1. DEFINITION OF TERMS

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.

Administrative Leave: Leave granted to certain exempt employees as specified in Section 5.10.2 of this Manual. Also, this leave may be authorized for administrative purposes, such as for conducting an investigation which may be with or without pay, at the option of the City.

Anniversary: The date an employee successfully completes an introductory/probationary period, or, if an employee is promoted, the effective date of an employee's promotion.

At-will: Status of employment wherein the person appointed may be terminated from City employment at any time, with or without cause. An employee in an at-will status has no property right nor a right to continued employment with the City and is not covered by the provisions of the discipline, layoff, or dispute resolution sections of these personnel policies.

Break in Service: A separation from regular employment with loss of accumulated service credit as occasioned by a "quit," "resignation," "discharge," "termination"**,** or "retirement."

Catastrophic Illness or Injury: Medically certified illness or injury where the total absences for the same condition exceeds one hundred twenty (120) work hours or a terminal illness or injury.

City Manager: The person appointed by the City Council as the City Manager and, for purposes of this Policy, shall include any persons designated by the City Council or City Manager to act temporarily as City Manager**.**

Classification/Class: A group of positions sufficiently similar with respect to their duties and responsibilities that the same title may reasonably and fairly be used to designate each position allocated to the class, that substantially the same tests of fitness may be used, that substantially the same minimum qualifications may be required, and that the same schedule of compensation may be made to apply with equity.

Continuous Service: Employment in a regular position without a break in service, except for leave with pay**,** unpaid absences on approved leave of fifteen (15) days or less, or to serve in the armed forces of the United States.

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

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

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

Council: The Mesquite City Council.

Date of Hire / Hire Date: The date on which an employee first renders paid service (first reports for work) in a regular position pursuant to a job offer issued pursuant to the Personnel Policies.

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

Department Head: An at-will appointed official who is directly responsible for the administration of an office or department in the City.

Disciplinary Action: An oral or written reprimand, a suspension, a demotion, or a discharge from employment for reasons which relate to an employee's employment-related performance or conduct. Counseling, written statements of performance expectations including related notes and performance appraisals are not disciplinary actions, although any of these may be considered subsequently in determining whether to take any disciplinary action and in determining the type and extent of disciplinary action to be taken.

Discrimination: Employment decisions or actions inappropriately based on such factors as the candidate's or employee's race, color, religion, age, sex, marital status, national origin, disability, union activity**,** or on any other prohibited basis.

Drug Test: A test utilizing urinalysis, salvia, or hair samples 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 taken an open competitive examination for a regular position and have qualified.

Employee: A person employed in a regular budgeted position on a full-time or part-time basis. For purposes of those sections of the policies covering discipline, layoff, hiring, and dispute resolution, the term "employee" excludes the City Manager, the City Attorney, Department Heads, temporary workers, and others specified by the City Council.

> ***Exempt employee:*** An employee who is exempt from the overtime provisions of the Fair Labor Standards Act. (Such determination is made based on the duties and responsibilities performed and the method of pay computation.)
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> ***Non-exempt employee:*** An employee who is subject to the overtime provisions of the Fair Labor Standards Act.
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> ***Probationary employee:*** A non-exempt employee hired to fill a budgeted position who serves in an at-will status for a limited period of time during which he/she seeks to complete the testing process for appointment as a full-time or regular part-time employee by demonstrating fitness for a position by actual performance of the duties of the position.
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> ***Full-time employee:*** A person who has successfully completed the probationary period in a regular budgeted position in the competitive service with a normally scheduled work week of at least thirty (30) hours. The normal work week for most full-time employees is forty (40) hours.
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> ***Regular Part-time employee:*** A person who has successfully completed the probationary period in a regular budgeted position in the competitive service and with a normally scheduled work week of at least twenty (20) hours per week but less than thirty (30) hours per week. These employees are eligible to receive certain City fringe benefits set forth in other provisions of this Manual based on the number of hours they regularly work each week.

Limited part-time employee: A person who is normally scheduled to work for the City less than twenty (20) hours per week. A limited part-time employee serves in an at-will capacity and is not entitled to City and fringe benefits, except as required by Federal or State law. Limited part-time employees hired shall be compensated based on the City of Mesquite Hourly Wage Chart for Limited part-time/seasonal employees, a copy of which is attached hereto as Exhibit "B". Limited part-time employees may be eligible for step increases on an annual basis, and should not exceed 950 hours in a twelve month period.

Temporary worker: A person hired to fill a position in the noncompetitive service for a pre-established period, no longer than six (6) months or 950 hours in a twelve month period**,** to perform work for twenty (20) or more hours per week or more. "Temporary employee" also includes seasonal workers who are employed seasonable or intermittently and whose employment is expected to terminate on or before a known date. Temporary employees serve in an at-will capacity and are not eligible for step increases nor city fringe benefits.

Employer Premises: All City 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 City 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**. Internal** examinations are open only to selected categories of employees of the City as specified in the posting.

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

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

Guideline: An interpretation of a personnel policy intended as a reference point for use by those applying the policy. Interpretations or applications other than those given in a guideline are appropriate and permissible so long as they are consistent with the applicable ordinance, as determined by the City Manager or City Council.

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.

Job Description: A description of the essential characteristics of a job and the factors and conditions that separate it from other jobs, written in terms of duties, responsibilities and qualifications.

Lay-off: A separation from City service because of a shortage of funds or materials, abolishment of a position, or for other reasons not due to the fault of an employee and for reasons outside of the employee's control.

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

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

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

Official: A member of the elected body of the City, the Mayor or a City Council member, or an individual serving as the City Manager, City Attorney, Judge, or City Clerk which positions are identified as appointed officials in the City Code and Nevada Revised Statutes.

Personnel Policies: The policies and procedures adopted by the City Council pursuant to Ordinance 212, the Personnel Policies Ordinance, or as amended from time-to-time by Resolution.

Position: A group of duties and responsibilities requiring the ongoing services of one or more employees and which is listed in the authorized list of positions contained in the currently approved City budget or established by formal action of the City Council.

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 Period: A trial or working test period or periods which are 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 a position by actual performance of the duties of the position.

Promotion: The movement of an employee from one class to another class having a higher maximum base rate of pay, usually as a result of an examination. (Promotion does not include an increase in pay resulting from placement of an existing class at a new salary grade, movement of an employee from part-time to full-time status or transition from casual worker to probationary or regular employment status.)

Reclassification: The assignment of an employee to a new classification following reallocation of a position to a different or significantly revised class.

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

Regular Position: A regular position consisting of duties which must be performed at least twenty (20) hours per week on a regular, year round basis.

Reinstatement: The restoration of a laid off employee or an employee rejected during a promotional probationary 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 or reduced and are eligible for reinstatement. (rehire without examination).

Reprimand: A written notice to an employee which requires specific improvements in behavior and/or performance and declares that further disciplinary action, including possible termination, will follow if the required improvements are not made. (A Performance evaluation shall not be considered a reprimand.)

Resignation: A written notice by an employee for separation from the City's service. Also, failing to report for work for two days without notice constitutes a resignation by conduct.

Salary Range: The minimum and maximum salary set for each classification as designated by the City's compensation plan.

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

Supervisor: A supervisor is a City employee who has been authorized to schedule and review the work of other employees and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees. In the City of Mesquite, this is typically an appointed Department Head, an assistant Department Head, or a Division Chief.

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

Termination: Discharge, separation, dismissal, or removal from a position with or without cause.

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

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