

SENATE BILL NO. 215—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CITY OF SPARKS)

FEBRUARY 18, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to charter of City of Sparks. (BDR S-349)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to the City of Sparks; making various changes to the charter of the City of Sparks; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 2.040 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 450, Statutes of Nevada 1985, at page 1313, is hereby amended to read as follows:

Sec. 2.040 Proceedings; participation of citizens.

1. The city council may adopt rules for the conduct of its proceedings.

2. Any person, personally or through counsel, may present grievances or offer suggestions for the improvement of municipal affairs at any regular meeting of the ~~{counsel.}~~ ***council.***

Sec. 2. Section 9.020 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 350, Statutes of Nevada 1987, at page 791, is hereby amended to read as follows:

Sec. 9.020 Civil service commission: Regulations.

1. The ***civil service*** commission shall adopt regulations, consistent with the provisions of this article, to govern the selection and appointment of all employees of the city within the provisions

1 of this article. The regulations must be designed to secure the best
2 service for the public.

3 2. The regulations must provide for:

4 (a) Ascertaining the qualifications and experience of all
5 applicants;

6 (b) Recruitment, examination and placement of applicants;

7 (c) Proceedings for discipline, removal and promotion of
8 employees;

9 (d) Classification of positions;

10 (e) Probationary appointments , for which the period of
11 probation ~~may~~ **must** not exceed 1 year ~~;~~ **for general employees**
12 **and 18 months for sworn employees of the police department and**
13 **the fire suppression division of the fire department;**

14 (f) A procedure to confirm employees as classified employees;

15 (g) Any emergency, temporary or provisional appointments ~~it~~
16 **the commission** considers necessary; and

17 (h) Such other matters as the commission considers necessary.

18 3. A copy of all regulations ~~made~~ **adopted** by the commission
19 and all ~~changes to them~~ **amendments thereto** must be filed in the
20 office of the city clerk.

21 4. The commission shall cause the regulations adopted, and all
22 ~~changes to them~~ **amendments thereto**, to be printed or otherwise
23 reproduced and distributed as ~~they consider~~ **the commission**
24 **considers** necessary. The expense **thereof** must be certified by the
25 commission and paid by the city.

26 5. All appointments, promotions and disciplinary actions in any
27 department of the city within the provisions of this article ~~;~~ must
28 be made in accordance with the regulations of the commission.

29 **Sec. 3.** Section 9.040 of the charter of the City of Sparks, being
30 chapter 470, Statutes of Nevada 1975, as amended by chapter 450, Statutes
31 of Nevada 1985, at page 1322, is hereby amended to read as follows:

32 Sec. 9.040 Examinations.

33 1. The **civil service** commission shall conduct examinations for
34 employment with the city and prepare a list of eligible applicants.

35 ~~The examinations~~ **An examination** must be:

36 (a) Competitive;

37 (b) Open to all applicants who meet the announced minimum
38 requirements, unless restricted by the commission to employees
39 holding positions in a lower classification;

40 (c) Publicized in advance; and

41 (d) Practical and test fairly the ability of each applicant to
42 perform the duties of the position for which the ~~test~~ **examination**
43 is given.

2. The examination may include tests of physical ability if required for the position for which the ~~test~~ **examination** is given.

3. ***The commission may provide by regulation that additional points be given on an examination to an applicant who has been employed in a temporary capacity in the position for which the examination is given.***

4. The commission must give due regard to the experience of each candidate in the department in which he is seeking promotion.

~~[4.]~~ 5. All examinations must be given under the control of the commission.

Sec. 4. Section 9.065 of the charter of the City of Sparks, being chapter 450, Statutes of Nevada 1985, as amended by chapter 350, Statutes of Nevada 1987, at page 792, is hereby amended to read as follows:

Sec. 9.065 Vacancies; promotional examinations.

1. Vacancies in positions must, if consistent with the best interests of the city, be filled by employees holding positions in lower classes. Lists of employees eligible for promotion must be established for this purpose.

2. Examinations may be held for applicants to be appointed to the civil service and for applicants who are not eligible for promotion, if open competition, in the judgment of the civil service commission, produces a list of applicants who are more highly skilled and qualified and is in the best interests of the city. Examinations may also be both open and for employees who are eligible for promotion.

3. The ~~civil service~~ commission may restrict examinations for promotion to employees of a single department or ***division, employees of*** several specified departments ***or divisions within a department,*** or all employees.

4. The commission shall restrict examinations for a vacant position to employees of the department ***or division*** in which the vacancy exists if the head of the department requests such a restriction and the commission determines that an employee of the department ***or division*** is eligible for promotion to the position.

5. Examinations for promotion ~~in the fire and police departments~~ ***for sworn employees of the police department and the fire suppression division of the fire department*** must be restricted to employees of ~~those departments,~~ ***the police department or fire suppression division, respectively,*** unless fewer than three employees are eligible for promotion.

