3 EMPLOYEE RELATIONS

3.1. Equal Employment Opportunity

3.1.1. Policy

The City of Mesquite recognizes the fundamental rights of applicants and employees to be assessed on the basis of merit. Recognition of seniority and current employment with the City may also be considered. Therefore, it is the policy of the City to provide equal employment opportunity for all applicants and employees. The City does not sanction or tolerate discrimination in any form on the basis of race, color, religion, age, gender, sexual orientation, national origin, ancestry, disability, veteran status, or genetic information.

The City will:

1 Recruit, hire, train, and promote for all job classifications without regard to race, color, religion, age, gender, sexual orientation, marital status, national origin, ancestry**,** veteran status, or disability, as well as to ensure that all compensation, benefits, transfers, layoffs, return from layoffs, City-sponsored training, social, and recreation programs will be administered in conformance with the City's policy.

2 Comply with all applicable laws prohibiting discrimination in employment including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Employment Opportunity Act of 1972, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act of 1990, the applicable Nevada Revised Statutes on Equal Employment Opportunity (NRS 613), and any other applicable federal, state, and local statutory provisions.

3 Provide reasonable accommodation wherever need for such is known by the City, and/or the applicant or employee indicates a need for such reasonable accommodation, provided that the individual is otherwise qualified perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose a threat to the safety of him/herself or others.

4 Hold all levels of management responsible for ensuring that personnel policies, guidelines, practices, procedures, and activities are in compliance with Federal and State fair employment statutes, rules, and regulations.

3.1.2. Scope

This policy applies to all persons involved in the operation of the City and prohibits harassment or discrimination by any employee, including supervisors and coworkers, customers or clients of the City, and any vendor or other service provider with whom the City has a business relationship. The City of Mesquite will not tolerate instances of harassment or discrimination, whether or not such behavior meets the threshold of unlawful conduct. While single incidents of alleged harassment or discrimination may not be sufficiently severe or pervasive to rise to the level of being a violation of the law, the City nevertheless prohibits such conduct and may impose appropriate disciplinary action against any employee engaging in such.

3.1.3. Equal Employment Opportunity Officer Designated

The primary responsibilities for ensuring fair employment practices for the City are promoted and adhered to are assigned to the City's designated Equal Employment Opportunity (EEO) Officer. The City's designated EEO Officer will also serve as the

Americans with Disabilities Act (ADA) Coordinator, unless otherwise noted, and as such, also has responsibility for coordinating the City's compliance with federal and state disability laws. The EEO Officer shall be the Personnel Director or someone designated by the City Manager. The name and work telephone number of the individual designated will be posted on bulletin boards at City of Mesquite work sites. In the event the designated EEO Officer is unavailable, the City Manager is designated as the alternative EEO Officer.

3.2 Anti-Harassment

3.2.1 Policy

The City of Mesquite promotes a productive work environment and does not tolerate verbal, physical, written, or graphical behavior(s) that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment based on that person's race, color, religion, age, gender, sexual orientation, national origin, ancestry, disability, veteran status, genetic information, domestic partnership, or any other basis that is inappropriate or offensive.

3.2.2 Prohibited Conduct/Behavior(s)

The City of Mesquite will not tolerate any form of harassment, including any conduct/behavior on the part of employees, clients, customers, vendors, contractors, etc., that impairs an employee's ability to perform his/her duties. Examples of prohibited conduct/behavior(s) include, but are not limited to:

1. Offensive verbal communication including slurs, jokes, epithets, derogatory comments, degrading or suggestive words or comments, unwanted sexual advances, invitations, or sexually degrading or suggestive words or comments.
2. Offensive written communication including notes, letters, notices, email, texts or any other offensive message sent by electronic means.
3. Offensives gestures, expressions and graphics including leering, obscene hand/or finger gestures, sexually explicit drawings, derogatory posters, photographs, cartoons, drawings, or displaying sexually suggestive objects or pictures.
4. Physical contact when the action is unwelcomed by recipient including brushing up against someone in an offensive manner, unwanted touching, impeding or blocking normal movement, or interfering with work or movement.
5. Expectations, requests, demands, or pressure for sexual favors.

3.3 Dealing with Allegations of Discrimination and/or Unlawful Harassment

3.3.1 Process

Employees or applicants who believe they are being discriminated against or subjected to any form of unlawful harassment by another (e.g. employee, customer, vendor, contractor, etc.) because of their race, color, religion, age, gender, sexual orientation, national origin, ancestry, disability, or veteran status, as well as those who believe they have witnessed another employee, client or member of the public being subjected to discrimination and/or harassing behavior, have an affirmative duty to bring the situation to the attention of the City. Employees covered by a collective bargaining agreement

may opt to use the process described in this policy or in an applicable grievance procedure delineated in an applicable collective bargaining agreement, but may not use both. Upon hire, employees will be provided a copy of this policy, as well as the opportunity to discuss the policy during the new hire orientation process. In addition, a copy of this policy will be made available to applicants upon request.

3.3.2 Employee Responsibilities

Employees who believe they personally are being or have been subjected to discriminatory action and/or are the target of any form of unlawful harassment, or have witnessed any other employee being subjected to discrimination or harassment, should immediately:

1. Identify the offensive behavior to the alleged harasser and request that the harasser cease the conduct.

   Note: An employee is **NOT** required to talk directly to the harasser or to his/her supervisor. It is ***critical***, however, that the employee contact one of the individuals listed in sections 2 or 3 below if s/he believes s/he is being harassed or has witnessed what the employee believes to be harassment directed to or committed by another employee(s).

2. If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the harassing behavior to cease, but the request did not produce the results desired, the employee should report the conduct as soon as possible to a supervisor or manager or to the City's designated EEO Officer.

3. Employees who believe the EEO Officer has engaged in discriminatory or harassing conduct should bring such concerns to the attention of the alternate EEO Officer who is the City Manager. The City Manager will designate an objective person to conduct an investigation of such allegations. Employees may also report the conduct to the City Attorney.

4. Applicants are encouraged to contact the designated EEO Officer or the alternate.

3.3.3 Supervisor/Manager Responsibilities

Regardless of whether the employee involved is in the supervisor's or manager's department and regardless of how s/he became aware of the alleged discriminatory and/or harassing conduct, all supervisors and managers must immediately report all allegations or complaints or discrimination or unlawful harassment or observations of such conduct to the Equal Employment Opportunity Officer, Department Head, or City Attorney. A supervisor's or manager's failure to immediately report such activities, complaints or allegations may result in discipline up to and including termination.

3.3.4 Reporting Requirements

1. A supervisor who receives information or is a witness to any use of unlawful discriminatory or harassing conduct by an employee which violates City policies or the law, is required to report this information to the EEO Officer, his/her Department Head, or City Attorney immediately. The information reported must include:

   - The persons(s) involved, including all witnesses;
   - A written record of specific conversations held with the accused and any witnesses; and

- All pertinent facts, including date(s), time(s), and locations(s).

2. A Department Head is required to report this information to the City Manager, and may not conduct a formal investigation, release findings, or administer discipline prior to this disclosure and without specific authorization to do so.
3. An employee who witnesses or obtains information regarding unlawful discriminatory or harassing conduct by his/her immediate supervisor is required to report the incident to that individual's supervisor.

3.3.5 Investigation

Upon being made aware of allegations or complaints of discriminatory conduct and/or unlawful harassment, the City will ensure that such allegations or complaints are investigated promptly. The City treats all allegations or complaints of discrimination or unlawful harassment seriously and expects all employees to be candid and truthful during the investigation process.

The City will make efforts to ensure that all investigations are kept as confidential as reasonably possible. Due to the sensitive nature of investigations involving unlawful harassment, employees will be strongly advised to refrain from discussing the subject content with others, particularly while the investigation is in progress. Employees may be required to provide information to regulatory agencies and/or the employee's union representative or attorney. The City will release information obtained only to those individuals necessarily involved in the investigation and the administration of the complaint, or as required by law.

The individual who made the initial complaint, as well as the individual against whom the complaint was made, will be made aware of the final determination by the City.

If evidence arises that a participant in the investigation made intentionally false statements, that employee will be disciplined, up to and including possible termination.

If it is determined that discrimination and/or unlawful harassment has occurred, the City will take remedial action against the perpetrator commensurate with the severity of the offense. Such remedial action may include, but is not limited to, a verbal and/or written reprimand, counseling, transfer, suspension without pay, and/or termination. The City will also initiate action to deter any future discrimination or harassment from occurring.

With regard to disability-related complaints, the EEO Officer (when appropriate, working with the City Attorney, City Manager and/or the complainant) shall propose a resolution to the complaint based upon the findings of such investigation. Such resolution will include reasonable accommodation when the City determines that such a reasonable accommodation can be provided by the City.

3.4 Training

The City will provide training every two years to all employees on the prevention of discrimination and prohibited conduct/behavior(s) in the workplace. All new employees will be provided a copy of this policy upon hire and the contents will be discussed during the new hire orientation process. New employees will participate in training on the prevention of discrimination and prohibited conduct/behavior(s) within thirty (30) days of hire. A copy of this policy will be made available to applicants upon request.

3.5 Prohibition against Retaliation

Retaliation is adverse treatment which occurs because of opposition to unlawful prohibited conduct/behaviors in the workplace. The City will not tolerate any retaliation by management or by any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been retaliated or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process should immediately notify the EEO Officer or the alternate. The City will promptly investigate and deal appropriately with any allegation of retaliation.

