

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 9.040 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 1322, is hereby amended to read as follows:

Sec. 9.040 Examinations.

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

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

(a) Competitive;

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

(c) Publicized in advance; and

(d) Practical and test fairly the ability of each applicant to perform the duties of the position for which the ~~{test}~~ **examination** 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. 3. 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.

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

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

11 **Sec. 9.100** Dismissals, demotions and suspensions.

12 1. The city manager or his designated representative may
13 suspend without pay for a period not to exceed 30 *calendar* days,
14 dismiss or demote a classified employee pursuant to regulations
15 adopted by the civil service commission.

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

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

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

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

31 **Sec. 5.** Section 9.105 of the charter of the City of Sparks, being
32 chapter 350, Statutes of Nevada 1987, at page 788, is hereby amended to
33 read as follows:

34 **Sec. 9.105** Hearing to determine reasonableness of dismissal,
35 demotion or suspension; judicial review.

36 1. ~~Within~~ **Except as otherwise provided in subsection 2,**
37 **within** 10 working days after the effective date of a dismissal,
38 demotion or suspension pursuant to section 9.100, an employee who
39 has been dismissed, demoted or suspended may file a request in
40 writing with the civil service commission for a hearing to determine
41 the reasonableness of the action.

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

4 3. The commission shall grant the employee a hearing within
5 20 working days after receipt of the employee's written request
6 unless the time limitation is waived, in writing, by the employee at
7 the time the request is filed, or there is a conflict with the hearing
8 calendar of the commission or its hearing officers. If a hearing is
9 not held within 20 days, it must be scheduled for the earliest
10 possible date. The date for a hearing may not be vacated or the
11 hearing continued except for good cause.

12 ~~{3.}~~ 4. The commission may appoint a hearing officer to
13 conduct or assist in conducting a hearing. The commission may
14 delegate to the hearing officer such authority as the commission
15 deems appropriate.

16 ~~{4.}~~ 5. Technical rules of evidence do not apply at the hearing.

17 ~~{5.}~~ 6. All testimony at the hearing must be recorded or
18 reported by a shorthand reporter certified pursuant to chapter 656 of
19 NRS, and may be transcribed, if necessary, for the deliberation of
20 the commission or a hearing officer, or for an appeal to the district
21 court. The cost of a transcript ordered by the commission or a
22 hearing officer must be paid by the city.

23 ~~{6.}~~ 7. Unless the parties stipulate otherwise, the commission or
24 hearing officer shall render a decision in writing, setting forth the
25 reasons therefor, within 30 days after the hearing.

26 ~~{7.}~~ 8. If the commission or hearing officer determines that the
27 dismissal, demotion or suspension was without just cause, the action
28 must be set aside and the employee must be reinstated, with full pay
29 for the period of dismissal, demotion or suspension.

30 ~~{8.}~~ 9. The decision of the commission or hearing officer is
31 binding on the parties.

32 ~~{9.}~~ 10. Any petition for judicial review of the decision of the
33 commission or hearing officer must be filed within 30 days after
34 service of the decision.

35 **Sec. 6.** Section 10.020 of the charter of the City of Sparks, being
36 chapter 470, Statutes of Nevada 1975, at page 745, is hereby amended to
37 read as follows:

38 **Sec. 10.020** Severability of provisions. If any portion of this
39 charter is held to be unconstitutional or invalid for any reason by
40 the decision of any court of competent jurisdiction, ~~{such decision~~
41 ~~shall not affect}~~ the validity of the remaining ~~{portion}~~ portions of

1 this charter ~~{.}~~ *is not affected by the decision.* The legislature
2 hereby declares that it would have passed ~~{the}~~ *this* charter and each
3 portion thereof, irrespective of the portion which may be ~~{deemed}~~
4 *held* unconstitutional or otherwise invalid.

5 **Sec. 7.** This act becomes effective upon passage and approval.

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