1 **Sec. 5.** Section 9.100 of the charter of the City of Sparks, being
2 chapter 470, Statutes of Nevada 1975, as last amended by chapter 169,
3 Statutes of Nevada 1997, at page 449, is hereby amended to read as
4 follows:

5 Sec. 9.100 Dismissals, demotions and suspensions.

6 1. The city manager or his designated representative may
7 suspend without pay for a period not to exceed ~~{30}~~ **45 calendar**
8 days, dismiss or demote a classified employee pursuant to
9 regulations adopted by the civil service commission.

10 2. Before a classified employee may be notified that he is being
11 dismissed pursuant to subsection 3, the city manager or his
12 designated representative must provide the employee with:

13 (a) Written notice of the reasons for which the city manager is
14 considering his dismissal; and

15 (b) An opportunity to respond to the reasons for dismissal before
16 the city manager or his designated representative.

17 3. A dismissal, involuntary demotion or suspension does not
18 become effective until the employee is notified in writing of the
19 action and the reasons therefor. The notice ~~{may}~~ **must** be delivered
20 personally to the employee or mailed to him at his last known
21 address by registered or certified mail, return receipt requested. The
22 effective date of the dismissal, involuntary demotion or suspension
23 is the date of delivery of the notice or, if the notice is mailed and
24 subsequently returned to the sender, 3 days after mailing.

25 **Sec. 6.** Section 9.105 of the charter of the City of Sparks, being
26 chapter 350, Statutes of Nevada 1987, at page 788, is hereby amended to
27 read as follows:

28 Sec. 9.105 Hearing to determine reasonableness of dismissal,
29 demotion or suspension; judicial review.

30 1. ~~{Within}~~ **Except as otherwise provided in subsection 2,**
31 **within** 10 working days after the effective date of a dismissal,
32 demotion or suspension pursuant to section 9.100, an employee who
33 has been dismissed, demoted or suspended may file a request in
34 writing with the civil service commission for a hearing to determine
35 the reasonableness of the action.

36 2. **An employee who elects to use an available grievance**
37 **procedure shall be deemed to have waived his right to a hearing**
38 **before the commission pursuant to subsection 1.**

39 3. The commission shall grant the employee a hearing within
40 20 working days after receipt of the employee's written request
41 unless the time limitation is waived, in writing, by the employee at
42 the time the request is filed, or there is a conflict with the hearing
43 calendar of the commission or its hearing officers. If a hearing is

1 not held within 20 days, it must be scheduled for the earliest
2 possible date. The date for a hearing may not be vacated or the
3 hearing continued except for good cause.

4 ~~{3.}~~ 4. The commission may appoint a hearing officer to
5 conduct or assist in conducting a hearing. The commission may
6 delegate to the hearing officer such authority as the commission
7 deems appropriate.

8 ~~{4.}~~ 5. Technical rules of evidence do not apply at the hearing.

9 ~~{5.}~~ 6. All testimony at the hearing must be recorded or
10 reported by a shorthand reporter certified pursuant to chapter 656 of
11 NRS, and may be transcribed, if necessary, for the deliberation of
12 the commission or a hearing officer, or for an appeal to the district
13 court. The cost of a transcript ordered by the commission or a
14 hearing officer must be paid by the city.

15 ~~{6.}~~ 7. Unless the parties stipulate otherwise, the commission or
16 hearing officer shall render a decision in writing, setting forth the
17 reasons therefor, within 30 days after the hearing.

18 ~~{7.}~~ 8. If the commission or hearing officer determines that the
19 dismissal, demotion or suspension was without just cause, the action
20 must be set aside and the employee must be reinstated, with full pay
21 for the period of dismissal, demotion or suspension.

22 ~~{8.}~~ 9. The decision of the commission or hearing officer is
23 binding on the parties.

24 ~~{9.}~~ 10. Any petition for judicial review of the decision of the
25 commission or hearing officer must be filed within 30 days after
26 service of the decision.

27 **Sec. 7.** Section 10.020 of the charter of the City of Sparks, being
28 chapter 470, Statutes of Nevada 1975, at page 745, is hereby amended to
29 read as follows:

30 Sec. 10.020 Severability of provisions. If any portion of this
31 charter is held to be unconstitutional or invalid for any reason by
32 the decision of any court of competent jurisdiction, ~~{such decision~~
33 ~~shall not affect}~~ the validity of the remaining ~~{portion}~~ **portions** of
34 this charter ~~{.}~~ **is not affected by the decision.** The legislature
35 hereby declares that it would have passed ~~{the}~~ **this** charter and each
36 portion thereof, irrespective of the portion which may be ~~{deemed}~~
37 **held** unconstitutional or otherwise invalid.

38 **Sec. 8.** This act becomes effective upon passage and approval.