

ASSEMBLY BILL NO. 88—COMMITTEE  
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF RENO)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to the Charter of the City of Reno. (BDR S-478)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

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

AN ACT relating to the City of Reno; making various changes relating to appointive officers and appointive employees of the City; clarifying provisions relating to filling vacancies in elective offices by appointment or special election; requiring the City Manager to prepare a document setting forth the organization of every department and other office of the City; amending provisions relating to the appointment of members of the Charter Committee; amending the qualifications for the position of City Manager; requiring the City Manager to prepare and maintain a classification plan for all positions in the City's Civil Service System; making various other changes relating to the System; making various other changes to the Charter of the City of Reno; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 This bill amends various provisions of the Charter of the City of Reno. **Section**
- 2 **1** of this bill adopts certain definitions applicable to the Charter as a whole.
- 3 Existing law provides for the appointment of members to the Charter
- 4 Committee. (Reno City Charter § 1.140) The members of the Senate and Assembly
- 5 delegations representing residents of the City and belonging to the majority and
- 6 minority parties of the respective Houses appoint certain members to the
- 7 Committee. **Section 10** of this bill provides that the Majority Leader or Minority
- 8 Leader of the Senate or the Speaker or Minority Leader of the Assembly shall



9 appoint those members to the Charter Committee if there are no members of the  
10 respective Houses representing the residents of the City that belong to the majority  
11 or minority party, as applicable.

12 **Section 6** of this bill clarifies the procedures for filling a vacancy in an elective  
13 office by special election or appointment.

14 **Section 7** of this bill sets forth who is an appointive officer or an appointive  
15 employee of the City. **Section 7** also limits the number of appointive positions that  
16 may be created by the City Council. Further, **section 7** requires the City Manager to  
17 file annually with the City Clerk a document that sets forth the organization of  
18 every department or other office of the City.

19 **Sections 12-14** of this bill clarify the appointive officers, appointive employees  
20 and other staff that may be appointed by the City Manager, City Clerk and City  
21 Attorney, respectively. **Section 12** requires the City Manager to be an actual, as  
22 opposed to constructive, resident of the State. **Section 12** also requires a person  
23 who is appointed as the City Manager to become an actual resident of the State not  
24 later than 6 months after the date of his or her appointment.

25 **Section 15** of this bill authorizes the City Council to retain the services of  
26 special legal counsel rather than employ such counsel.

27 **Section 17** of this bill clarifies which employees are exempted from the City's  
28 Civil Service System.

29 Existing law authorizes the City Manager to adopt and revise specifications for  
30 the classes of positions in the Civil Service System. (Reno City Charter § 9.180)

31 **Section 21** of this bill requires the City Manager to instead: (1) prepare, maintain  
32 and, as necessary, revise a classification plan for positions in the Civil Service; and  
33 (2) allocate each position in the Civil Service to a class set forth in the classification  
34 plan. **Section 21** also sets forth a process for an employee to request that the Civil  
35 Service Commission review the allocation or reallocation of his or her position.  
36 **Section 18** of this bill requires the Commission to adopt rules setting forth the  
37 procedures for the Commission to review the allocation or reallocation of an  
38 employee's position by the City Manager.

39 **Section 19** of this bill eliminates the authority of the Commission to require  
40 medical examinations of employees covered under the Civil Service System.

41 **Section 20** of this bill revises provisions relating to employment positions that  
42 are moved into the Civil Service System.

