



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: *February 28, 2017*

**DATE:** Wednesday, February 22, 2017

**TO:** Board of County Commissioners

**FROM:** John Listinsky, Director, Human Resources/Labor Relations  
775.328.2089, [jlistinsky@washoecounty.us](mailto:jlistinsky@washoecounty.us)

**THROUGH:** Christine Vuletich, Assistant County Manager

**SUBJECT:** Hearing and second reading to adopt an Ordinance amending Washoe County Code Chapter 5 (Administration and Personnel) at Section 5.268 by amending certain provisions relating to semi-annual accrual of Personal Leave and exclusion of sick leave due to bereavement from the calculation of Personal Leave accrual. (Bill No. 1777) (All Commission Districts).

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### SUMMARY

It has been the practice of the Board of County Commissioners to adopt for unrepresented employees the same leave provisions as have been negotiated for represented employees. Personal Leave requirements that apply to all unrepresented employees of Washoe County, such as unclassified employees, non-represented employees and management, are set forth in the Washoe County Code at Section 5.268. This amendment will allow provisions related to Personal Leave for unrepresented employees to mirror the recently negotiated agreements with the Washoe County Employees Association and others, and approved by the Board in April 2016.

**Washoe County Strategic Objective supported by this item:** Valued, Engaged Employee Workforce

### PREVIOUS ACTION

On February 14, 2017 the Board introduced and conducted a first reading of an Ordinance (Bill No. 1777) amending Washoe County Code Chapter 5 (Administration and Personnel) at Section 5.268, and set a public hearing for the second reading and possible adoption of the Ordinance for February 28, 2017.

On September 13, 2016, the Board approved a request by John Listinsky, Director of Human Resources/Labor Relations, through Nancy Parent, County Clerk, to update attendance and leave language in Washoe County Code Chapter 5 (Administration and Personnel) at Section 5.268 by amending certain provisions relating to semi-annual accrual of Personal Leave and exclusion of sick leave due to bereavement from the

calculation of Personal Leave accrual. The Board directed that the matter be submitted to the District Attorney for preparation of ordinance. (Item 16-0798).

On September 13, 2016, the Board approved Collective Bargaining Agreements (CBA) with the Washoe County District Attorney's Investigator Association (WCDAIA)(Item 16-0791), the Washoe County Nurses' Association (WCNA)(Item 16-0792), the Washoe County Sheriff's Supervisory Deputies Association (WCSSDA)(Item 16-0794), and the Washoe County Employees Association (WCEA)(Item 16-0796). These agreements included language changing the accrual of Personal Leave from an annual to semi-annual basis. The agreements also excluded sick leave due to bereavement when calculating accrual of Personal Leave.

### **BACKGROUND**

Personal Leave requirements are set forth in the Washoe County Code at Section 5.268. This Code section applies to all unrepresented employees of Washoe County, such as unclassified employees, non-represented employees and management.

It has been the practice of the Board of County Commissioners to adopt the same leave provisions for unrepresented employees as have been negotiated for represented employees. For instance, on December 9, 2014, the Board of County Commissioners approved a revision to the accrual and crediting terms of Personal Leave for unclassified employees, non-represented employees and management to be commensurate with the negotiated contracts of the employee associations (Item 14-8H1). This provides uniformity in employee benefits and streamlines record keeping.

This is the second reading of an Ordinance amending Washoe County Code 5.268 to mirror recent negotiations with employee associations related to Personal Leave and exclusion of sick leave due to bereavement from the calculation of Personal Leave accrual.

### **FISCAL IMPACT**

There is no fiscal impact associated with this amendment.

### **RECOMMENDATION**

It is recommended that the Board of County Commissioners conduct a second reading and adopt an Ordinance amending Washoe County Code Chapter 5 (Administration and Personnel) at Section 5.268 by amending certain provisions relating to semi-annual accrual of Personal Leave and exclusion of sick leave due to bereavement from the calculation of Personal Leave accrual.

