

### **ARTICLE 3 - DEFINITIONS**

(A) This Agreement is made pursuant to and in conjunction with the Local Government Employee-Management Relations Act of the State of Nevada and all terms used herein, which are terms used in the Local Government Employee-Management Relations Act, shall have definitions ascribed to them by said Act.

(B) The City and the Association agree that the Civil Service Rules of the City shall be the general rules by which the City administers its duties and rights with respect to the conditions of employment of bargaining unit employees except as hereinafter provided.

(C) It is the continuing policy of the City and the Association that the provisions of this Agreement shall be applied to employees without regard to age, sex, race, color, religion, creed, handicap, veteran status or national origin.

(D) The following are definitions of terms used in this agreement.

1. Abuse of Sick Leave: The use of sick leave for purposes other than the legitimate uses of sick leave as identified in Article 11 - Sick Leave, of this contract.

2. Administrative Employee: Any employee whose primary duties consist of work directly related to management policies who customarily exercises discretion and independent judgment and regularly assists an executive. In addition, it includes the chief administrative officer, any deputies and immediate assistants, department heads, their deputies and immediate assistants, attorneys, appointed officials and others who are primarily responsible for formulating and administering management policy and programs.

3. Alternate Work Schedules (AWS): Shift hours that are permanent in nature and other than that of an 8-hour/5 day per week work schedule.

4. Arbitrator: An impartial third party chosen in accordance with the provisions of this contract.

5. Base Salary: Remuneration received by the employee in accordance with the rates specified on the salary schedule established by this contract.

6. Bereavement Leave: Leave may be granted to employees who are required to absent themselves from work to attend to matters related to an impending or subsequent death and/or funeral of a member of their immediate family. Sick or annual leave may be granted for a maximum of five (5) days per occurrence. In extraordinary circumstances, additional leave may be granted by the Department Head or designee. The City may require documentation to substantiate leave request, and may limit the number of days off per year under this category. Leave under this provision will not be unreasonably denied.

7. Call-Out: When an employee returns to work on assignment during off-duty hours after the employee has left the normal duty location.

8. Classification: Positions which have essentially similar duties and responsibilities, are allocated to the same salary grade by this contract, and are designated by the same title.

9. Classification Specifications: A written description of the work required of positions in the classification that includes the classification title, definition, distinguishing characteristics, supervision received and exercised, essential and marginal function statements, qualifications, and working

conditions. Classification specifications are descriptive and explanatory of the general work required in positions in that classification and are not necessarily inclusive of all duties to be performed in a particular position.

10. Confidential Employee: An employee who is privy to decisions of management affecting employee relations, including all employees of the Human Resources Department or its equivalent. Confidential employees have all the benefits of this contract. Confidential employees who work in positions which involve sensitive labor relations matters cannot be represented by the Association when taking action under the grievance procedure and disciplinary action articles.

11. Counseling and Training: Counseling is a form of supervisor and employee communication which is often appropriate and is done outside the disciplinary process. The purpose of counseling is to discuss with the employee the proper procedures to be followed in a given situation. It is primarily instructional and is not, nor should it be confused with, an oral reprimand. Counseling is also a method of notifying an employee of good or exceptional work.

Training or retraining may be used as a means of improving employee productivity and effectiveness through positive and constructive methods. In the event it is determined that personalized training is needed to correct a specific deficiency, such training may be required, and will be provided by the City during work hours at City expense. Written prior notice will be given to the Association whenever such training is required.

12. Demotion: Movement of an employee from one classification to a different classification, which is on a lower salary grade than the original classification.

13. Emergency Annual Leave: Leave that may be granted after a request for immediate annual leave that, by the nature of the condition prompting the request, could not have reasonably been predicted in advance of need and been scheduled in accordance with normal departmental policy. This may not be a subject of discipline unless the City of Las Vegas can prove a pattern of abuse.