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

1 **Section 1.** The Charter of the City of Reno, being chapter 662,  
2 Statutes of Nevada 1971, at page 1962, is hereby amended by  
3 adding thereto new sections to be designated as sections 1.0123,  
4 1.0126 and 1.0129, respectively, immediately following section  
5 1.012, to read as follows:

6 *Sec. 1.0123 "Appointive office" defined. "Appointive*  
7 *office" means a position held by an appointive officer.*

8 *Sec. 1.0126 "Appointive officer" defined.*  
9 *"Appointive officer" means a person who is appointed to a*  
10 *position described in subsection 3 of section 1.090 or an*  
11 *appointive office established by ordinance pursuant to*  
12 *subsection 4 of section 1.090.*



*Sec. 1.0129 "Appointive position" defined.  
"Appointive position" means a position held by an  
appointive employee.*

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** Section 1.011 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, at page 1814, is hereby amended to read as follows:

Sec. 1.011 Definitions. As used in this Charter, unless the context otherwise requires, the words and terms defined in sections 1.012 to 1.018, inclusive, *and sections 1.0123, 1.0126 and 1.0129* have the meanings ascribed to them in those sections.

**Sec. 4.** Section 1.012 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, at page 1814, is hereby amended to read as follows:

Sec. 1.012 "Appointive employee" defined. "Appointive employee" means a person who is appointed to *an appointive position established by ordinance pursuant to subsection 4 of section 1.090 or* a position described in subsection ~~4~~ 5 of section 1.090.

**Sec. 5.** Section 1.015 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, at page 1814, is hereby amended to read as follows:

Sec. 1.015 "Civil Service" or "Civil Service System" defined. "Civil Service" or "Civil Service System" means the system created by section 9.020 ~~and~~ *and described in article IX of this Charter.*

**Sec. 6.** Section 1.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1817, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies. ~~[Except as otherwise provided in NRS 268.325:]~~

1. Except as otherwise provided in this section, a vacancy in the City Council or in the office of City Attorney or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In filling a prospective vacancy, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official.



~~[2.]~~ The appointee shall serve until the next general municipal election and until his or her successor is elected and qualified. ~~[Notwithstanding the provisions of section 5.010 of this Charter to the contrary, the office must be filled by election at the next general municipal election. If that election is other than the election specified in section 5.010 of this Charter for the filing of the office, the election is only for the balance of the unexpired term for that office.]~~

~~—3.]~~ 2. If a *prospective vacancy or* vacancy occurs in an office of City Council, in lieu of appointment, the City Council may, by resolution, declare a special election to fill the vacancy ~~[.]~~ *for the remainder of the unexpired term. The resolution declaring a special election must be adopted within 30 days after the occurrence of the vacancy and must state the date set by the City Council for the special election. In the case of a prospective vacancy, the Council may adopt the resolution before the vacancy occurs, but the special election may not be held until after the vacancy occurs.* The special election must be conducted in accordance with the provisions of the resolution declaring the special election and section 5.030 of this Charter. *A person elected to fill a vacancy at a special election must have the same qualifications as are required of the elected official.*

**Sec. 7.** Section 1.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1818, is hereby amended to read as follows:

Sec. 1.090 Appointive officers and appointive employees.

1. The City Council shall provide for the appointment of a *City Manager and a City Clerk.*

2. *The City Manager shall appoint a Chief of Police and a Fire Chief, subject to ratification by the City Council. If a person so nominated is not confirmed, the City Manager shall continue to submit nominations until a nominee is confirmed.*

3. *The following are appointive officers:*

(a) *The City Manager* ~~[to perform the duties outlined in section 3.020. A vacancy in the office of City Manager must be filled within 6 months.]~~

~~—2.—~~ ~~Applicants for the position of City Manager need not be residents of the City or State at the time of their appointment, except that applicants who are residents of the City and who have qualifications equal to those of nonresidents must be given preference in filling the position.~~



~~3. The~~, Assistant City Managers, Chief of Staff of the City Manager, Executive Assistant to the City Manager, Chief of Police, Assistant Chief of Police, Fire Chief, the heads of each department and the assistant heads of each department.

(b) The City Clerk, Chief Deputy City Clerk and Manager of Record Systems.

(c) Every Chief Deputy City Attorney.

(d) The Deputy City Assessor, if the City Council appoints a person as the Deputy City Assessor pursuant to section 3.080.

