from the date of his or her last separation from the temporary service.

Effective July 1, 2014, unless the Commission has previously approved an extension of temporary appointment status, all other temporary appointments under this Rule may not be used in conjunction with, simultaneous to, or prior or subsequent to City employment under a non-Civil Service temporary appointment made pursuant to Section 9.020 of the Charter without first completing the requisite six (6) calendar month break-in-service.

- (b) Emergency Appointments: In the event of an emergency, as defined in Rule III, Civil Service Rules relating to the appointments of temporary personnel are suspended and the City may as permitted by law and without the approval of the Commission temporarily assign and/or reassign existing personnel and/or appoint such additional emergency personnel as it deems necessary to manage its operations and carry out its responsibilities. Such emergency appointments shall not exceed ninety (90) calendar days after commencement of the emergency, unless first extended by the Commission. As it deems appropriate, the Commission, upon a showing of good cause, may approve extensions for use of emergency appointments for up to three (3) calendar months per request provided that factual circumstances demonstrate that the emergency both requires the utilization of emergency appointments and is continuing in duration.
- (c) <u>Temporary and Emergency Appointment Tracking</u>: The requesting department is responsible for tracking temporary and emergency appointments to include use of electronic job applications and electronic requisitions software, or other format as may be established by the City, without limitation to use of alternative formats under circumstances of extreme necessity or emergency, and taking timely action to end temporary appointments on or before completion of the appointment window authorized by these Rules.
- (d) <u>Provisional Appointments.</u> When vacancies occur within the classified service, and when an approved list is not available, the department head or City Manager may, with notification to the Chief Examiner, select qualified classified employees as provisional appointees to fill the vacancies. Provisional appointments shall not exceed a period of six (6) calendar months unless first extended by the Commission.
- (e) Records. The department head shall forward notice of appointment and termination of provisional appointees to the Chief Examiner for purposes of record. The City Manager or his or her designee shall, not later than forty-five (45) calendar days after the end of each fiscal year quarter, provide the Commission with a roster of all Civil Service employees within the temporary service or holding provisional appointments within the classified service. The roster shall include the employee's name, department, classification title, job title (if different from classification title), date of hire, date of projected separation (if known), and such other information related to compliance with these Rules as may be specifically requested by the Chief Examiner or the Commission.

RULE X. TRANSFER

- Section 3. Employment by City of Reno of Employees of Agencies, Organizations or Governmental Entities whose Functions Have Been Assumed by the City of Reno or whose functions have been assumed laterally by Agency, Organization or Government entities.
 - (a) If the City of Reno assumes in whole or in part the function of another agency, organization or governmental entity, an employee who is performing that function for the other agency,

organization or governmental entity at the time of the assumption and who will be performing a substantially similar function for the City of Reno immediately following the assumption may, upon recommendation of the City Manager or his or her delegate, and if approved by the Commission, be included within the City of Reno Civil Service without <u>requirement for competitive</u> examination.

- (b) All persons transferred under the provision of this section shall be placed in probationary status for a period of time established for similar classification within the classified service. Upon request made by the City Manager or his or her delegate, the Commission may consider and waive the probationary requirement provided that the person(s) has/have satisfactorily held a position within the agency, organization or governmental entity for a period of one (1) year or longer. Employment of persons by the agency, organization or governmental entity shall be treated as the equivalent of City service. The transition from service with the agency, organization or governmental entity to the City shall not be deemed as a break in continuous service for the purpose of administration under Civil Service Rules. However, the length of continuous service shall be adjusted based on criteria set out in these Rules.
- (c) City of Reno Civil Service employees employed laterally by another agency, organization or government entity as a result of departmental organization restructuring within the City of Reno shall be considered as resigned in good standing.

Upon <u>timely</u> application for re-employment to the City of Reno <u>as provided in Rule XIII</u>, <u>Section 1(b)</u>, the Commission will consider such individuals for re-employment by the City of Reno to their previously held classification without the requirement for examination and such individuals shall retain Civil Service seniority accumulated at time of resignation from the City of Reno.

Individuals affected by such lateral employment and who request approval for re-employment with the City of Reno will be considered second in order of certification for return to employment after the reduction-in- staff reinstatement list created under Rule XII, Sections 6 and 7 for their classification has expired or been voided by the Commission. Individuals on re-employment lists created under Rule XIII, Section 1(b) will be considered third in certification order for re-employment consideration.

The provisions of Rule X, Transfer Section 3(c) shall expire July 1, 2015.