3.6 Employee Dating

3.61 Policy

The City recognizes that an environment where employees maintain clear boundaries between personal and workplace interactions is most effective for conducting business. This policy does not prevent the development of friendships or romantic relationships between employees. However, employees in supervisory/managerial positions are precluded from having a romantic relationship with any subordinate employee.

3.62 Employee Responsibilities

1. Employees are prohibited from engaging in physical contact that would in anyway be deemed inappropriate by a reasonable person while anywhere on City property, whether or not such physical contact occurs during work hours.
2. Violation of this policy could result in disciplinary action up to and including termination.

3.63 Supervisor/Manager Responsibilities

1. Employees employed in supervisory/managerial positions are prohibited from engaging in a romantic relationship with a subordinate employee. Employees employed in supervisory/managerial positions need to be cognizant of their status as role models, their access to sensitive information, and their ability to influence others.
2. Violation of this policy could result in disciplinary action up to and including termination.

3.7 Employee Bullying

3.7.1 Definition

The City defines bullying as repeated mistreatment of one or more persons by one or more perpetrators that takes one of the following forms:

a. Verbal abuse;

b. Offensive conduct/behaviors (including nonverbal, physical, and cyber bullying which are threatening, humiliating, or intimidating, or

c. Work interferences, such as sabotage, which prevents work from getting done.

3.7.2 Purpose

The purpose of this policy is to communicate to all employees, including supervisors and managers, that the City will not tolerate bullying behavior. Employees found in violation of this policy may be subject to disciplinary action.

3.7.3 Prohibited Conduct

The City considers the following types of behavior examples of bullying:

a. *Verbal Bullying*: Slandering, ridiculing or maligning an employee or his/her family; persistent name calling which is hurtful, insulting, humiliating, yelling, screaming, and cursing; chronic teasing; belittling opinions or constant criticism.

b. *Physical Bullying*: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to an employee's work area or property.

c. *Nonverbal Bullying:* Nonverbal threatening gestures or glances which convey threatening messages; threatening actions; socially or physically excluding or disregarding a person in a work-related activity.

d. *Cyber Bullying:* Repeatedly tormenting, threatening, harassing, humiliating, embarrassing, or otherwise targeting an employee using email, instant messaging, text messaging, or any other type of digital technology.

e. *Workplace Interference:* Sabotaging which prevents work from getting done; deliberately tampering with a person's work area or property; assigning menial tasks outside of a person's normal job duties.

3.7.4 Dealing with Allegations of Bullying

1. *Process*

   Employees or applicants who believe they are being bullied by another (e.g. employee, customer, vendor, contractor, etc.), as well as those who believe they have witnessed another employee, client or member of the public being subjected to bullying behavior, have an affirmative duty to bring the situation to the attention of the City.

2. *Supervisor/Manager Responsibilities*

   A supervisor/manager is required to report this information to his/her Department Head, or the EEO Officer immediately.

3. *Investigation*

   Upon being made aware of allegations or complaints of bullying, the City will ensure that such allegations or complaints are investigated where deemed necessary.

   The City will make efforts to ensure that all investigations are kept as confidential as reasonably possible. The City will release information obtained only to those individuals necessarily involved in the investigation and the administration of the complaint, or as required by law.

   The individual who made the initial complaint, as well as the individual against whom the complaint was made, will be made aware of the final determination by the City.

   If it is determined that bullying has occurred, the City will take appropriate action.

3.7.5 Prohibition against Retaliation

The City will not tolerate any retaliation by management or by any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been retaliated or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or

participated in an investigative process should immediately notify the EEO Officer or the alternate. The City will promptly investigate and deal appropriately with any allegation of retaliation.

3.8 Employment Disabilities

3.8.1 Purpose of Policy

The City recognizes that the preceding sections of its personnel policy relating to fair employment practices encompass its commitment to fair and equitable treatment of all employees and applicants, including those with disabilities. The City also recognizes that there are specific issues relating to individuals with disabilities that must be individually addressed. The City acknowledges its responsibility to ensure that individuals in the workplace can efficiently and safely perform the essential functions of their jobs without posing a direct threat to themselves and others.

3.8.2 Policy

It is the City's policy to comply proactively with the applicable employment provisions of disability laws. The City does not tolerate discrimination against any qualified individual with a disability in regard to any terms, conditions, or privileges of employment and prohibits any type of harassment or discrimination based on the physical or mental disability, history of disability, or perceived disability of an individual holding or seeking employment with the City.

The City is committed to provide *reasonable* accommodation wherever the need for such is known to the City and whenever the employee or applicant indicates a need for such *reasonable* accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose an obvious threat to the safety of him/herself or others.

3.8.3 Determination of Disability

In determining whether an employee or an applicant has a disability under the law, the employee/applicant must have a physical or mental impairment that substantially limits one or more life activities, have a record of such an impairment, or is regarded as having such an impairment. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

3.8.4 Disability-Related Inquiries

The City shall adhere to the provisions of applicable laws regarding an employer's limitations on making disability-related inquiries or requiring medical examinations at each of the three stages of the employment process: pre-offer, post-offer/pre-employment, and employment.

The employer's restrictions regarding disability-related inquiries and medical examinations apply to **all** employees/applicants, whether or not they have disabilities. A

disability-related question to an applicant may be a violation of law, even though the applicant may not have a disability.

The City may require the employee to provide a fitness-for-duty certification from an appropriate medical provider whenever the City has reason to believe the employee may be unable to perform the essential functions of his/her job.

3.8.5 Confidentiality of Medical Records

The City shall treat any medical information obtained from a disability-related inquiry or medical exam, as well as any medical information voluntarily disclosed by an employee, as a confidential medical record. Confidential medical records also include medical information from voluntary health or wellness programs. The City will share such information only with appropriate supervisors, managers, first aid and safety personnel, and officials investigating compliance claims on a need-to-know basis. Such information may be disclosed to appropriate City personnel or outside consultants and attorneys in relation to any employment issue between the employee and the City, if the medical records are relevant to any such dispute. Any medical information shall **not** be kept in or with the employee's personnel or "site" file. Such medical information shall be kept in a separate secure confidential medical file.

3.8.6 Accommodation

1. *Accommodation for Applicants*

   Whenever an applicant requests accommodation in applying for, testing, or interviewing for a position with the City, the ADA Coordinator shall determine whether the applicant's condition constitutes a disability under the disability laws. The City's ADA Coordinator shall then determine whether the request for accommodation for a covered disability is reasonable. In making that determination of reasonableness, the ADA Coordinator shall consider whether granting such requests might impose an undue hardship on the City.

2. *Accommodation for Employees*

   When the City has some objective reason to believe an employee may need some type of accommodation to perform his/her essential job functions, the City must initiate an interactive process with the employee to find out what accommodation the employee might need. Also, whenever an employee approaches his/her supervisor, the City's ADA Coordinator, or any other manager within the City requesting some type of accommodation, the City will initiate the interactive process. Whenever a manager or supervisor becomes aware that an employee has requested or may require some type of accommodation, the manager/supervisor should promptly notify the ADA Coordinator. Upon learning of the employee's request for accommodation, the ADA Coordinator shall arrange to meet with the supervisor and the employee to discuss his/her accommodation request, the need for any reasonable documentation of the disability and the associated functional limitations, and the impact of the proposed accommodation on the City.

3.8.7. Requirements of Other Laws

The City may make disability-related inquiries and require medical exams that are required or necessitated by applicable laws or regulations; e.g., federal safety regulations, OSHA requirements, etc.

3.8.8. Glossary of ADA-Related Terms

1. An **"essential function"** is a fundamental job duty of the position held or desired. A function is essential if the job exists to perform that function, a limited number of other employees are available to perform the function, or the function requires special skill or expertise. Determinations as to essential functions must be made on a case-by-case basis and are normally determined based on such factors as:
2. The written job description prepared before advertising or interviewing applicants for the job;
   a. In the City's judgment, the amount of time spent performing the function;
   b. Input as to the actual work experience of past employees in the job or current employees in similar jobs; and
   c. The nature of the work operation and the consequences of not having the function performed.

   Marginal functions associated with any job should not be considered essential functions. While normally considered an essential function, punctuality and regular work hours may not be an essential function of some jobs. For example, if the job functions can be performed without the presence of a supervisor and the product expected is not subject to deadlines, adhering to established work hours may not be an essential function. Therefore, reasonable accommodations to the contrary may be necessary.
3. A **"disability-related inquiry"** is a question (or series of questions) likely to elicit information about a disability. Generally, disability-related inquiries are not allowed during the hiring process. Examples of disability-related inquiries include:
   a. Asking whether the employee/applicant currently has or has ever had a disability, how s/he became disabled, or inquiring about the nature or severity of an employee's/applicant's disability;
   b. Asking an employee/applicant a broad question about his/her impairments that is likely to elicit information about a disability;
   c. Asking an employee/applicant whether s/he is currently taking any prescription drugs or medication; and
   d. Asking about an employee's/applicant's genetic information.

   Other examples of prohibited disability-related questions include, but are not limited to, asking about an employee's/applicant's prior workers' compensation history, and asking an employee's/applicant's coworker, family member, doctor, or other person about the employee's/applicant's disability.