(e) The Deputy City Treasurer, if the City Treasurer appoints a person other than the City Clerk to be Deputy City Treasurer pursuant to section 3.090.

4. Except as otherwise provided in this subsection, the City Council may establish such other appointive offices *and appointive positions* as it may deem necessary for the operation of the City by designating the *office or* position and the *minimum* qualifications therefor by ordinance. ~~[Appointive offices are limited to the head of each department or division except:~~

~~—(a) One immediate assistant for the Director of Public Works.~~

~~—(b) In the Fire Department and Police Department, no positions below the office of Chief.~~

~~4. Special technical staff members who report directly to the City Manager serve as appointive employees.~~

~~5. Appointment of officers and employees pursuant to subsections 3 and 4 must be made by the City Manager, and the appointment of the Chief of Police and the Fire Chief must be confirmed by the City Council.~~

~~6. A City Clerk must be appointed by the City Council.]~~  
*The number of appointive positions established by the City Council pursuant to this subsection must not exceed the greater of:*

(a) *Forty full-time equivalent appointive positions; or*

(b) *Four percent of the total number of:*

(1) *Appointive officers described in subsection 3; and*

(2) *All full-time equivalent positions in the Civil Service.*

5. *Appointive employees:*

(a) *Are not appointive officers but regularly assist an appointive officer;*

(b) *Have duties that consist of administrative work directly related to management policies; and*



(c) Have positions that require them customarily to exercise discretion and independent judgment.

6. No person who is an employee of the City's:

(a) Police Department is an appointive officer or appointive employee, other than the Chief of Police and the Assistant Chief of Police.

(b) Fire Department is an appointive officer or appointive employee, other than the Fire Chief.

7. On or before June 30 of each fiscal year, the City Manager shall prepare and file with the City Clerk a document that sets forth the organization of every department and other office of the City. The document must include, without limitation, a description of the job responsibilities of each appointive officer and appointive employee.

**Sec. 8.** Section 1.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1819, is hereby amended to read as follows:

Sec. 1.100 Appointive officers and appointive employees: Miscellaneous provisions.

1. All appointive officers and appointive employees, except the City Clerk and his or her deputy, shall perform such duties as are designated by the City Manager.

2. Any employee of the City holding a Civil Service rating under the City who is appointed to any *appointive office or appointive* position ~~[provided for in section 1.090]~~ does not lose his or her Civil Service rating while serving in that *appointive office or appointive* position.

3. The City Council may require from all other officers and employees of the City constituted or appointed under this Charter, except the Mayor and Council Members, sufficient security for the faithful and honest performance of their respective duties.

**Sec. 9.** Section 1.110 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 349, Statutes of Nevada 2013, at page 1819, is hereby amended to read as follows:

Sec. 1.110 Appointive officers and appointive employees: Duties; salary; benefits.

1. All appointive officers and appointive employees of the City, including those appointed by the City Council, except:

(a) The City Manager;



(b) The City Clerk ~~[and the chief deputy]~~, *Chief Deputy City Clerk* and ~~[the]~~ Manager of Record Systems appointed by the City Clerk pursuant to section 3.040;

(c) ~~[Assistants]~~ *The professional and paraprofessional legal staff and the clerical staff* appointed by the City Attorney pursuant to section 3.060; and

(d) The members of the City Board of Health and the City Health Officer, if the City administers the operations of the Board of Health,

➤ shall perform their duties under the direction of the City Manager or as designated by the City Council through the City Manager.

2. All appointive officers and appointive employees of the City are entitled to the salary designated by the City Council through the adoption of a resolution establishing the salary ranges applicable to each *appointive* office and *appointive* position.

3. All appointive officers and appointive employees are entitled to the employment benefits established by the applicable law of the State and to such other benefits as the City Council provides by resolution.

**Sec. 10.** Section 1.140 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, at page 1815, is hereby amended to read as follows:

Sec. 1.140 Charter Committee: Appointment; terms; qualifications; vacancies; compensation.