14. Excessive Absenteeism: Absenteeism is considered excessive when an employee demonstrates one or more of the following:

- a) Repeated use of unscheduled sick or annual leave in association with holidays or regular days off or other patterns of unscheduled sick or annual leave.
- b) Chronic, repetitive and defiant use of sick leave without producing medical verification/documentation as described in Article 11.
- c) Use of Leave without pay as a result of no available paid leave caused by a) or b) above.

Use of approved FMLA Leave shall not be grounds for disciplinary action.

15. Extensive Sick Leave: Extensive shall mean in excess of eight (8) incidents of sick leave usage in the preceding twelve (12) month period. Extensive sick leave may not constitute "abuse of sick leave".

16. Family Leave: Leave taken under the auspices of the Family Medical Leave Act of 1993. (FMLA) See Article 17

17. Funeral Leave: Leave granted to an employee to attend a funeral.
18. Grade: A term used to designate a salary range to which one or more classifications may be allocated.
19. Group Reclassification: The movement of all employees in the same classification to another single classification, or to another classification broken out into specialty areas. When this occurs, Civil Service testing is not required. Seniority will include all time spent in both classifications.
20. Holiday: A day set aside for the special observance of a memorable event or occasion as identified in the Holiday Article of this contract.
21. Hourly Employee: Persons not subject to the City of Las Vegas Civil Service Rules who serve at the pleasure of their appointing authority, and whose base hourly pay constitutes their entire compensation. Hourly employees are limited to one thousand five hundred sixty (1,560) hours of work in any eighteen (18) month period. This 1,560-hour and 18-month limit does not apply to student interns.
22. Immediate Family: An employee's spouse, child, father, mother brother, sister, step or foster child, father-in-law, and mother-in-law are considered to be members of the immediate family as are all other relationships within the third degree of consanguinity including "step" and "in-law" relationships.
23. Incident of Use (Sick Leave): Any period of continuous absence for the same reason, or the use of sick leave for an individual condition that requires repeated treatment. Use of sick leave for bereavement leave or a scheduled

medical/dental/vision or other mental or physical rehabilitation appointments shall not constitute an incident of sick leave.

24. Job-Related Disability: Incapacity resulting from an accident or occupational disease arising out of and/or in the course of employment as defined in NRS 616 & 617.

25. Just Cause: A factual and documented reason cited by the City that is used to issue disciplinary action. Just cause is defined Article Thirteen (13), Discipline of this contract.

26. Maternity Leave: Leave granted female employees for the purpose of caring for their newly born or adopted children in accordance with State and Federal statutory requirements.

27. Negotiations: The process of collective bargaining between the City and the Association that determines the contract between the City and the Association.

28. Normal Work Day: The hours normally required for an employee to work any one day or one shift pursuant to the terms of this contract and in accordance with the provisions of Article 23 Hours. Specific work hours for each day and for each employee will be defined in each AWS (Alternate Work Schedule) where applicable.

29. Normal Work Week: An employee's normal workweek will be forty (40) hours.

30. Overfill: A temporary budget process whereby a department places an employee into a position that has a lower classification than that at which the employee will be performing and compensated.

31. Overtime: Time that an employee works in addition to the employee's normal weekly or daily work schedule.

32. Paternity Leave: Leave granted male employees for the purposes of caring for newly born or newly adopted children in accordance with State and Federal statutory requirements.

33. Part Time Classified Employee: Employees who are hired from an eligible list to work in a classified position who work less than forty (40) hours per week or less than sixty (60) hours in a bi-weekly pay period that receive the normal contract benefits on a prorated basis.

34. Probationary Employee (Initial Hire): An employee who has not completed the initial six-month probationary period of employment and whose permanent appointment has not been confirmed by written notification from the Department. If at the end of the probationary period the employee has not been notified, he/she will automatically be confirmed. The probationary period for an employee is six (6) months and cannot be extended without Human Resources and Association approval. Any employee whose probation is extended shall be notified in writing of the reasons for his/her extension within ten (10) working days prior to the end of any probationary period. Any leave in excess of thirty (30) consecutive calendar days will not be credited for purposes of completion of probationary period. Probationary employees may not appeal separation from

City employment for performance or disciplinary reasons through the grievance procedure of this contract.