   Questions that are not likely to elicit information about a disability are not prohibited under the ADA. These types of inquiries include asking employees/applicants about their general well-being, whether they can perform the essential job functions, whether they currently use illegal drugs, and if they have been drinking. The City may also ask an employee, but not a job applicant, about non-disability-related impairments such as how s/he broke his/her arm.
4. A **"medical examination"** is a procedure or test usually given by a health care professional or in a medical setting that seeks information about an individual's physical or mental impairments or health. Medical examinations include, but are not limited to, vision tests conducted and analyzed by an ophthalmologist or optometrist;

blood, urine, and breath analyses to check for alcohol use; blood pressure screening and cholesterol testing; nerve conduction tests; range-of-motion tests that measure muscle strength and motor function; pulmonary function tests; psychological tests designed to identify a mental disorder or impairment; and diagnostic procedures such as x-rays, CAT scans, and MRI's. Procedures and tests that employers may require that are generally not considered medical examinations include blood and urine tests to determine the **current** illegal use of drugs; physical agility and physical fitness tests; tests that evaluate an employee's/applicant's ability to read labels or distinguish objects as part of a demonstration of the ability to perform actual job functions; psychological tests; and tests that measure personality traits, such as honesty, preferences, and habits.

5. Under the ADA, an **"employee"** is an individual employed by an employer. Generally, an individual is an employee if the employer controls the means and manner of his/her work performance. Where more than one entity controls the means and manner of how an individual's work is done, the individual may be an employee of each entity.

3.9 Drug and Alcohol Free Workplace

3.9.1 Policy

The City of Mesquite recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills.

1. The City is committed to:
   a. Maintaining a safe and healthy workplace for all employees;
   b. Assisting employees who recognize they have a problem with drugs or alcohol and providing appropriate treatment;
   c. Periodically providing employees with information about the dangers of workplace drug abuse; and
   d. When appropriate, taking disciplinary action for failure to comply with this policy.

1. The City strictly prohibits the following behavior:
   a. The use, sale, attempted sale, manufacture, attempted manufacture, purchase, possession or cultivation, distribution and/or dispensing of illegal drugs by an employee at any time and in any amount. This prohibition includes the use or possession of prescription medicines for which the individual does not have a valid prescription and the inappropriate use of prescribed medicines for which the employee has a valid prescription. In addition, the City prohibits employees from possessing open containers of alcoholic beverages while on the City's premises and/or while on duty and from working with a blood-alcohol level of .02 or more at any time.

b. Bringing alcohol, illegal drugs, and other substances which may impair the safety or welfare of employees or the public onto the premises controlled by the City or placing in vehicles or equipment operated on behalf of the City.

c. Law enforcement personnel performing job-related functions which require possession and/or transportation of such substances are exempt from this section.

2. Reporting Requirements

a. A supervisor who receives information or is a witness to any use of drugs or alcohol by an employee which violates City's policies or the law, is required to report this information to his/her Department Head, the Personnel Director, or the City Manager immediately. The information reported must include:

- The persons(s) involved, including all witnesses;
- Any information gathered, such as actual observation of drug /alcohol use, the presence of paraphernalia, observation of any unusual physical signs or behaviors;
- A written record of specific conversations held with the accused and any witnesses;
- All pertinent facts, including date(s), time(s), and locations(s).

b. A Department Head is required to report this information to the City Manager and may not conduct a formal investigation, release findings, or administer discipline prior to this disclosure and without specific authorization to do so.

c. An employee who witnesses or obtains information regarding illegal drug/alcohol use by his/her immediate supervisor is required to report the incident to that individual's supervisor.

3. Specimen collection, drug testing procedures, sample collection, and alcohol testing procedures will comply with all applicable provisions of federal and state law.

4. A positive test result for alcohol or drugs will be grounds for disciplinary action, up to and including termination.

5. Employees in safety-sensitive positions as defined in 49 CFR Part 382, et seq., are subject to the Federal Department of Transportation (DOT) (49 CFR Part 40) and the Federal Motor Carrier Safety Regulations (FMCSR), as prescribed by the Federal Motor Carrier Safety Administration (FMCSA) (49 CFR Parts 382, 383, 387, 390-397, and 399), as well as the City's Drug and Alcohol-Free Workplace Policy.

3.9.2 *Employee Responsibilities*

Each employee is responsible for reviewing and complying with the City's Drug and Alcohol-Free Workplace Policy.

1. Each employee is responsible for meeting standards for work performance and safe on-the-job conduct.

2. Employees shall not report to work under the influence of alcohol, illegal drugs, or misused prescription or over-the-counter drugs.

3. Employees who suspect they may have a substance abuse problem are encouraged to seek counseling and rehabilitation from a substance abuse professional or other treatment provider. The City's medical insurance policy may provide for payment of some or all of the treatment costs.

4. It is the employee's responsibility and obligation to determine, by consulting a physician if necessary, whether or not a legal drug s/he is taking may or will affect his/her ability to safely and efficiently perform his/her job duties. An employee whose impairment may affect job performance must contact his/her supervisor and attempt to find an appropriate alternative assignment. If none is available, the employee may take sick leave or be placed on a medical leave of absence (if available and the employee otherwise qualifies) or take other steps consistent with the advice of a physician. If an employee reports to work under the influence of prescription medication and, as a result, endangers him/herself or others, the employee will be disciplined, up to and including termination.
5. Each employee must report the facts and circumstances of any criminal drug or alcohol conviction that occurred while on duty or which may impact the employee's ability to perform the duties of his/her job. If duties involve driving a vehicle, the employee must report to his/her supervisor a conviction for driving under the influence (DUI), and/or revocation or suspension of the driver's license pending adjudication. Notification to City must occur before resuming work duties or no later than five (5) days after the conviction or revocation/suspension. The supervisor shall immediately forward the notification to notify the City attorney and Personnel Director.
6. Police Department employees are subject to random drug and alcohol testing.
7. Employees must act as responsible representatives of the City and as law-abiding citizens. It is every employee's responsibility to report violations of this policy to his/her immediate supervisor or to the Personnel Director. Such reporting is critical in preventing serious injuries or damage to the City's property.
8. Employees who are required to submit to a drug/alcohol test must complete and sign the consent form.

3.9.3. Department Head Responsibilities

The department head or his/her designee is responsible for:

1. Authorizing the testing of employees.
2. Coordinating drug and/or alcohol testing.
3. Requesting completion of the consent form.
4. Notifying employees of positive test results and their right to a retest of the same sample.
5. Implementing disciplinary action against employees who fail to comply with provisions outlined in this policy.
6. Notifying the City attorney of an employee's conviction of a federal or state criminal drug and/or alcohol statute violation.
7. Ensuring that the drug and/or alcohol test forms and results are kept confidential and only provided to employees with a business need for the information.

3.9.4. Supervisor Responsibilities

Supervisors are responsible for:

1 Determining if reasonable suspicion exists to warrant drug and/or alcohol testing and detailing, in writing, the specific facts, symptoms, or observations that are the basis for the reasonable suspicion.

2 Submitting the documentation to the department head or designee.

3 Complying with the appropriate provisions outlined in this policy that apply to supervisory personnel.

3.9.5. Employer Responsibilities

The City is responsible for:

1 Providing communication and training on this policy to include a training program to assist supervisors to recognize the conduct and behavior that gives rise to a reasonable suspicion of drug and/or alcohol use by employees and how to effectively intervene.

2 Receiving and maintaining employee drug and alcohol testing records and files from all sources and assuring that they are kept confidential.

3 Making drug and/or alcohol testing and notice forms available.

4 Notifying appropriate department heads of positive results of drug and alcohol tests.

5 Administering the contract with a third party to provide drug and alcohol testing services.

6 Overseeing the administration of the City's Drug and Alcohol-Free Workplace Policy.

3.9.6. Employee Education

The City maintains information relating to the hazards of and treatment for drug- and alcohol-related problems. Proactive training and information shall be sponsored by the City periodically. Any employee may voluntarily seek advice, information, and assistance. Medical confidentiality will be maintained consistent with this policy.

3.9.7. Employee Assistance and Voluntary Referral

1 The City strongly encourages employees who suspect they have substance abuse problems to voluntarily refer themselves to a treatment program. A voluntary referral is defined as being one that occurs prior to any positive test for illegal drugs or alcohol under this policy and prior to any other violation of this policy, including a criminal conviction of that individual for a drug- or alcohol-related offense. A decision to participate in the employee assistance program will not be a protection or defense from discipline.

2 Any employee who voluntarily requests assistance in dealing with a personal drug and/or alcohol problem may do so through a private treatment program for drug and alcohol problems. An employee who is being treated for substance abuse in a recognized rehabilitation program may, if the Americans with Disabilities Act applies, be entitled to reasonable accommodation so long as the employee is conforming to the requirements of the program and is abstaining from the use of controlled substances and/or alcohol.

3 The employee must agree to release treatment information to the City to permit the monitoring of the employee's ongoing compliance with the treatment recommendation. Any related leave will be considered to be medical leave under the provisions of the Family and Medical Leave Act if the employee is eligible. Employees requiring in-patient treatment are requested to notify the personnel department of the City in advance of the treatment admission. After such accommodation, the discontinuation of any involvement with alcohol or drugs is an essential requisite for continued employment. Upon completion of a substance abuse program, employees must take and pass a return-to-work test and sign a return-to-work agreement that will include a commitment to follow recommendations given by the treatment provider and other conditions as the City deems appropriate.

4 The cost of the drug or alcohol rehabilitation or treatment program shall be borne by the employee and/or the employee's insurance provider. All information regarding an employee's participation in treatment will be held in strict confidence. Only information that is necessary for the performance of business will be shared by the City's management. Employees are limited to treatment for substance abuse one time only under this policy.