1. The Charter Committee must be appointed as follows:

(a) Each Council Member shall appoint one member;

(b) The Mayor shall appoint one member;

(c) ~~[The]~~ *Except as otherwise provided in subsection 2, the* members of the Senate delegation representing the residents of the City and belonging to the majority party of the Senate shall appoint two members;

(d) ~~[The]~~ *Except as otherwise provided in subsection 2, the* members of the Senate delegation representing the residents of the City and belonging to the minority party of the Senate shall appoint one member;

(e) ~~[The]~~ *Except as otherwise provided in subsection 2, the* members of the Assembly delegation representing the residents of the City and belonging to the majority party of the Assembly shall appoint two members; and

(f) ~~[The]~~ *Except as otherwise provided in subsection 2, the* members of the Assembly delegation representing the residents of the City and belonging to the minority party of the Assembly shall appoint one member.



2. *The:*

(a) *Majority Leader of the Senate shall appoint the members of the Charter Committee described in paragraph (c) of subsection 1 if there are no members of the Senate representing the residents of the City and belonging to the majority party of the Senate.*

(b) *Minority Leader of the Senate shall appoint the members of the Charter Committee described in paragraph (d) of subsection 1 if there are no members of the Senate representing the residents of the City and belonging to the minority party of the Senate.*

(c) *Speaker of the Assembly shall appoint the members described in paragraph (e) of subsection 1 if there are no members of the Assembly representing the residents of the City and belonging to the majority party of the Assembly.*

(d) *Minority Leader of the Assembly shall appoint the members of the Charter Committee described in paragraph (f) of subsection 1 if there are no members of the Assembly representing the residents of the City and belonging to the minority party of the Assembly.*

3. Each member of the Charter Committee:

(a) If appointed by a Council Member or the Mayor, serves during the term of the person by whom he or she was appointed;

(b) If appointed by members of the Senate delegation ~~§~~ *or the Majority Leader or Minority Leader of the Senate,* serves a term of 4 years;

(c) If appointed by members of the Assembly delegation ~~§~~ *or the Speaker or Minority Leader of the Assembly,* serves a term of 2 years;

(d) Must be a registered voter in the City; and

(e) Must reside in the City during his or her term of office.

~~§-§~~ 4. If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

~~§-§~~ 5. Members of the Charter Committee are entitled to receive compensation, in an amount set by ordinance of the City Council, for each full meeting of the Charter Committee they attend.

**Sec. 11.** (Deleted by amendment.)





**Sec. 12.** Section 3.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1825, is hereby amended to read as follows:

Sec. 3.020 City Manager: Duties; compensation ~~[4]~~ ; *residency; vacancy.*

1. The City Manager is the Chief Executive and Administrative Officer of the City Government. He or she is responsible to the City Council for the proper administration of all affairs of the City. The duties and salary of the City Manager must be fixed by the City Council and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

2. *Except as otherwise provided in this subsection, the City Manager must actually, as opposed to constructively, reside in the State. A person who is appointed as City Manager by the City Council must become an actual resident of the State not later than 6 months after the date of his or her appointment.*

3. *Any vacancy in the City Manager position must be filled by the City Council not later than 6 months after the vacancy occurs.*

4. The City Manager may appoint such ~~[clerical and administrative assistants]~~ staff as he or she deems necessary ~~[3]~~ ~~—3—~~ *for the proper functioning of his or her office, including, without limitation:*

(a) *A Chief of Staff, who is an appointive officer and not subject to the provisions of article IX of this Charter.*

(b) *One or more Assistant City Managers, who are appointive officers and not subject to the provisions of article IX of this Charter.*

(c) *An Executive Assistant, who is an appointive officer and not subject to the provisions of article IX of this Charter.*

(d) *Clerical and office support staff, who are subject to the provisions of article IX of this Charter.*

5. The City Manager may designate an acting City Manager to serve in his or her absence or, if he or she fails to do so, the City Council may appoint an acting City Manager.