### **POSSIBLE MOTION**

Should the Board approve the recommendation, a possible motion would be: "Move to adopt Ordinance Number (insert ordinance number as provided by the County Clerk) amending Washoe County Code Chapter 5 (Administration and Personnel) at Section 5.268 by amending certain provisions relating to semi-annual accrual of Personal Leave and exclusion of sick leave due to bereavement from the calculation of Personal Leave accrual.

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT:~~ DELETED LANGUAGE

**BOLD TEXT: NEW LANGUAGE**

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Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: An ordinance amending the Washoe County Code at Chapter 5 (Administration and Personnel) by amending certain provisions relating to semi-annual accrual of personal leave and exclusion of sick leave due to bereavement when calculating accrual of personal leave.

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Washoe County Code Chapter 5 (Administration and Personnel) at Section 5.268 by amending certain provisions relating to semi-annual accrual of personal leave and exclusion of sick leave due to bereavement from the calculation of personal leave accrual

WHEREAS:

A. The Washoe County Board of County Commissioners desires to amend the Washoe County Code at Chapter 5 (Administration and Personnel) at Section 5.268 by amending certain provisions relating to semi-annual accrual of personal leave and exclusion of sick leave due to bereavement from the calculation of personal leave accrual.

B. Business Impact Statement: No business impact.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Section 5.268 of the Washoe County Code is hereby amended to read as follows:

5.268 Personal leave.

~~—1. A full-time employee who uses no more than 32 hours of sick leave in the period commencing with the first pay period of a calendar year and ending with the last full pay period of that calendar year shall be credited with 24 hours of personal leave in the first full pay period in January of the following year. A full-time employee who uses more than 32 hours but no more than 40 hours of sick leave in that period shall be credited with 8 hours of personal leave in the first full pay period in January of the following year.~~

~~—2. A permanent part-time employee shall be credited with a prorated number of hours of personal leave if he uses no more than a prorated number of hours of sick leave based upon the hours set forth in subsection 1. The prorations required by this subsection are to be calculated by using the same ratio as the employee's number of regular work hours bears to a 40-hour work schedule.~~

~~—3. To be eligible for credit for personal leave under this section, an employee must be in a pay status (either working or on paid leave) during the entire calendar year.~~

~~—4. All personal leave must be used before the end of pay period number 26, or in the event of a 27th payroll paid in a calendar year, pay period number 27, and, if not so used, is forfeited.~~

~~—5. Under no circumstances shall cash be paid for unused personal leave.~~

~~—[ '5, Ord. No. 637; A Ord. Nos. 782, 882, 1143 ]~~

5.268 Personal Leave

1. Personal Leave will be earned on a semi-annual basis as follows:

(a) Pay Period #01 - #13 Personal Leave for July:  
Employees who use between 0 - 16.00 hours of sick leave during the start of pay period #01 and as of the last day in pay period #13 in each calendar year shall receive twelve hours of personal leave at the end of the first full pay period in July of that calendar year. Employees who use between 16.01 - 20.00 hours of sick leave during the start of pay period #01 and as of the last day in pay

period #13, in each calendar year, shall receive four hours of personal leave at the time specified above.

(b) Pay Period #14 - #26 or #27 Personal Leave for January:

Employees who use between 0 - 16.00 hours of sick leave during the start of pay period #14 and as of the last day in pay period #26, or in the event of a 27th pay period in a calendar year, pay period #27, shall receive twelve hours of personal leave at the end of the first full pay period in January of the next calendar year. Employees who use between 16.01 - 20.00 hours of sick leave during the start of pay period #14 and as of the last day in pay period #26, or in the event of a 27th pay period in a calendar year, pay period #27, shall receive four hours of personal leave credit at the time specified above.

2. Personal leave earned in July and January of each calendar year has no cash value and must be used by the end of pay period #26, or in the event of a 27th pay period in a calendar year, pay period #27, and if not used, personal leave will be forfeited.

(a) Under no circumstances will there be any cash payment or cash value for personal leave that is not used by the end of pay period #26 or, if applicable, pay period #27.

(b) In order to accrue personal leave, an employee must be in a paid status, either working or on paid leave, for all of the pay periods within the applicable semi-annual period.