3.9.8. Reasonable Suspicion Testing

1 When any supervisor has reasonable suspicion that an employee may be under the influence of alcohol or drugs, the employee in question will be directed by the department head or designee or the City's Personnel Director to submit to drug and/or alcohol testing.

2 The supervisor shall be responsible to determine if reasonable suspicion exists to warrant drug and/or alcohol testing and shall be required to document, in writing, the specific facts, symptoms, or observations which form the basis for such reasonable suspicion. When possible, the documentation will be forwarded to the department head or designee to authorize the drug and/or alcohol test of an employee.

3 The department head or designee or the City's Personnel Director shall direct an employee to undergo drug and/or alcohol testing if there is reasonable suspicion that the employee is in violation of this policy. The employee will be suspended with pay pending results of the test.

4. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

   a. Information provided either by reliable and credible sources or independently corroborated.

   b. The first line supervisor or another supervisor/manager receives information from a reliable and credible source as determined by the department head that an employee is violating the City's policy.

   c. Direct observation of drug or alcohol use.

   d. The first line supervisor or another supervisor/manager directly observes an employee using drugs or alcohol while an employee is on duty. Under these circumstances, a request for testing is mandatory.

   e. Drug or alcohol paraphernalia possibly used in connection with illicit drugs or alcohol found on the employee's person or at or near the employee's work area may trigger a request for testing.

f. Evidence that the employee has tampered with a previous drug and/or alcohol test.

g. The following behaviors will also contribute toward reasonable suspicion and, collectively or independently, on a case-by-case basis may provide a sufficient reason for requesting a drug and/or alcohol test:

h. A pattern of abnormal or erratic behavior.

This includes, but is not limited to; a single, unexplainable incident of serious abnormal behavior or a pattern of behavior which is radically different from what is normally displayed by the employee or grossly differing from acceptable behavior in the workplace.

i. Presence of physical symptoms of drug and/or alcohol use.

The supervisor observes physical symptoms that could include, but are not limited to, glassy or bloodshot eyes, slurred speech, poor motor coordination, or slow or poor reflex responses different from what is usually displayed by the employee or generally associated with common ailments such as colds, sinus problems, hay fever, and diabetes.

j. Violent or threatening behavior.

First Incident: If an employee engages in unprovoked, unexplained, aggressive, violent, and/or threatening behavior against any person, the department head may request that the employee submit to drug and/or alcohol testing.

Second Incident: Whether or not an employee has previously received formal counseling or disciplinary action for unprovoked, unexplained, aggressive, violent, or threatening behavior, upon a second or subsequent episode of similar behavior/conduct, the department head will request that the employee undergo drug and/or alcohol testing.

k. Absenteeism and/or tardiness.

If an employee has previously received disciplinary action for absenteeism and/or tardiness, a continued poor record that warrants a second or subsequent disciplinary action may, in combination with other relevant behaviors, result in drug and/or alcohol testing.

An employee who is required to submit to reasonable suspicion testing will be provided transportation by the City to the location of the test. After the employee submits to the test or if the employee refuses to be tested, the City will provide transportation for the employee to his/her home.

3.9.9 Post-Accident Testing

1. Each employee involved in an OSHA-recordable accident will be tested for drugs and/or alcohol as soon as possible after the accident, but after any necessary emergency medical attention has been provided. OSHA-recordable accidents are those accidents that result in:

   a. Medical treatment other than first-aid treatment;

   b. Loss of consciousness, restriction of work or motion; or

   c. Transfer to another job.

Additionally, any accident in which there is property damage estimated to be valued at or in excess of five thousand dollars ($5000.00) will trigger a post-accident test. (An employee may be suspended with pay pending the results of this test and with or without pay pending any subsequent investigation.) An employee who is required to submit to post-accident testing will be provided transportation by the City to the location of the test.

2. In the event an employee is so seriously injured that s/he cannot provide a blood, breath, or urine specimen at the time of the accident, the employee must provide necessary authorization, as soon as the employee's physical condition allows, to enable the City to obtain hospital records or other documents that indicate whether there were drugs or alcohol in the employee's system when the accident occurred.

3. In the event federal, state, or local officials conducted drug and/or alcohol testing following an accident, the employee will be required to sign a release allowing the City to obtain the test results from such officials.

4. An employee who is subject to a post-accident test must remain readily available for testing. An employee who leaves the scene before the test is administered or who does not make him/herself readily available may be deemed to have refused to be tested, and such refusal shall be treated as a positive test. Further, the employee, subject to a post-accident test, must refrain from consuming alcohol for eight (8) hours following the accident or until the employee submits to an alcohol test, whichever comes first.

5. For safety reasons, an employee required to submit to post-accident testing may be placed on leave of absence with or without pay pending receipt of the post-accident testing results and any related investigation.

3.9.10 Drug Testing for Safety-Sensitive Positions.

1. The City shall conduct pre-employment testing for drugs and random testing for drugs and alcohol for positions identified as department safety-sensitive by the City. Drug and alcohol testing of applicants and employees in department safety-sensitive positions is mandatory, and successfully passing these tests is a condition of future or continued employment.

2. Department safety-sensitive positions mean employment positions which may, in the normal course of business:

   a. Require the employee to operate the City's vehicles or heavy equipment on a regular and recurring basis; and/or

   b. Involve job duties which, if performed with inattentiveness, errors in judgment or diminished coordination, dexterity, or composure, may result in mistakes that could present a real and/or imminent threat to the personal health and safety of the employee, coworkers, and/or the public.

3. The City shall maintain a list entitled "List of Positions Designated as Department Safety-Sensitive." The list shall be a public record. Before a position is included on this list, the City shall post a notice in a conspicuous location accessible to employees at the work site affected that a position is to be included as department safety-

sensitive for the purposes of pre-employment drug testing and random drug and alcohol testing.

4. Employees specifically included in the random testing pool include all Police Department employees and any employee who is required to have a commercial drivers license (CDL) as part of his essential job functions..

3.9.11 Return-to-Work Testing/Follow-Up Testing

1. If the City agrees to continue employment, an employee who violates this policy and undergoes rehabilitation for drugs or alcohol will, as a condition of returning to work, be required to agree to follow-up testing as established by the City in consultation with the rehabilitation counselor. The extent and duration of the follow-up testing will depend upon the safety and security nature of the employee's position and the nature and extent of the employee's substance abuse problem. The City Manager will review the conditions of continued employment with the employee prior to the employee's returning to work. Any such condition for continued employment shall be given to the employee in writing. The City Manager may consider the employee's rehabilitation program in determining an appropriate follow-up testing program.

2 Any employee subject to return-to-work testing that has a confirmed positive drug or alcohol test will be in violation of this policy and subject to termination.

3.9.12 Consequence of Refusal to Submit to Testing/Adulterated Specimen

4. An employee who refuses to submit to testing for drugs and/or alcohol will be subject to disciplinary action, up to and including termination. An employee who consents to a drug or alcohol test but fails to appear timely at the collection site, or who fails to comply with the testing protocol after reasonable opportunity to do so, will be treated as a refusal to submit to a drug or alcohol test.

2. Submission of an altered or adulterated specimen or substitution of a specimen by a specimen donor will be considered a refusal to comply with this policy and subject the employee to disciplinary action, up to and including termination.

3.9.13 *Testing Guidelines*

1. The City will test for the following types of substances:

   - Marijuana
   - Cocaine, including crack
   - Opiates, including heroin and codeine
   - Amphetamines, including methamphetamines
   - Phencyclidine (PCP)
   - Alcohol

5. Other drugs may be added to this list. Where applicable, the City will follow federal testing procedures for drugs and alcohol set forth by the Federal Department of

Transportation (DOT) 49 CFR Part 40 and the Federal Motor Carrier Safety Regulations (FMCSR). These regulations may be amended from time to time.

3.9.14 Option for Drug Retest

1. No later than seventy-two (72) hours after receipt of a positive drug test, an employee who tests positive may request a confirmatory retest of the same sample at his/her expense at a certified laboratory of his/her choice.
2. Upon request, the medical review officer will authorize the laboratory holding the employee's sample to release to a second laboratory, approved by the Department of Health and Human Services, a sufficient quantity of the sample to conduct a second testing analysis.
6. The employee will be required to authorize the laboratory to provide the City with a copy of its test results. The accuracy of the test results will be verified by the laboratory conducting the analysis.

3.9.15 Searches

1. If the City suspects that an employee or on-site contractor is in possession of illegal drugs, alcohol, or contraband in violation of this policy, the City may request the individual to submit to a search of his/her person, personal effects, vehicles, lockers, desks, work area, baggage, and employee quarters. By entering into or being present at a job site while on City time or representing the City in any way, an individual is deemed to have consented to such searches. If an individual is asked to submit to a search and refuses, that individual will be considered insubordinate and will be escorted off the job site and disciplined, as appropriate.
2. Searches will be conducted by management personnel and may or may not be conducted in the presence of the person whose property or work area is searched. Any suspected contraband will be confiscated and may be turned over to law enforcement as appropriate. Any person whose property is confiscated will be given a receipt for that property by the City's representative conducting the search.

3.9.16 Discipline Related to Abuse

1. Employees in violation of the provisions of this policy will be subject to disciplinary action, up to and including termination.
2. An employee may be found to have violated this policy on the basis of any appropriate evidence including, but not limited to:
   a. Direct observation of illegal use of drugs, prohibited use of alcohol, or possession of illegal drugs or alcohol or related contraband;
   b. Evidence obtained from a motor vehicle citation, an arrest, or a criminal conviction for use or possession of illegal drugs or for the use, or being under the influence, of alcohol on the job;
   c. A verified positive test result; or
   d. An employee's voluntary admission.
3. Prior to determining its course of action, the City may direct an employee who has tested positive to submit to an evaluation by a substance abuse professional. The evaluation will attempt to determine the extent of the employee's use of or

dependence on the abused substance(s) and, if necessary, recommend an appropriate program of treatment.