~~[4]~~ 6. No member of the City Council may be appointed as City Manager during the term for which he or she was elected, or for 1 year thereafter.

~~[5]~~ 7. The City Manager shall appoint all officers and employees of the City and may remove any officer or employee of the City except as otherwise provided in this



Charter. The City Manager may authorize the head of a department or office to appoint or remove his or her subordinates. ~~[The appointment of a Chief of Police or a Fire Chief by the City Manager does not take effect until it has been confirmed by a majority vote of the members of the City Council. If a person so nominated is not confirmed, the City Manager shall continue to submit nominations until a nominee is confirmed.]~~

**Sec. 13.** Section 3.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1825, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Duties.

1. The City Clerk shall:

(a) Keep the corporate seal and all books and papers belonging to the City.

(b) Attend all meetings of the City Council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the City Council, the City Clerk shall attest the journal after it has been signed by the Mayor.

(c) Sign all warrants for payment issued.

(d) Number and sign all business licenses issued by the City. All business licenses must be in a form devised by the City Clerk and approved by the City Council.

(e) Enter upon the journal the result of the vote of the City Council upon the passage of ordinances, or of any resolution appropriating money, abolishing licenses, or increasing or decreasing the rates of licenses.

(f) Be the official collector of all business license fees and penalties of the City, and all money making up the City revenues, except general taxes and special assessments, must be paid over to him or her.

2. The City Clerk has custody of all the official records of the City. He or she is responsible to the City Council for the proper discharge of his or her duties. The duties and salary of the City Clerk are fixed by the City Council, and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

3. The City Clerk may, with approval of the City Council, appoint one ~~[chief deputy]~~ **Chief Deputy City Clerk** and one Manager of Record Systems, who are **appointive officers and** not subject to the provisions of article IX of this Charter.



4. The City Clerk may designate a member of his or her staff as acting City Clerk to:

(a) Administer oaths; and

(b) Perform all the duties of the City Clerk in his or her absence.

**Sec. 14.** Section 3.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1826, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties; salary.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada and a qualified elector within the City. Once elected, he or she shall hold office for a term of 4 years and until his or her successor is duly elected and qualified.

2. The City Attorney is the Legal Officer of the City and shall:

(a) Perform such duties as are designated by ordinance;

(b) Be present at all meetings of the City Council;

(c) Be counsel for the Commission;

(d) Devote his or her full time to the duties of the office; and

(e) Not engage in the private practice of law.

3. The City Attorney is entitled to receive a salary as fixed by resolution of the City Council.

4. ~~[The]~~ *As he or she requires in the discharge of the duties of his or her office, the* City Attorney may ~~[appoint]~~ :

~~(a) Appoint and remove [such assistants as he or she requires in the discharge of the duties of his or her office. Such assistants]~~ *any professional and paraprofessional legal staff, including, without limitation, attorneys, paralegals, investigators, an office administrator and an executive assistant. Professional and paraprofessional legal staff must not be Civil Service employees.*

~~(b) Appoint and remove clerical staff, including, without limitation, management assistants, legal secretaries and advocates. Clerical staff must not be Civil Service employees.~~

5. The Council may appropriate such an amount of money as it deems proper to compensate ~~[such assistants. Such assistants]~~ *the professional and paraprofessional legal staff and clerical staff appointed by the City Attorney pursuant to subsection 4.*



1           **6. Any attorney or paralegal** who ~~{are attorneys and are}~~  
2           **is** employed for more than 20 hours per week by the City  
3           Attorney shall not engage in the private practice of law.

