

**ARTICLE IX - Civil Service**

**Sec. 9.010 Civil Service Commission: Appointment; qualifications; removal; compensation.**

1. There is a Civil Service Commission consisting of five residents of the City who must be appointed by the Mayor, subject to confirmation by the City Council. They shall serve terms as established by ordinance.
  2. A person may not serve as a member of the Commission if he or she is:
    - (a) An employee of the City;
    - (b) A member of the City Council or an appointed member of any other board, commission or committee of the City; or
    - (c) Related within the third degree of consanguinity or affinity to a person who is an employee of the City.
  3. Every person appointed as a member of the Commission shall, before entering upon the duties of his or her office, take and subscribe the oath of office prescribed by the Constitution of this State, and file it, certified by the officer administering it, with the Clerk of the City.
  4. Any member of the Commission may be removed by a majority vote of the Commission for cause, including the failure or refusal to perform the duties of the office, the absence from three successive regular meetings of the Commission, or ceasing to meet any qualification for appointment to the Commission as set forth in this section or provided by the City Council.
  5. Vacancies on the Commission from whatever cause must be filled by appointment by the Mayor, subject to confirmation by the City Council.
  6. The City Council shall provide the services of such employees as are necessary to enable the Commission to carry out its duties in a timely and proficient manner.
  7. The City Council shall provide by ordinance the amount of compensation each member of the Commission is entitled to receive for each full meeting he or she attends.
- (Ch. 470, Stats. 1975 p. 740; A—Ch. 380, Stats. 1977 p. 718; Ch. 450, Stats. 1985 p. 1321; Ch. 350, Stats. 1987 p. 791; Ch. 321, [Stats. 2007 p. 1292](#))

**Sec. 9.015 Contracts for services.** The Civil Service Commission may, within limits of appropriations by the City Council, contract for the services of one or more:

1. Hearing officers to conduct hearings and render decisions as provided in section 9.105;
  2. Consultants with special scientific or professional qualifications;
  3. Interpreters or translators; and
  4. Certified shorthand reporters.
- (Added—Ch. 350, Stats. 1987 p. 787)

**Sec. 9.020 Civil Service Commission: Regulations.**

1. The Commission shall adopt regulations, consistent with the provisions of this article, to govern the selection and appointment of all employees of the city within the provisions of this article. The regulations must be designed to secure the best service for the public.
  2. The regulations must provide for:
    - (a) Ascertaining the qualifications and experience of all applicants;
    - (b) Recruitment, examination and placement of applicants;
    - (c) Proceedings for discipline, removal and Promotion of employees;
    - (d) Classification of positions;
    - (e) Probationary appointments for which the period of probation may not exceed 1 year;
    - (f) A procedure to confirm employees as classified employees;
    - (g) Any emergency, temporary or provisional appointments it considers necessary; and
    - (h) Such other matters as the Commission considers necessary.
  3. A copy of all regulations made by the Commission and all changes to them must be filed in the Office of the City Clerk.
  4. The Commission shall cause the regulations adopted, and all changes to them to be printed or otherwise reproduced and distributed as they consider necessary. The expense must be certified by the Commission and paid by the City.
  5. All appointments, promotions and disciplinary actions in any department of the City within the provisions of this article, must be made in accordance with the regulations of the Commission.
- (Ch. 470, Stats. 1975 p. 741; A—Ch. 450, Stats. 1985 p. 1321; Ch. 350, Stats. 1987 p. 791)

**Sec. 9.030 Regulations: Amendment.**

1. After regulations have been adopted, as provided in section 9.020, they may be amended or modified by the Commission only after the Commission has given a notice, containing the proposed amendment or modification and specifying a time when the Commission will meet and hear discussion concerning the adoption of the proposed amendment or modification. The time and place for discussion concerning any modification or amendment must be posted on a bulletin board in a conspicuous place accessible to the employees of the City in each department affected by the proposed amendment or modification

not less than 10 days before the date of the meeting of the Civil Service Commission.