4 If an evaluation is conducted which results in a recommendation for treatment, continued employment may, but is not required, to be allowed if the recommended treatment is immediately begun and successfully completed. The treatment program may include, but is not limited to, rehabilitation, counseling, and after-care to prevent future substance use/abuse problems. The treatment program will **not** be at the City's expense; however, employees may use benefits provided by applicable insurance coverage. Failure by the employee to enroll in the recommended treatment program, to consistently comply with the program's requirements, to complete it successfully, and/or to complete any continuing care program shall be grounds for immediate termination from employment. Employees are limited to substance abuse treatment one time only under this policy.

5 When an employee is required to undergo treatment under this policy, the employee may be required to comply with the following as a condition of continued employment:

a. Monitoring of the treatment program and the employee's participation by the City;

b. Submission to return-to-work testing as required under this policy and continuing follow-up testing as provided in the *Return-to-Work Testing/Follow-Up Testing, section 3.9.11*.; and

c. Any other reasonable condition that the City deems necessary to maintain a safe and healthy workplace for all employees.

Failure by the employee to enroll in a required treatment program, to consistently comply with the program requirements, to successfully complete the program, and/or to complete any continuing care program will be grounds for immediate termination of employment.

6 Disciplinary action will also be taken for any job performance or behavior that would otherwise be cause for disciplinary action.

3.9.17 *Confidentiality*

All medical and rehabilitation records are confidential medical records and may not be disclosed without the prior written consent of the patient, authorizing court order, or otherwise as permitted by state and federal law. Positive test results may only be disclosed to the employee; the appropriate medical and substance abuse treatment providers; the City's attorney; a City representative necessary to respond to an alleged violation of this policy; individuals within the City who have a need-to-know of drug and/or alcohol testing results; and a court of law or administrative tribunal in any adverse personnel action.

3.9.18 *Definitions*

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol Use: The drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.

Applicant: A person, including a current employee, applying for any position with the City (may also be referred to as the candidate).

Contraband: Any item such as illegal drugs, drug paraphernalia, or other related items whose possession is prohibited by this policy.

Conviction: A finding of guilt, including a plea of no contest or imposition of sentence or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug or alcohol statutes.

Department Head/Department Manager: An official appointed by the City Manager, who is directly responsible to the City Manager, for overall administration of an office or department of the City.

Drug Test: A urinalysis (urine) test, or other test protocol such as saliva or hair, that includes specimen collection and testing by a Department of Health and Human Services (DHHS) certified laboratory. Both a screening test and a confirmation test must be used to establish a positive test result.

City Premises: All City property and facilities, the surrounding grounds and parking lots, leased space, City-motor driven equipment/vehicles, offices, desks, cabinets, closets, etc.

Illegal Drugs: Any controlled substance or drug, the sale, possession, cultivation, transfer, use, purchases, or distribution of which is illegal. Illegal drugs include prescription drugs not legally obtained and/or prescription drugs not being used in the manner, combination, or quantity prescribed, or by the individual for whom prescribed.

Legal Drugs: Prescription drugs and over-the-counter drugs that have been legally obtained and are being used in the manner, combination, and quantity for which they were prescribed or manufactured. In the case of prescription drugs they are only being used by the individual named on the prescription.

Positive Drug or Alcohol Test: Any detectable level of drugs or its metabolite (in excess of trace amounts attributable to secondary exposure) in an employee's urine or blood. With respect to alcohol, a blood alcohol concentration of 0.02 or higher constitutes a positive test.

Substance Abuse Professional (SAP): A licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with the knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.

Supervisor: An employee or an elected official who has been authorized to select, train, schedule, and evaluate the work of other employees, and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees. This person may also serve as the department head.

3.10 Prohibition of Workplace Violence

3.10.1 *Policy*

The City of Mesquite is committed to providing for the safety and security of all employees, customers, visitors, and property.

3.10.2 *Scope*

This policy applies to all employees, including regular, part-time temporary, casual, provisional, and elected officials, as well as contract and temporary workers and anyone else on the City's property.

3.10.3 *Implementation of Policy*

1. The City will not tolerate any form of workplace violence including acts or threats of physical violence, intimidation, harassment and/or coercion which involve or affect the City or which occur on property owned or controlled by the City or during the course of City's business. Examples of workplace violence include, but are not limited to, the following:

    a. All threats (including direct, conditional, or veiled) or acts of violence occurring on premises owned or controlled by the City, regardless of the relationship between the City and the parties involved in the incident.

    b. All threats of any type or acts of violence occurring off the City's premises involving someone who is acting in the capacity of a representative of the City.

    c. All threats of any type or acts of violence occurring off the City's premises involving an employee of the City, if the threats or acts affect the legitimate interests of the City.

    d. Any acts or threats resulting in the conviction of an employee or agent of the City or of an individual performing service for the City on a contract or temporary basis which adversely affect the legitimate interests and goals of the City.

2. Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:

    a. Hitting, shoving, or assaulting an individual;

    b. Direct, conditional, or veiled threats of harm directed to an individual or his/her family, friends, associates, or property.

    c. The intentional or malicious destruction or threat of destruction of the City's property;

    d. Harassing or threatening phone calls, notes, letters, or computer messages;

    e. Harassing surveillance or stalking;

    f. Unauthorized possession or inappropriate use of firearms, weapons, hazardous biological or chemical substances, or explosives.

3. The City desires to detect and deter real, potential, or threatened violence. Every employee shall immediately report any acts of violence or threat of violence against any coworker, supervisor, and manager, elected official, visitor, or other individual. Supervisory and managerial personnel who witness or become aware of any acts or threats of violence must notify their superior immediately. Every other person on City property is encouraged to report incidents of threats or acts of violence of which s/he is aware.

2. Reports of violence or threatening behavior should be made to the Human Resources Department, an employee's immediate supervisor or manager, or any other supervisory or management employee. The City is committed to ensuring that

employees reporting real or perceived threats in good faith will not be subject to harassment or retaliation. Nothing in this policy alters any other reporting obligation established in the City's policies or in state, federal, or other applicable law.

3.10.4 *Violations*

1 Violations of this policy by any employee will lead to disciplinary action, up to and including termination and/or appropriate legal action. The City may also take appropriate disciplinary action against any employee who intentionally makes a false or malicious statement about coworkers or others.

2 Actions of law enforcement personnel which are necessary in the performance of their duties and are consistent with policies or sound law enforcement procedures shall not be considered to violate this policy. In addition, actions necessary for bona fide self-defense or protection of employees of the City or of City property shall not be considered to violate this policy.

3.10.5 *Temporary Restraining Orders*

1. The City may apply for an order for protection against harassment in the workplace under the terms of NRS 33.200 – 33.360 when it has reason to believe that:

   a. A person knowingly threatens to cause or commits an act that causes:
      - Bodily injury to him/herself or to another person;
      - Damage to the property of another person; or
      - Substantial harm to the physical or mental health or safety of a person;

   b. If the threat is made or an act committed against the City, any employee of the City while performing employment duties, or against a person present at the City's workplace; and

   c. The threat would cause a reasonable person to fear that the threat will be carried out, or the act would cause a reasonable person to feel terrorized, frightened, intimidated, or harassed.

2. Such order of protection against harassment in the workplace may:

   a. Enjoin the alleged harasser from contacting the City, an employee of the City while performing his/her duties, and any person while the person is present at the City's workplace;

   b. Order the alleged harasser to stay away from the workplace; and

   c. Order such other relief as the court deems necessary to protect the City, the workplace of the City, the City's employees while performing their employment duties, and any other persons who are present at the workplace.

3.11 Employment of Relatives

Pursuant to the provisions of NRS 281.210, no officer or appointing authority of the City may employ in any capacity on behalf of the City any relative of such a person or any member of the City Council who is within the third degree of consanguinity or affinity. Existing employees may continue in their current position following the election of their relative to an appointing authority position.

In addition, no person shall be employed in a position if such employment would require supervision by a relative who is within the third degree of consanguinity or affinity. Also no person may be employed in a City Department where a relative who is within one degree of

consanguinity or affinity is employed. (Part time and seasonal position are exempt from this requirement.) (Appendix A is a chart that defines the degree of consanguinity or affinity.) For purposes of this paragraph, supervision includes second or higher levels of supervision. For purposes of this paragraph romantic relationships are also considered to be, and treated the same as a relative.

When a current employee applies for a position which includes supervisor responsibilities s/he may be precluded from consideration for that position if any relative as defined above is in a position that is supervised by the applicant. Alternatively, the related employee may be required to transfer or resign.

(**Example**: An employee reports to an immediate supervisor, who reports to a division manager, who reports to a department head. The employee may not be related within the third degree of consanguinity or affinity to the division manager or department head.)

Applicants for regular full time positions in City Departments where a relative within one degree of consanguinity or affinity is already employed will not be considered for the position. (In situations where employed relatives within one degree of consanguinity or affinity are already employed at the time this policy was adopted, said employees may continue in their current positions.) However, if employees become related within one degree of affinity due to a romantic relationship or marriage, one employee will be required to transfer or absent a transfer, will be required to resign.