4           **Sec. 15.** Section 3.070 of the Charter of the City of Reno,  
5 being chapter 662, Statutes of Nevada 1971, at page 1975, is hereby  
6 amended to read as follows:

7           Sec. 3.070 ~~{Employment}~~ **Services** of Special Counsel.  
8           The City Council may, by six-sevenths vote, ~~{employ}~~ **retain**  
9           **the services of** attorneys to perform any civil duty of the City  
10          Attorney. Such attorneys are responsible only to the City  
11          Council . ~~{, and the}~~ **The** City Attorney shall have no  
12          responsibility or authority concerning the ~~{subject matter of~~  
13          ~~such employment.}~~ **services of such attorneys.**

14          **Sec. 16.** Section 3.140 of the Charter of the City of Reno,  
15 being chapter 662, Statutes of Nevada 1971, as last amended by  
16 chapter 349, Statutes of Nevada 2013, at page 1827, is hereby  
17 amended to read as follows:

18          Sec. 3.140 Interference and direction by City Council.

19          1. The Mayor or Council Members shall not dictate the  
20          appointment, suspension or removal of any ~~{City~~  
21          ~~administrative officer or}~~ **appointive** employee . ~~{appointed~~  
22          ~~by the City Manager or his or her subordinates.}~~ No person  
23          covered by the rules and regulations of the Commission may  
24          be appointed, suspended or removed except as provided in  
25          those rules and regulations.

26          2. Any action directed by the City Council in a public  
27          meeting shall be deemed to be direction to the City Manager  
28          and not to any subordinate of the City Manager. The City  
29          Council or its members shall not:

30          (a) Deal directly with ~~{a City official or}~~ **an appointive**  
31          employee on a matter pertaining to City business, except for  
32          the purpose of inquiry, but shall deal through the City  
33          Manager; or

34          (b) Give any order, publicly or privately, to any  
35          subordinate of the City Manager.

36          **Sec. 17.** Section 9.020 of the Charter of the City of Reno,  
37 being chapter 553, Statutes of Nevada 1973, as last amended by  
38 chapter 349, Statutes of Nevada 2013, at page 1833, is hereby  
39 amended to read as follows:

40          Sec. 9.020 Civil Service and exempt positions.

41          1. A Civil Service System is created for the selection,  
42          appointment and promotion of all employees of the City  
43          except:



(a) ~~[A person]~~ Any elected *official described in section 1.060 or person who is* appointed to fill a ~~[position]~~ vacancy pursuant to ~~[this Charter.]~~ *section 1.070.*

(b) A person who serves as a member of any board, commission, committee or other body created pursuant to the authority of the City.

(c) *An appointive officer or appointive employee.*

(d) A person employed by the City for less than 18 hours per week ~~f~~

~~—(d)] or 234 hours per fiscal quarter, whichever is greater.~~

(e) *A person who is not subject to the provisions of this article pursuant to section 3.020, 3.040 or 3.060.*

(f) A person for whose position half or more of the money is provided by a source other than the City.

~~[(e) A person employed as a trainee for a period of time which is not more than that period prescribed for a probationary employee.~~

~~—(f)]~~ (g) An employee of the Municipal Court who is hired directly by the Court.

2. The provisions of this article are not applicable to the selection, appointment, promotion, demotion, transfer, suspension, discipline or dismissal of any person described in subsection 1.

3. Any employee whose position was within the provisions of the Civil Service System before June 2, 2013, shall retain all rights and benefits to which he or she would otherwise be entitled under the Civil Service System.

**Sec. 18.** Section 9.060 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 349, Statutes of Nevada 2013, at page 1834, is hereby amended to read as follows:

Sec. 9.060 Rules.

1. Except as otherwise provided in this section, the Commission shall adopt or amend rules for the Civil Service System, consistent with the provisions of this article. The Commission shall give or cause to be given at least 10 days' notice of the time and place of a public meeting of the Commission on proposed rules by posting the notice and a copy of each proposed rule on the bulletin board of each department and by giving a copy of the notice and each proposed rule to the City Council, the City Manager, each department head, and the president or secretary of each employee organization formally recognized by the City. At the meeting, the Commission shall permit a representative of



the City Council or the City Manager, or both, to comment on any proposed rule. Any amendment of the rule governing the number of qualified persons certified to the appointing authority on the Civil Service eligibility list is not effective until the amendment is approved by the City Council.