3. Permanent part-time employees shall receive a prorated amount of personal leave at the same ratio as their regular work hours relate to a full-time work schedule. Part-time regular work hours will be reviewed as of pay period #13 and pay period #26, or #27, if applicable, using the weekly working hours encoded in an employees Planned Working Time record.

4. The use of sick leave for attending the funeral of a family member, travel to and from, and attending to family related business matters relating to the funeral, as described in Section 5.257, shall not count towards the sick leave usage when calculating personal leave.

## SECTION 2. General Terms.

1. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and the officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

This ordinance was proposed on \_\_\_\_\_ by  
Commissioner \_\_\_\_\_.

This ordinance was passed on \_\_\_\_\_.

Those voting "aye" were \_\_\_\_\_.

Those voting "nay" were \_\_\_\_\_.

Those absent were \_\_\_\_\_.

Those abstaining were \_\_\_\_\_.

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This ordinance shall be published and shall be in force and effect immediately upon the date of the second publication as set forth in NRS 244.100.

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Bob Lucey, Chair  
Washoe County Commission

ATTEST:

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Nancy Parent, County Clerk

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: An ordinance amending the Washoe County Code at Chapter 5 (Administration and Personnel) by amending certain provisions relating to semi-annual accrual of personal leave and exclusion of sick leave due to bereavement when calculating accrual of personal leave.

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WHEREAS:

A. The Washoe County Board of County Commissioners desire to amend the Washoe County Code at Chapter 5 (Administration and Personnel) at Section 5.268 by amending certain provisions relating to semi-annual accrual of personal leave and exclusion of sick leave due to bereavement from the calculation of personal leave accrual.

B. Business Impact Statement: No business impact.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Section 5.268 of the Washoe County Code is amended to read as follows:

5.268 Personal Leave

1. Personal Leave will be earned on a semi-annual basis as follows:

(a) Pay Period #01 - #13 Personal Leave for July:  
Employees who use between 0 - 16.00 hours of sick leave during the start of pay period #01 and as of the last day in pay period #13 in each calendar year shall receive



twelve hours of personal leave at the end of the first full pay period in July of that calendar year. Employees who use between 16.01 - 20.00 hours of sick leave during the start of pay period #01 and as of the last day in pay period #13, in each calendar year, shall receive four hours of personal leave at the time specified above.

(b) Pay Period #14 - #26 or #27 Personal Leave for January:

Employees who use between 0 - 16.00 hours of sick leave during the start of pay period #14 and as of the last day in pay period #26, or in the event of a 27th pay period in a calendar year, pay period #27, shall receive twelve hours of personal leave at the end of the first full pay period in January of the next calendar year. Employees who use between 16.01 - 20.00 hours of sick leave during the start of pay period #14 and as of the last day in pay period #26, or in the event of a 27th pay period in a calendar year, pay period #27, shall receive four hours of personal leave credit at the time specified above.

2. Personal leave earned in July and January of each calendar year has no cash value and must be used by the end of pay period #26, or in the event of a 27th pay period in a calendar year, pay period #27, and if not used, personal leave will be forfeited.

(a) Under no circumstances will there be any cash payment or cash value for personal leave that is not used by the end of pay period #26 or, if applicable, pay period #27.

(b) In order to accrue personal leave, an employee must be in a paid status, either working or on paid leave, for all of the pay periods within the applicable semi-annual period.

3. Permanent part-time employees shall receive a prorated amount of personal leave at the same ratio as their regular work hours relate to a full-time work schedule. Part-time regular work hours will be reviewed as of pay period #13 and pay period #26, or #27, if applicable, using the weekly working hours encoded in an employees Planned Working Time record.

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Commissioner \_\_\_\_\_.

This ordinance was passed on \_\_\_\_\_.

Those voting "aye" were \_\_\_\_\_.

Those voting "nay" were \_\_\_\_\_.

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Bob Lucey, Chair  
Washoe County Commission

ATTEST:

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Nancy Parent, County Clerk