Section 4. Conversion from Non-Civil Service Appointment Status to Civil Service Appointment Status Within the City of Reno. [Effective through December 31, 2014]

- (a) The purpose of this Rule is to establish procedures for blanketing into Civil Service pursuant to the authority provided to the Commission by Charter §9.120. Further, this version of the Rule is adopted for the purpose of bringing existing employment practices into conformance with the merit principles of competition and fitness mandated under Charter and the standards set forth in these Rules.
- (b) Subject to the provisions set forth in the paragraphs below, the following persons may, upon request of only the Appointing Authority and approval of the Commission, convert from a non-Civil Service position into a classified position within the Civil Service:
 - i. A person currently employed by the City who was appointed to an exempt position under Charter §9.020(1)(d) through an open recruitment conducted prior to July 1, 2014, and whose position was funded, at half time or more, under a monetary grant, the funding for which has changed so that the position is no longer defined as an exempt position by Charter §9.020(1)(d), or
 - ii. A person currently employed by the City who was appointed to an exempt position

- under Charter §§1.090(3)(4) or Charter §3.020(2), or predecessor provisions, through an open recruitment conducted prior to July 1, 2014, and whose position is requested to be converted to coverage under Civil Service as a result of a decision under the discretionary control of the City, or
- iii. A person currently employed by the City in a temporary position within the Parks, Recreation and Community Services Department of the City who was appointed through an open recruitment conducted prior to July 1, 2014, whose position is requested to be converted to coverage under Civil Service because funding for the position has been changed from temporary to regular monies as a result of the City's adopted budget for FY2014/15.
- (c) In accordance with the purpose of this Rule, said employees shall not be required to participate in a recruitment open to the public; however, the person must:
 - i. Complete an application and meet the minimum qualifications for the class of the position to which he or she desires to convert, and
 - ii. Must take and pass the applicable Civil Service examination, which examination shall be offered one (1) time to such person.
- (d) Upon attaining a passing score on the examination, the employee shall be enrolled on the eligible list for the class of the position sought, in rank order according to their final rating. If no eligible list exists, the name(s) of such employees shall constitute the eligible list for purposes of this Rule.
- (e) Employees appointed from an eligible list established under this Rule will be placed in probationary status for a period of time consistent with these Rules as designated by the Commission. Upon request of the Appointing Authority and a showing of good cause, the Commission may consider and waive this probationary requirement in instances where the person has satisfactorily held the position from which they are converting for a period of one (1) year or longer immediately prior to appointment from the Civil Service eligibility list. As used in this section, good cause may include, but is not limited to, verification that the candidate has maintained required certifications and has demonstrated the ability to successfully perform the essential functions of the position in accordance with the required standards of work.
- (f) For purposes of administration under Civil Service Rules, including seniority in the classified service, such appointments shall be considered as original appointments to the classified service.

Section 4. Conversion from Non-Civil Service Appointment Status to Civil Service Appointment Status Within the City of Reno. [Effective January 1, 2015]

- (a) The purpose of this Rule is to establish procedures for blanketing into Civil Service pursuant to the authority provided to the Commission by Charter §9.120.
- (b) Subject to the provisions set forth in this Rule, the following persons may be included in the classified service, upon request of the Appointing Authority and approval of the Commission:
 - i. A person holding a regularly funded City position which has not been within Civil Service, and which is declared by a change in state or federal law to be within the Civil Service, may be included in the classified service without requirement for open competitive recruitment and merit based examination, or
 - ii. A person appointed to and employed by the City in an exempt position under Charter §§1.090(3)(4) or 9.020(1)(d) and whose position is subsequently converted to coverage under Civil Service by a change in funding or as a result of a process and/or decision under the discretionary control of the City, may be included in the classified service, provided that such person's initial appointment to the position currently held was made from either: (1) an open competitive eligible list provided by the Civil Service Chief Examiner in anticipation of eventual transition to a position in the classified service, or (2) an eligible list created through an open competitive

recruitment and merit based examination process approved in advance by the Chief Examiner as being compliant with the Uniform Guidelines for Employee Selection Procedures, issued by the Department of Labor, 29 CFR Part 1607 which are applicable to tests, and certified in accordance with the certification requirements set out in these Rules.

- (c) Employees blanketed into a classified position under the provisions of this Rule will be placed in probationary status for a period of time consistent with these Rules as designated by the Commission. Upon request of the Appointing Authority and a showing of good cause, the Commission may consider and waive this probationary requirement in instances where the person has satisfactorily held the position from which they are converting for a period of one (1) year or longer immediately prior to appointment under the Civil Service. As used in this section, good cause may include, but is not limited to, verification that the candidate has maintained required certifications and has demonstrated the ability to successfully perform the essential functions of the position in accordance with the required standards of work.
- (d) For purposes of administration under Civil Service Rules, including seniority in the classified service, such appointments shall be considered as original appointments to the classified service.
- (e) All other appointments to the classified service which occur as a result of conversion of a City of Reno position from non-Civil Service appointment status to Civil Service classified appointment status shall be made through the Civil Service open competitive recruitment, merit based examination and certification process as required by these Rules.

The above listed amendments to Civil Service Rules have been passed and adopted this 26th day of June, 2014, by the Civil Service Commission.

CIVIL SERVICE COMMISSION:

Jean Atkinson, Chairperson

EFFECTIVE DATE: June 26, 2014.