2. The rules adopted by the Commission must provide for the following matters relating to the Civil Service System:

(a) The review and approval by the Commission of minimum qualifications set out in class specifications for positions.

(b) *Procedures for the review by the Commission of the allocation or reallocation of an employee's position pursuant to subsection 4 of section 9.180.*

(c) Open and promotional recruitment of employees.

~~(e)~~ (d) The development and scoring of examinations of candidates for positions.

~~(d)~~ (e) The development, maintenance and certification of Civil Service eligibility lists, which must include criteria for the use of selective certification as applicable to a position.

~~(e)~~ (f) Procedures for emergency, temporary, provisional and such other types of appointments as the Commission deems desirable to facilitate the business of the City.

~~(f)~~ (g) The establishment of probationary periods, procedures for the confirmation of employees into the Civil Service System after completion of any applicable probationary period, and procedures for the dismissal of probationary employees, including, without limitation, the identification of circumstances in which a probationary employee, including, without limitation, a promoted employee, may not be dismissed by the head of a department without right of appeal.

~~(g)~~ (h) Procedures for the promotion of employees and any right of promoted employees to return to their previous positions.

~~(h)~~ (i) Procedures for the transfer and layoff of employees.

~~(i)~~ (j) Procedures for investigating and hearing appeals relating to the discipline or discharge of employees or alleged violations of the rules of the Commission.

3. A copy of all rules adopted and all changes in them must be filed in the Office of the City Clerk. The Commission shall cause the rules and all changes in them to be distributed as it deems necessary, except that the Commission shall cause



a copy to be made available to all officers and employees of the City on the City's Internet website or in such other format as the Commission determines is appropriate.

4. The head of each department may adopt procedures for the governance of his or her department not inconsistent with this article or the rules of the Commission adopted thereunder.

5. As used in this section, "selective certification" means the certification of a person for inclusion on a Civil Service eligibility list for a position based upon specialized knowledge, skills or abilities of the person, in addition to those required to meet the minimum qualifications for the position, that are required to perform the duties of the position successfully.

**Sec. 19.** Section 9.100 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.100 Reports of employee performance. The Commission shall have authority to require from time to time reports on the performance and efficiency of employees. ~~and to require medical examinations of any employee, and to obtain the results thereof.~~ Each employee shall be entitled to see all such reports concerning him or her.

**Sec. 20.** Section 9.120 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.120 Blanketing into Civil Service. When positions which have not been within the Civil Service are declared by law to be included in the Civil Service, the Commission may ~~authorize~~ *by rule:*

*1. Authorize the ~~probationary~~ noncompetitive appointment to such positions of employees who have held those positions satisfactorily for a period of 1 year. Other employees in such positions may be given temporary or provisional appointments as ordered by the Commission.*

*2. Waive any requirement that an employee complete a probationary period in the position after the position is included in the Civil Service.*

*3. Accept prior service acquired in the position before the position was included in the Civil Service as the equivalent of classified service.*

*4. Provide for other such matters as the Commission deems necessary or appropriate to facilitate the inclusion of a position in the Civil Service.*





**Sec. 21.** Section 9.180 of the Charter of the City of Reno being chapter 553, Statutes of Nevada 1973, at page 886, is hereby amended to read as follows:

Sec. 9.180 Class specifications.

1. The City Manager ~~{may adopt and revise specifications for the classes of}~~ *or his or her designee shall:*

(a) *Prepare, maintain and, as necessary, revise a classification plan for all* positions in the Civil Service.