2. A proposed amendment to the regulations has no effect unless approved by the City Council. The failure of the City Council to reject a proposed amendment within 30 days after its submission by the Commission shall be deemed to constitute approval of the proposed amendment.  
(Ch. 470, Stats. 1975 p. 741; A—Ch. 350, Stats. 1987 p. 792)

**Sec. 9.040 — Examinations.**

1. ~~The Civil Service Commission shall conduct examinations for employment with the City and prepare a list of eligible applicants. An examination must be:~~
  - (a) ~~Competitive;~~
  - (b) ~~Open to all applicants who meet the announced minimum requirements, unless restricted by the Commission to employees holding positions in a lower classification;~~
  - (c) ~~Publicized in advance; and~~
  - (d) ~~Practical and test fairly the ability of each applicant to perform the duties of the position for which the examination is given.~~
2. ~~The examination may include tests of physical ability if required for the position for which the examination is given.~~
3. ~~The Commission may provide by regulation that additional points be given on an examination to an applicant who has been employed in a temporary capacity in the position for which the examination is given.~~
4. ~~The Commission must give due regard to the experience of each candidate in the department in which he or she is seeking promotion.~~
5. ~~All examinations must be given under the control of the Commission.~~  
(Ch. 470, Stats. 1975 p. 741; A—Ch. 450, Stats. 1985 p. 1322; Ch. 427, [Stats. 1999 p. 1979](#))

~~**Sec. 9.050 — Reports of employee performance.**—The head of any City department to which the provisions of this article apply shall comply with the regulations adopted by the Commission and applicable to the department. Such regulations may provide for regular efficiency reports of the members of any department, for courses, tests or examinations to be required within the department, and for any other action or procedure necessary or desirable to bring about advancement or promotion within the department according to merit, to bring about efficiency within the department so that it may be better qualified to serve the public, and to bring about a full and complete operation within the department of the Civil Service System.~~  
(Ch. 470, Stats. 1975 p. 742; A—Ch. 450, Stats. 1985 p. 1323)

**Sec. 9.060 — Eligibility lists.**

1. ~~Whenever a new position is created by City ordinance within any department subject to the provisions of this article, or whenever a vacancy occurs within any such department, a list of not less than the three most highly qualified applicants, when that number is available, must be submitted by the Civil Service Commission to the head of the department. The head of the department shall appoint from the list the applicant considered by him or her to be most suitable.~~
2. ~~If there are less than three qualified applicants, the position may be filled by any qualified applicant.~~
3. ~~All such appointments are subject to confirmation of the Civil Service Commission after successful completion of the probationary period.~~  
(Ch. 470, Stats. 1975 p. 742; A—Ch. 450, Stats. 1985 p. 1323)

**Sec. 9.065 — Vacancies; promotional examinations.**

1. ~~Vacancies in positions must, if consistent with the best interests of the City, be filled by employees holding positions in lower classes. Lists of employees eligible for promotion must be established for this purpose.~~
2. ~~Examinations may be held for applicants to be appointed to the Civil Service and for applicants who are not eligible for promotion, if open competition, in the judgment of the Civil Service Commission, produces a list of applicants who are more highly skilled and qualified and is in the best interests of the City. Examinations may also be both open and for employees who are eligible for promotion.~~
3. ~~The Commission may restrict examinations for promotion to employees of a single department or division, employees of several specified departments or divisions within a department, or all employees.~~
4. ~~The Commission shall restrict examinations for a vacant position to employees of the department or division in which the vacancy exists if the head of the department requests such a restriction and the Commission determines that an employee of the department or division is eligible for promotion to the position.~~
5. ~~Examinations for promotion for sworn employees of the Police Department and the Fire Suppression Division of the Fire Department must be restricted to employees of the Police Department or Fire Suppression Division, respectively, unless fewer than three employees are eligible for promotion.~~  
(Added—Ch. 450, Stats. 1985 p. 1307; A—Ch. 350, Stats. 1987 p. 792; Ch. 427, [Stats. 1999 p. 1980](#))

**Sec. 9.070 Probationary employees.**

1. Probationary appointments must be made only as the result of examination as authorized in this article.
2. An employee dismissed during the period of probation may not appeal the dismissal.
3. If an employee who was promoted is rejected during the period of probation for any reason other than misconduct, he or she must be restored to the classification from which he or she was promoted.
4. The provisions of this article do not apply to persons employed on a temporary basis or for a period not to exceed 6 months during any calendar year.