35. Qualifying Period: A permanent classified employee promoted to a non-temporary classified position in the City of Las Vegas is required to serve a qualifying period of six (6) months prior to confirmation of the appointment. The qualifying period for an employee is six (6) months and cannot be extended without Human Resources and Association approval. Any employee whose qualifying period is extended shall be notified in writing of the reason for his/her extension within ten (10) working days prior to the end of any qualifying period. If at the end of the qualifying period the employee has not been notified of non-confirmation or does not elect to return to the employee's previous position and status, the employee shall be considered confirmed in the new position and classification. Written notice will be given to the employee of his/her confirmation.

36. Promotion: A change of an employee from a position in one classification to a position in a higher classification, when such change is other than a result of reclassification of the employee or reallocation of the position.

37. Reassignment: The movement of an employee or a position from one work unit to another within the same department, with no change of classification or bargaining unit.

38. Reclassification: The movement of an employee from one classification to another classification on the same salary grade within the same bargaining unit.

39. Regular Employee: One who has successfully completed his/her initial probationary period and whose appointment has been confirmed in a permanent position.

40. Retraction: The process by which City Management removes material, specifically including that of a detrimental nature relating to a specific incident regarding an employee, from all City files.

41. Salary Range: The minimum and maximum base salaries which may be paid to an employee working in a classification in accordance with the salary grade to which the classification is allocated.

42. Salary Schedule: The step, grade, and range structure for allocation of classifications as established by this contract.

43. Salary Step: An increment within a salary grade, which designates a specific pay rate as shown on the appropriate salary schedule.

44. Service Date (Anniversary Date): Usually the actual date of hire, an employee's service date is that date which reflects the length of active non-hourly employment with the City of Las Vegas. For purposes of determining seniority, longevity, or other matters associated with length of active employment, the service date shall be adjusted to reflect any periods of leave without pay in excess of thirty (30) consecutive calendar days.

45. Shift: The hours an employee is normally scheduled to work on any normal workday.

46. Step Increase: A minimum base pay increase of one step annually awarded because of acceptable job performance.

47. Student Intern: Hourly employees hired for less than 1,352 hours per year for a maximum of four years who are currently enrolled in an accredited college or university with a declared major in Public Administration, Political Science, Computer Science, Business, Finance, Accounting, Architecture, or Engineering and are participating in an established training program at the City. Student interns must maintain at least a 2.5 G.P.A. at their school, be actively enrolled in classes (with a minimum of twelve (12) credits per semester) and be in an undergraduate status.

48. Suspension: A temporary removal from work status, with or without pay, resulting from, or pending, disciplinary action.

49. Temporary Employee: Persons hired for a term not to exceed two thousand eighty (2,080) hours in any twenty-four (24) month period. Temporary employees may be appointive or classified employees and may be hired on a full-time or part-time basis.

50. Termination: The separation of an employee from employment with the City of Las Vegas.

51. TILO (Time in Lieu of): The accrual of paid time off at time and one-half, due an employee in exchange for time worked in excess of the employee's normal work week. Refer to Article 23, Hours.

52. Transfer: The formal movement of an employee or a position from one department to another department without any change to the classification of the position. Transfers will not be used as a disciplinary action. Employee positions will not be transferred from one bargaining unit to another.

53. Underfill: A temporary budget process whereby a department places an employee into a position that has a lower classification than that at which the employee will be performing and compensated.

54. Y-Rated: An employee is "Y-rated" when his or her current base salary is above their current salary grade range. The employees will not receive a cost of living raises until his/her salary falls within the appropriate salary grade range.