(b) *Allocate each position in the Civil Service to a class set forth in the classification plan.*

2. Each class ~~{specification shall include}~~ *of employees that is set forth in the classification plan must include, without limitation,* a title, a definition or statement of the characteristics of the class, a list of typical tasks or examples of the duties of the class, ~~{and} a list of the knowledge, skills and abilities required for employees in the class,~~ a statement ~~{of}~~ *that describes* the ~~{desirable}~~ minimum qualifications of employees in the class ~~{,}~~ *and any other information that the City Manager determines is necessary for the proper classification and supervision of positions in the Civil Service.* The ~~{desirable}~~ minimum qualifications shall be subject to review and approval by the Commission as part of its responsibility for recruiting and selecting employees.

3. *The City Manager shall allocate positions into each class by grouping positions that have similar qualifications and levels of difficulty and responsibility such that the similarities justify similar treatment.*

4. *Any employee in the Civil Service who is adversely affected by the allocation or reallocation of his or her position to a class pursuant to subsection 1 may request to have the classification reviewed by the Commission. A request for such a review must be submitted to the Commission not more than 30 calendar days after the employee receives notification of the allocation or reallocation of the employee's position by the City Manager.*

5. *In reviewing the allocation or reallocation of an employee's position pursuant to subsection 4, the Commission shall make findings as to the duties, responsibilities and qualifications of the position. If the Commission finds that a position is not classified correctly, the Commission shall notify the City Council and City Manager of its findings. Upon receiving such notification, the City Council shall review the findings of the Commission and, if approved by the City Council, the City*





*Manager shall allocate or reallocate the position to a class pursuant to the findings of the Commission.*

**Sec. 22.** Section 9.270 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as last amended by chapter 349, Statutes of Nevada 2013, at page 1836, is hereby amended to read as follows:

Sec. 9.270 Appeals to the Commission.

1. An employee in the Civil Service who has been suspended for a period of more than 3 days or who is the subject of an action by the City Manager to demote or terminate him or her may appeal such action to the Commission by serving the Secretary of the Commission with a written notice of appeal within 10 days after such action. The Commission shall set the time for hearing the appeal not less than 5 nor more than 15 days after the date of service of the notice of appeal.

2. The Commission shall adopt a rule for hearing such appeals and making any investigations it deems appropriate. ~~[In all appeals to the Commission, the]~~ *The City Attorney or, if applicable, special counsel retained pursuant to section 3.070* shall represent the interest of the City ~~[ ] in appeals to the Commission.~~

3. In connection with any hearing or investigation contemplated by this article each member of the Commission may administer oaths, secure by subpoena the attendance of witnesses residing within 50 miles of the City and the production of books and papers relevant to the hearing or investigation, compel witnesses to answer and punish for contempt in the same manner as provided by law for the governing of trials before justices of the peace for failure to answer or produce books and other evidence necessary for the hearing. All witnesses must be under oath. The accused has the right to be heard in person and by attorney in his or her own defense and is entitled to secure the attendance of witnesses at the expense of the City if within the reach of the Commission's subpoena and necessary for his or her defense. Upon a showing of necessity an accused may secure from the Commission an order requiring the taking of depositions of witnesses who are necessary to his or her defense and not within the reach of a subpoena. The Commission shall determine to what extent the expense of such depositions will be paid for by the City. Hearings on appeal must be reported and may be transcribed if a transcript is necessary for a deliberation of the Commission or for an appeal to the district



1 court. The Commission shall render its decision within 7 days  
2 after the date of the hearing.

3 4. The action taken by the City Manager may be  
4 affirmed, modified or revoked by the Commission. If the  
5 Commission finds that the reason for which the action was  
6 taken is insufficient *or conflicts with the provisions of this*  
7 *Charter, the Civil Service rules and regulations, or any*  
8 *applicable law*, it must modify or revoke the action.

9 5. The Commission shall adopt a rule for the hearing and  
10 disposition of appeals concerning procedures or the content of  
11 examinations.

12 **Sec. 23.** The amendatory provisions of this act apply  
13 prospectively.

