

ARTICLE 5 - EMPLOYEE AND ASSOCIATION RIGHTS

5.1 General Rights of Employees

The City and the Association agree that employees eligible for membership in the Association shall have the right to freely, and without fear of penalty or reprisal, to form, join, not join, resign from, and/or assist the Association. The freedom of such employees to assist the Association shall be recognized as extending to participation in the management of the Association in the capacity of an Association officer or representative. The presentation of the Association's positions to the officials of the City shall not be grounds for any punitive action unless such presentation is done in an illegal manner. The City and the Association shall not interfere, restrain, or discriminate against any employee exercising his/her rights under this provision and/or any City, State, or Federal statute.

5.2 Association Representatives

5.2.1 Number of Representatives

The Association may designate employees to serve as Association representatives. No more than one (1) representative and an alternate representative may be from the same City division unless the division has more than fifty (50) employees, in which case two (2) representatives and two (2) alternates may be designated. The Association shall also designate five (5) members to be At Large Representatives.

5.2.2 Appointment of Representatives

The Association shall designate the jurisdictional area for each representative. The Association shall notify the City, in writing, of the names of the representatives and their respective jurisdictional area by the effective date of any such designation. The City shall not be required to recognize the designation of a representative until three (3) working days after the receipt of the designation from the Association President.

5.2.3 Rights of Representatives

Each Association representative shall be allowed to serve in his/her capacity of representative. Representatives shall be allowed time with pay for the time requested unless operational demands preclude permission to leave the work location being granted. Use of representative time off with pay, as provided herein, shall not be abused by the employee, and use of said time will not be unreasonably withheld by the Division Manager or designee.

Each representative may participate in any of the duties arising within his/her jurisdictional area, those duties being defined as:

1. The investigation of a bargaining unit member's grievance;
2. Representation of a member/grievant at any step of the grievance procedure established in Article 12 of this contract;
3. Consultation with duly accredited representatives of the Association who are not employees of the City;

4. Dispute and conflict resolution. Representatives may be allowed to investigate possible conflicts and ways to resolve them. Human Resources shall be notified of these investigations prior to commencement.

5.2.4 Obligations of Representatives

The following are the obligations of representatives when conducting Association business:

1. All representatives shall notify their Division Manager or designee prior to the time they wish to conduct appropriate business.
2. The conduct of Association representative business shall be such as not to unduly interfere with other employees' duties.
3. Association representatives must check in with an employee's Division Manager or designee before contacting the employee in order to identify himself/herself and to make arrangements to communicate with a particular employee.

5.3 Leave for Association Business

5.3.1 Negotiations Leave

Seven (7) members of the Association Negotiating Team shall be granted leave from duty with full pay, when reasonable, for all meetings between the City and the Association for the purpose of renegotiating the terms of this contract. When such meetings take place at a time during which such members are scheduled to be on duty, Negotiating Team members shall notify their Division Manager or designee prior to the beginning of that scheduled shift, if possible.

5.3.2 Leave for Other Association Business

Whenever conditions permit, Association officials may be granted leave from duty, with pay, for any reasonable and just cause as may be determined and granted by the City Manager. Approval for such leave by the City Manager shall not unreasonably be denied.

5.3.3 Leave to Meet With Representatives

Employees shall be granted leave from duty, with pay up to 30 minutes, to meet with their Representative and/or Association legal counsel to prepare for (1) discipline hearings, (2) to determine whether to file a grievance; and (3) to prepare for grievance hearings at steps two through four.

5.4 Provision of Information to the Association

5.4.1 Information on Employees and Positions

The City shall provide to the Association, on a monthly basis, the following information in hard copy and/or acceptable electronic format:

1. New hires by name, classification, and department. This list shall include the home addresses of Association eligible employees.

2. Alphabetical listing of City employees by name, which will also show classification, social security number, department, and division for employee.
3. Promotion, Separation, Transfer – all employees by name, classification, department and division. The list shall show the from and to classification in the case of promotions and the from and to department/division in the case of separations and transfers.
4. A copy of the underfill/overfill report for current city employees that includes at least the employee's name, position title, department, and division.
5. List of all positions controlled or administered by the City and their status including, but not exclusive to vacant, appointed, executive, temporary, part time, and hourly positions.

All information furnished on the above outlined lists is for the exclusive use of the Association and shall not be used for any other purpose or be given to any other person or organization without the express written approval of the City.

5.4.2 Civil Service Board Agendas

The City shall have available for the President of the Association and the Association Civil Service Board Representative complete annotated Civil Service Board agendas at least four (4) working days before the start of any scheduled Civil Service Board meeting. A copy of the annotated agenda will be sent to the Association at the same time and in the same manner as it is provided to the Civil Service Board Members.

5.4.3 Position and Training Notices

Position and Training Posting - All vacant positions and City sponsored and paid training opportunities in the City shall be posted on bulletin boards throughout the City and provided to the Association at the same time as distributed to any City Departments/Divisions so that all interested employees shall have an opportunity to compete for and/or apply for the position or training.

5.05 Rules and Regulations

5.5.1 Availability

The City shall have available at each work site, in an easily accessible place, copies of all Civil Service Rules, Personnel Policies Manual, Department Rules, Regulations and Policies that affect employee's employment with the City. Employees shall be allowed to review and read these documents without making any special request. Employees shall be given copies of any pertinent portions of such rules, regulations and policies as they may request. Five (5) copies of such rules, regulations and policies shall also be sent to the Association.

5.5.2 Notification and Disputes

At least (14) calendar days prior to implementation, five (5) copies of proposed new or revised rules, regulations, and policies shall be delivered to the Association. The Association President, or designee, may request a meeting with the appropriate department head or Division Manager(s) and a Human Resources representative to discuss the proposed

new rule or revised rules, regulations, and policies. Any disputes about the new rule or revised rules, regulations or policies shall be referred to the City Manager or designee for resolution. All new or revised rules, regulations or policies shall have the personal approval of the City Manager or Deputy City Manager prior to implementation. In the event the Association disagrees with the decision of the City Manager or Deputy City Manager; and the rule, regulation or policy either relates to a subject of mandatory bargaining or is significantly related to a subject of mandatory bargaining pursuant to NRS 288, the Association may pursue resolution through binding arbitration in accordance with the provisions of Article 12.

5.5.3 Emergency Provision

In the event of an emergency, new or revised rules, regulations or policies may be implemented immediately. All “emergency” new or revised rules, regulations or policies shall still be subject to the review process.