3.12 Code of Ethical Standards

Consistent with the provisions of NRS 281.481 and NRS 281.230, a code of ethical standards is hereby established to govern the conduct of City's officials and employees:

1. No official or employee shall seek or accept any gift, service, favor, employment, engagement, perquisite, gratuity, or economic opportunity or advantage which would tend improperly to influence a reasonable person in his/her position to depart from the faithful and impartial discharge of his/her public duties.
2. No official or employee shall use his/her position with the City to secure or grant unwarranted privileges, preferences, exemptions or advantages for him/herself, any member of his/her household, any business entity in which he/she has a significant pecuniary interest, or any other person.
3. No official or employee shall participate as an agent of government in the negotiation or execution of a contract between the governmental entity and any private business in which he/she has a significant pecuniary interest.
4. No official or employee shall accept any salary, retainer, augmentation, expense allowance, or other compensation from any private source for the performance of his/her duties as an official or employee.
5. If an official or employee acquires through his/her public duties or relationships, any information which by law or practice is not at the time available to people generally, s/he shall not use the information to further his/her own current or future pecuniary interests or the current or future pecuniary interests of any other person or business entity.
6. No official or employee shall suppress any governmental report or other document or information because the release of such report or information has the potential to

impact his/her own pecuniary interests or those with whom s/he has a business or personal relationship.

7. No official or employee shall use governmental time, property (including monies or funds), equipment, or other facility to benefit his/her personal or financial interest.
8. No official or employee shall attempt to benefit his/her personal or financial interest(s) by influencing or intimidating a subordinate.
9. No official or employee shall seek other employment or contracts through the use of his/her official position or the influence associated thereto.
10. An official or employee shall not, in any manner, directly or indirectly, receive any commission, personal profit, or compensation of any kind resulting from any contract or other transaction in which the City is in any way interested or affected except:

    (a) A member of any board, commission or similar body who is engaged in the profession, occupation, or business regulated by the board, commission or body may, in the ordinary course of his/her business, bid on or enter into a contract with any governmental agency, except the board or commission of which he/she is a member, if s/he has not taken part in developing the contract plans or specifications and s/he will not be personally involved in opening, considering, or accepting offers.

    (b) A public officer or employee, other than an officer or employee described in (a) above, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, s/he has not taken part in developing the contract plans or specifications and s/he will not be personally involved in opening, considering, or accepting offers.

Violations of the above provisions may result in disciplinary action, up to and including termination.

3.13 Political Activity

Employees shall not engage in political activity of any kind during working hours. This includes, but is not limited to, soliciting money, influence, service, or any other valuable thing to aid, promote, or defeat any political committee or the nomination or election of any person to public office. Wearing or displaying of apparel, buttons, insignia, or other items which advocate for or against a political candidate or a political cause is also an example of prohibited political activity during work hours. Furthermore, no person shall attempt to coerce, command, or require a person holding or applying for any position, office, or employment, including a citizen requesting service supplied by the City, to influence or to give money, service, or other valuable thing to aid, promote, or defeat any political committee, or to aid, promote, or defeat the nomination or election of any person to public office.

Employees may not participate in any of the above-mentioned activities off duty while wearing a uniform, name tag, or any other item identifying them as a representative of the City.

Employees are expressly forbidden to use any City resources, including but not limited to: interoffice mail, email, telephone, fax machines, the Internet, or copy machines to engage in any political activity outside the approved scope of the employees' official duties.

3.13.1 Running for, or Holding, Political Office

While employees are encouraged to participate in the political process, they must understand the City also has an obligation to provide service to the public.

Employees of the City who become a candidate for or eligible for the office of City Councilmember or Mayor must resign from City employment as specified in Title 1, Chapter 6, Section 1-6-2(A) of the Mesquite Municipal Code.

Employees who are seeking, or who have been elected or appointed to public office other than Councilmember or Mayor, shall not conduct any business related to these activities while on duty. This includes all the items listed in the previous section, (i.e., political activity.)

If there is a conflict with, or the activities hinder the performance of the duties with the City, the employee will comply with one of the following: (final approval is at the City's sole discretion)

- The employee will be expected to resign his/her position;
- The employee may apply and seek approval for use of accrued leave time, or;
- The employee may request unpaid leave.

If there is any question regarding this policy, employees should contact their supervisor for clarification.

3.14 Solicitation Prohibited

3.14.1 Employee Activities

Distribution of literature by employees in work areas or solicitation by employees during work time on behalf of any club, society, labor union, religious organization, political party, philanthropic, or similar organization, or for any purpose whatsoever is strictly prohibited. Distribution of information and correspondence related to the administration of a collective bargaining agreement by officers, consultants, and business representatives of a recognized employee organization may be allowed pursuant to the terms of a collective bargaining agreement.

3.14.2 Non-Employee Activities

Non-employees will not be allowed on the premises for the purpose of distribution of literature to employees or solicitation of employees at any time whatsoever, except as specifically provided below:

1. Consultants and business representatives of recognized employee organizations are allowed access to employees as allowed by the specific terms of a current collective bargaining agreement.
2. Representatives of employee benefit programs (e.g., supplemental insurance or deferred compensation) specifically approved by the City for payment through payroll deduction may meet with employees during designated work time at designated places or on City property as may be approved by the appropriate City representative.

3.15 Work Stoppage Prohibited

No employee will instigate, promote, encourage, sponsor, or engage in any strike, picketing, slowdown, concerted work stoppage, sick out, or any other intentional interruption of work. Any employee who violates the provisions of this section will be subject to disciplinary action, up to and including termination.

3.16 Use of City Property and Premises

A. Employees will use the City's property and equipment including, but not limited to, monies and funds, communication equipment, vehicles, tools, equipment, and facilities only for work-related purposes as directed or approved by management. When using City property and equipment, employees are expected to exercise care, perform required maintenance, and follow all operating instructions as well as comply with safety standards and guidelines.

B. Employees will not misuse, destroy, or otherwise use in an improper or unsafe manner any property of the City.

C. Employees are prohibited from making unauthorized copies, any other unauthorized use of, or allowing or facilitating the unauthorized possession by others of City keys or other access devices.

D. The City may authorize the examination of lockers, desks, vehicles, and all other property and spaces owned or controlled by the City to check for the presence of any unauthorized material, weapons of any type, or controlled substances including, but not limited to, alcohol and illegal drugs. Prior notice to employees that City-owned property or space is to be searched is not required. A search may be conducted either in or outside the employee's presence.

E. Violations of the above may result in disciplinary action, up to and including termination.

3.17 Residency Requirements

3.17.1 *General Provisions*

1. The City Manager, Police Chief, Fire and Rescue Chief, Public Works Director and any Assistant City Managers shall live within the City Limits of Mesquite or move within these boundaries within twelve (12) months of appointment to one of these positions.
2. All other individuals appointed as Department Heads and other employees may live anywhere within or outside Clark County unless a reasonable departmental provision has been established.

3.17.2 *Departmental Provision*

Each department may establish reasonable residency requirements or response time requirements where such policies are necessary for the department to carry out its mission or to meet legal requirements.

Any such requirements must meet fairly strict guidelines for reasonableness and must be approved by the City Manager.

Employees required to meet any special residency/response requirements should be notified prior to placement in an affected position. This requirement should be listed in the job advertisement and job description.

3.18 Outside Employment

3.18.1 Policy

In order to maintain a work force that is fit and available to provide City services and carry out functions of the City, employees are prohibited from engaging in outside employment which presents real or potential conflict with or negatively impacts their employment with the City.

3.18.2 Conflicting Employment

Outside employment may be classified as in conflict with City's interests if it:

A. Interferes with or negatively impacts the employee's ability to perform his/her assigned job.

B. Prevents the employee's availability for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job.

C. Is conducted during the employee's work hours.

D. Requires the services of other City employees during their normally scheduled City work hours.

E. Make use of City's telephones, computers, supplies, or any other resources, facilities, or equipment.

F. Is represented as an activity of the City or an activity endorsed, sanctioned, or recommended by the City.

G. Takes advantage of the employee's employment with the City, except to the extent that the work with the City may demonstrate expertise or qualification to perform the outside work.

H. Requires the employee to schedule time off at specific times that could disrupt the operation of the City.

I. Is employment with a firm that has contracts or does business with the City. Exceptions have been identified in Section 3.12. Code of Ethical Standards, Item 10 (a) and (b) of these Personnel Policies.

3.18.3 Procedure

1. Every request by a City employee to engage in outside employment must be approved by the City Manager prior to the employee engaging in outside employment**.**

2. An employee must notify his/her supervisor or manager of the outside employment if such outside employment may be reasonably perceived to be in conflict with his/her employment, or if the employee is unsure about a perceived conflict.

3. In order to determine if there is a conflict with the employee's duties, the supervisor or manager may request information, such as:

   a. The outside employer's name;

   b. Hours of proposed employment;

   c. Job location; and

   d. Duties to be performed. If the supervisor or manager turns down the request, the employee may request and the City will grant a review by another person at a management level.

4. If there is a conflict with the employee's employment, the supervisor or manager will inform the employee that the outside employment is not allowed.

5 The supervisor or manager will advise human resources of conflicts or perceived conflicts caused by an employee's outside employment.

6 The employee must terminate the outside employment if s/he wishes to remain an employee of the City.

7 Employees who engage in outside employment which is prohibited by this policy are subject to discipline, up to and including termination.

3.19 Dress and Grooming

3.19.1 General Policy

1. Each employee is expected to dress and groom appropriately for the job, presenting a clean, safe, and neat appearance. An employee unsure about whether attire or grooming is appropriate should consult with his/her supervisor or manager.

2. Employees working in office areas should dress professionally. Appropriate attire includes, but is not limited to, slacks, khakis, capri or crop pants (if they portray a business appearance), knit blouses or tops, dress shirts, polo and cotton shirts, skirts and dresses, turtlenecks, sweaters, loafers, and sandals. Blue jeans, T-shirts, sweat suits, and leggings are not appropriate office dress.

3. For those employees who do not have direct contact with the public, dress should still be neat and clean and pose no safety hazard to themselves or others.

4. On approved casual days, employees may dress in casual clothing, including blue jeans and T-shirts, although dress standards still require a neat, clean appearance.

5. Field employees are required to wear the assigned work uniform provided by the City. If a work uniform has not been assigned, employees may wear jeans and T-shirts as well as shorts that are no more than 3 inches above the knee. Any employee who performs any work assignments in the field must wear closed-toe shoes. Long hair must be tied back to ensure the employee's personal safety. Loose clothing or dangling jewelry that poses a safety hazard to employees also is prohibited.

6. Under no circumstances may employees wear halter tops, strapless tops, spaghetti straps, tank tops, cropped tops, clothing with offensive wording (sexually-related references or foul language) or that promotes the use of illegal drugs, clothing that shows undergarments (sheer), torn clothing, clothing with holes in it, or tight-fitting, revealing, or oversized clothing. All clothing must be clean, neat, and fit properly. Safe, neat, and clean shoes should be worn at all times.

7. For all employees, professional appearance means that the City expects employees to maintain good hygiene and grooming while working. Facial hair is permitted as long as it is neat and well trimmed. Earrings are acceptable; however, no more than one earring may be worn on each ear while working. Rings through the nose, eyebrow, tongue, or body parts other than the ear lobe that are visible to the public may not be worn while working. All tattoos must be small in size or covered at all times and may not be offensive in nature (sexually-related references, foul language, and the promotion of illegal drugs is prohibited). Employees are expected to be conservative in the wearing of makeup, scented products, and hairstyles.

8. If an employee requires a reasonable accommodation regarding his/her dress for bona fide health and/or religious reasons, s/he should contact his/her supervisor or manager to discuss an exception to the personal appearance guidelines. Unless it would constitute an undue hardship or safety hazard, City will accommodate such requests.

3.19.2 *Enforcement*

1. All employees should practice common sense rules of neatness, good taste, and comfort. Clothing not in conformance with section 3.19.1 is prohibited. The City reserves the right to determine appropriate dress at all times and in all circumstances.

2. When the City believes an employee's dress or grooming does not comply with the personal appearance guidelines, the immediate supervisor will discuss the issue with the employee. If continued counseling fails to result in the desired response, the supervisor may initiate disciplinary action.

3. The City may send employees home to change clothes should it be determined that dress is not appropriate.

4. If an employee feels aggrieved by the personal appearance guidelines, s/he may use the dispute resolution process provided in the City's personnel policies.

3.20 Licenses

3.20.1 Purpose

To ensure that all employees obtain and maintain a valid license, certificate, permit or other occupational certificate issued by the State, County, City or other agency.

3.20.2 Scope

All employees, whose job requires a license, certificate, permit or other occupational certification to practice his/her profession through the State of Nevada, Clark County, and/or City or County Law Enforcement Agencies must adhere to the provisions of Chapter 425 of Nevada Revised Statutes. This statute establishes procedures under which the agency granting the license, certificate, permit or occupational certification may withhold, suspend or restrict the issuance of professional and/or occupational certificates, licenses or certification for individuals who:

(a) Have not complied with a subpoena or warrant relating to a child paternity or child support obligation; or

(b) Satisfy any arrears payments due; or

(c) Submit to the District Attorney or other public agency a written request for hearing.

If the employee has been notified and does not satisfy one of the above items within thirty (30) days from receipt of the above notice, his/her renewal license, certificate, permit or occupational certification will not be approved and will be revoked. This action will remain in effect until he/she satisfies one (1) of the above items. If the District Attorney schedules a hearing to review the case, the employee's license, certificate, permit or other occupation certification will remain valid pending the results of the hearing.

Provisions

1) All employees must posses a valid license, certificate, permit or other occupational certification as required by their position.

2) If a prospective candidate for a position cannot obtain the required license, certificate, permit or occupational certification required for the job, he/she will not be given any further employment consideration. If a job offer, offer of promotion or other transfer has been made, it will be withdrawn.

3) In the event that the employee receives notice of revocation of non-renewal of a license, certificate, permit or occupational certification, he/she shall immediately notify his/her supervisor. The employee shall not perform any task for which the license, certificate, permit or other occupational certification is required after the license, certificate, permit or occupational certification has been non-renewed or revoked.

4) In the event the employee does not have a valid license, certificate, permit or other occupational certification, he/she does not meet the job requirements. Failure to meet the job requirements will result in termination. If the employee is covered by a collective bargaining agreement, any provisions covering the situation will be followed in processing disciplinary action.

3.21 City Vehicle Use Policy

3.21.1Policy

It is the policy of the City of Mesquite that those assigned vehicles necessary for and equipped to respond to public safety or public health emergencies may be taken home after working hours, weekends or holidays. Employees may be required by this policy or the city Manager to take their assigned vehicles to and from work at all times because they are subject to call at all times for public health or safety emergencies. Other than police and fire personnel, the City Manager will designate those City employees who are required to take their assigned City vehicles to and from work at all times so as to be able to respond to a public health or safety emergency at any time. Those employees so directed pursuant to this policy or by the City Manager to take their City vehicles to and from work so as to be able to respond to a public health or safety emergency at any time are exempt from the record keeping requirement for de minimus personal use of the vehicle.

3.21.2 Personal Use Prohibited While Off Duty; Exceptions.

All personal use of publicly-owned vehicles is expressly prohibited with the exception of commuting to and from work and the work place in vehicles which have been authorized to be taken home, except as set forth to the contrary herein.

3.21.3 Reporting of De Minimus Personal Use of City Vehicle.

De minimus (infrequent) personal use of publicly-owned vehicles as defined by the Internal Revenue Service is allowed, but requires the employee assigned the vehicle to make written notice of the time, date, location and reason for such personal use to the Department Head who shall maintain that information in a file which is open for public inspection, unless such reporting is not required by this policy. If the assigned vehicle is to a Department Head, the subject de minimus use is reported to the City Manager.

3.21.4 Maintenance of Assigned Vehicle.

All employees assigned a City vehicle are responsible for seeing to it that such vehicle is maintained in accord with the City's or manufacturer's recommended maintenance schedule. Each such employee is required to keep a current log of all maintenance ordered; indicating the date and vehicle mileage at the time the maintenance was performed. Each employee who is assigned a City vehicle is responsible for keeping the subject vehicle clean and presentable inside and outside.

3.21.5 Transportation of Non-Employees Prohibited; Exception.

Transport of non-employees in City-assigned vehicles is prohibited unless such transport occurs because of a public safety or public health response. Transport of non-employees in City-assigned vehicles is permitted if directly related to City business. The employee assigned the vehicle is responsible for determining if transporting a non-employee meets the parameters of this policy; if unable to determine that, he or she must refer the matter to their supervisor, or in the case of a Department Head, to the City Manager for pre-approval of such transport.

3.21.6 Waiver Required.

Non-employees approved by the City Manager to be transported in a City-owned vehicle are required to read and sign as acknowledged, a form describing the limitations of the City's insurance and liability should an accident subsequently occur.

3.21.7 Out-of Nevada Travel Prohibited; Exceptions.

Assigned vehicles may not be driven out of State, with the exception of public safety or public health vehicles using their official vehicle on official City business, such as rescue personnel transporting a patient to or from another state, unless the trip has the prior approval of the City Manager.

3.21.8 Operation of Vehicle with Safety Defects; Prohibition of Operation; Exception.

No employee of the City may operate an assigned vehicle or other equipment known to have or suspected to have safety defects. Such defects, when known or suspected, are required to be reported immediately by the employee assigned the vehicle or equipment to the department's superintendent, Maintenance Shop Superintendent, or to the City Safety Director. The supervisor or superintendent or Director will determine if the equipment or vehicle is to be red tagged or may be operated. Mechanics and other personnel responsible for making repairs are permitted to move such vehicles or other equipment by controlled and safe means to an area where repairs can be made.

3.21.9 Obligation of Employee to Charge Fuel to Correct Account.

Each employee assigned a City vehicle is responsible for charging all fuel used by the subject vehicle and obtained from City fuel pumps to the correct vehicle account number. Charging fuel to an incorrect account number is expressly prohibited.

3.21.10 Operation of Vehicle.

All employees assigned a City vehicle are required to operate that vehicle in a reasonable, courteous and safe manner observing all traffic laws and rules of the road. Those vehicles being operated under emergency response are required to follow department policy with regard to safety for all concerned.

3.21.11 License Required.

All employees operating City vehicles are required to hold a current valid drivers license or C.D.L. where otherwise required.

3.21.12 Driving Under Influence of Alcohol or Drugs Prohibited; Penalties.

No employee assigned a City vehicle is permitted to operate a vehicle while under the influence of alcohol or controlled substances. Violation is cause for disciplinary action up to and including termination.

3.21.13 Special Rules for Police and Fire Personnel.

Pursuant to Title 26 of the Code of Federal Regulations, Part I, Section 1.274-5T, certain special rules apply to commuting and off-duty use of police and fire vehicles by police and fire personnel and exempt such use from reporting or recording de minimus use of the City vehicle. They are:

1. Police and fire personnel are required to be on call at all times and are required to give assistance whenever they observe a need for their assistance whether on duty or not and will immediately report to work when asked to do so or respond to an emergency when necessary, except for health or other reasons which would make them temporarily unable to so respond to an emergency when off-duty is prohibited from using his/her assigned City vehicle during the time he/she is unable to respond to an off-duty emergency.

2. Since police and fire personnel are on call at all times, they are required by the City to use their assigned City police or fire vehicle to commute to and from work at all times.
3. Any personal use (other than commuting) of the vehicle outside the City of Mesquite is prohibited by the City.
4. Police and fire personnel may utilize their assigned City vehicles during their off time for personal errands in the City of Mesquite so long as they comply with the following conditions:
   a) They have the police/fire radio or their assigned hand-held radio on at all times while using their assigned police/fire vehicle for commuting or for personal errands while off-duty;
   b) They have the equipment and ability to respond to all calls received or emergencies observed during their commuting or off-duty use of the City vehicle;
   c) They do not transport family members in the assigned City vehicle;
   d) They do not use the City vehicle for personal errands outside the City of Mesquite;
   e) They do not use the assigned City vehicle for vacation or recreation purposes;
   f) Any personal use of an unmarked police vehicle must be incident to law enforcement function, such as being able to report directly from home to a stakeout or surveillance site or to an emergency situation.
5. Any violation of this policy subjects the violating employee to the imposition of discipline, including the possibility of termination.

3.22 Phone Policy

The City's policy covers phone usage while at work, including the use of cell phones while operating motor vehicles.

3.22.1 *Personal Phone Calls*

1. Personal phone calls, whether via your private cell phone or the City's telephone equipment should be limited and should generally restricted to authorized break periods. Excessive personal calls can result in lost productivity and distract coworkers. City-issued cell phones are to be used only for official business reasons.
2. If an emergency situation arises and the City issued cell phone must be used for a personal call and the employee is not able to obtain prior authorization from a supervisor, the employee is required to notify the supervisor as soon as is practicable. The employee is required to furnish the reason for the call and, if requested, the number called. Violation of this policy may result in the employee being responsible for reimbursing any costs incurred.

3. Employees are expected to protect the City-issued cellular equipment from loss, damage or theft.

3.22.2 Cell Phone Use in Vehicles

1. Employees on duty and/or conducting official business at any time while operating motor vehicles are prohibited from using cell phones while the vehicle is in motion. This includes dialing, answering, and checking messages. Employees are neither required nor expected to use a cell phone while the vehicle is in motion.

2. Employees shall pull off the road and safely stop before placing or accepting calls or checking messages.

3. This policy does not include passenger use of cell phones.

4. This prohibition is in effect regardless if the cell phone is issued by the **employer** or is privately owned by the employee.

5. An exception to this rule is the legitimate use of cell phones by specific departments and for specific reasons as established by each department. For example the police, fire, ambulance, and EMT departments may operate vehicles while using cell phones only in direct response to emergency calls, but must always keep safety a paramount concern.

3.22.3 Phone Use in Business Meetings

Phone use during meetings, unless specifically required and authorized by management, is forbidden. Cell phones must be turned off and/or calls forwarded to the message feature.

3.22.4 Additional Cell Phone Functions & Services

In addition to telephone service, many cell phones or cellular providers offer various functions and/or services, including text messaging and digital photography not directly related to work. Employees are strictly prohibited from using any of these or similar features while at work or in a motor vehicle.

3.23 Information Technology

3.23.1 Policy

The City requires employees to use information technology (computer systems, telecommunication and other devices, and electronic information) responsibly.

3.23.2 Privacy

Employees should not expect privacy with respect to any of their activities when using the City's computer and/or telecommunication property, systems, or services. Use of passwords or account numbers by employees does not create a reasonable expectation of privacy and confidentiality of information being maintained or transmitted. The City reserves the right to review, retrieve, read, and disclose any files, messages, or communications that are created, sent, received, or stored on the City's computer systems and/or equipment. The City's right to review, also called monitoring, is for the purpose of ensuring the security and protection of business records, preventing unlawful and/or inappropriate conduct, and creating and maintaining a productive work environment.

3.23.3 Use

1. The computers, associated hardware and software, including electronic mail (email) and access to on-line services (the Internet), as well as voice mail, pagers, and faxes, belong to the City and, as such, are provided for business use. Very limited or incidental use by employees for personal, non-business purposes is acceptable as long as it is:

   A. Conducted on personal time (i.e., during designated breaks or meal periods);

   B. Does not consume system resources or storage capacity; or

   C. Does not involve any prohibited uses.

2. Employees loading, importing, or downloading files from sources outside the City's system, including files from the Internet and any computer disk, must ensure the files and disks are scanned with the City's current virus detection software before installation and execution. Compliance to copyright or trademark laws prior to downloading files or software must be adhered to explicitly.

3. Employees may use information technology, including the Internet, during work hours on job-related matters to gather and disseminate information, maintain their currency in a field of knowledge, participate in professional associations, and communicate with colleagues in other organizations regarding business issues.

4. An employee's use of the City's computer systems, telecommunication equipment and systems, and other devices or the employee's use of personally-owned electronic devices to gain access to City's files or other work-related materials maintained by the City constitutes the employee's acceptance of this policy and its requirements.

3.23.4 Prohibited Use

Prohibited use includes, but is not limited to, the following:

1. Sending, receiving, or storing messages that a "reasonable person" would consider to be offensive, disruptive, harassing, threatening, derogatory, defamatory, pornographic, indicative of illegal activity, or any that contain belittling comments, slurs, or images based on race, color, religion, gender, sexual orientation, age, disability, or national origin.

2. Sending, receiving, or storing chain letters.

3. Subscriptions to newsletters, advertising, "clubs," or other periodic email which is not necessary for the performance of the employee's assigned duties.

4. Sending, receiving, or storing solicitations on behalf of any club, society, philanthropic or similar organization..
5. Engaging in political activities including, but not limited to, solicitation or fund raising.
6. Engaging in religious activities including, but not limited to, proselytizing or soliciting contributions.
7. Conducting outside employment in any manner.
8. Engaging in illegal, fraudulent, defamatory, or malicious conduct.
9. Downloading, uploading, or otherwise transmitting without authorization:
    a. Confidential or proprietary information or material
    b. Copyrighted material
    c. Illegal information or material
    d. Sexually explicit material
10. Obtaining unauthorized access to other systems.
11. Using another person's password or account number without explicit authorization by the City.
12. Improperly accessing, reading, copying, misappropriating, altering, misusing, or intentionally destroying the information/files of other users.
13. Loading unauthorized software or software not purchased or licensed by the City.
14. Breaching or attempting to breach any security systems or otherwise maliciously tampering with any of the City's electronic systems including, but not limited to, introducing viruses.
15. Using the City's information technology for personal, non-business purposes in other than a very limited or incidental way.

3.23.5 Violation of Policy

Improper or prohibited use of the City's property, systems, or services will result in discipline, up to and including termination.

3.24 Internal Procedure for Contagious Disease Exposure reporting requirements

3.24.1 Exposure Policy:

In compliance with Nevada Revised Statutes (NRS) Chapter 617, when an employee of the City of Mesquite believes that while performing duties related to the course and scope of his/her employment s/he may have been exposed to Hepatitis A, B, C, tuberculosis, the human immunodeficiency virus (HIV), and/or acquired immune deficiency syndrome (AIDS), that employee must immediately report such exposure to his/her Department Manager. In this context, exposure means the introduction of blood or other infectious materials into the body of the employee through the skin, eyes, mucous membranes, or parenteral contacts. Exposure also includes contact with airborne materials carrying tuberculosis during the performance of his/her official duties.

3.24.2 *Report Form:*

The employee is required to complete the Contagious Disease Exposure Report Form, (Appendix C) either immediately after such exposure if circumstances allow or prior to screening. The employee should then provide such report to his/her Department Manager.

3.24.3 *Screening Test:*

The employee's department Manager to whom the exposure was reported will expeditiously arrange for the employee to undergo a screening test that has been approved by the State Board of Health for the contagious diseases(s). This testing is done at a designated local laboratory. Such test(s) must be administered within 72 hours of the suspected exposure. The City of Mesquite is responsible for the costs of such testing and any directly related expenses involved such as reasonable transportation costs. Within the normal incubation period of the contagious disease as determined by the State Board of Health, but in no case to exceed 12 months from the date of the employee was exposed to the disease, the employee's Department Manager or designated official will arrange for the employee to undergo a second test for the presence of the disease(s).

3.24.4 *Refusal To Test:*

If the employee refuses to be tested, either initially or for the follow-up screening, even after the ramifications of such refusal are explained to him/her or does not show up for the scheduled testing, that refusal or failure to appear will be documented in writing and included in the employee's confidential file where other items of a medical nature are maintained. If the employee fails to report an exposure incurred during the course and scope of employment, refuses to be screened for the contagious disease(s) or fails to be tested, s/he will forfeit eligibility for future benefits based on such exposure.

3.25 Non-Tobacco Use Policy for All Sworn Law Enforcement and Firefighter Personnel

All sworn law enforcement personnel in the police department and all firefighter personnel in the fire-rescue department hired after March 1, 2004 are required to sign a "Condition of Employment/Statement of Acceptance" (See Appendix G) evidencing their agreement to refrain from using tobacco products at any time, and acknowledging that a violation of said Agreement shall be subject to disciplinary action up to and including dismissal.