(Ch. 470, Stats. 1975 p. 742; A—Ch. 450, Stats. 1985 p. 1324; Ch. 350, Stats. 1987 p. 793)

**Sec. 9.080 Prohibited acts.**—An employee of the City who has authority to recommend, effectuate or approve the hiring, removal, promotion or discipline of another employee of the City shall not:

1. Discriminate for or against an employee or applicant for employment on the basis of race, color, national origin, religion, age, sex, marital status, sexual orientation or disability, or because of political or personal reasons or affiliations, except when based upon a bona fide occupational qualification;
2. Solicit or consider a written or oral recommendation or statement concerning a person under consideration for hiring, removal, promotion or discipline, except for:
  - (a) A record of employment of the person maintained by an employer in the regular course of business; or
  - (b) An evaluation of the person's character, loyalty, ability, aptitude, suitability, qualifications or history of performance, if within the personal knowledge of the person furnishing the evaluation and if relevant to the position for which the person is under consideration;
3. Coerce an employee to engage in a political activity or to provide, or retaliate against an employee for refusing to provide, a political contribution or service;
4. Deceive or willfully obstruct a person regarding his or her right to seek a position of employment;
5. Influence a person to withdraw from seeking a position of employment to assist or obstruct another person who seeks such a position;
6. Except as specifically authorized by an ordinance, administrative rule or regulation, or state or federal law, grant a preference or advantage to an employee or applicant for employment, including defining the scope or manner of competition or the requirements for a position of employment, to assist or obstruct any person who seeks such a position;
7. Retaliate against an employee or applicant for employment for disclosing information he or she reasonably believes to evidence:
  - (a) A violation of an ordinance, administrative rule or regulation, or state or federal law; or
  - (b) A mismanagement or gross waste of money, an abuse of authority, or a situation that presents a substantial and specific danger to the public health or safety, unless the disclosure is:
    - (1) Specifically prohibited by a contract to which the City is a party and not required by an ordinance, administrative rule or regulation, or state or federal law; or
    - (2) Prohibited by an ordinance, administrative rule or regulation, or state or federal law; or
8. Retaliate against an employee or applicant for employment for exercising a right of appeal provided by an ordinance, administrative rule or regulation, or state or federal law.

(Ch. 470, Stats. 1975 p. 742; A—Ch. 457, Stats. 1979 p. 853; Ch. 450, Stats. 1985 p. 1324; Ch. 350, Stats. 1987 p. 793; Ch. 32, [Stats. 2011 p. 136](#))

**Sec. 9.100 Dismissals, demotions and suspensions.**

1. The City Manager or his or her designated representative may suspend without pay for a period not to exceed 30 calendar days, dismiss or demote a classified employee pursuant to regulations adopted by the Civil Service Commission.
2. Before a classified employee may be notified that he or she is being dismissed pursuant to subsection 3, the City Manager or his or her designated representative must provide the employee with:
  - (a) Written notice of the reasons for which the City Manager is considering his or her dismissal; and
  - (b) An opportunity to respond to the reasons for dismissal before the City Manager or his or her designated representative.
3. A dismissal, involuntary demotion or suspension does not become effective until the employee is notified in writing of the action and the reasons therefor. The notice must be delivered personally to the employee or mailed to him or her at his or her last known address by registered or certified mail, return receipt requested. The effective date of the dismissal, involuntary demotion or suspension is the date of delivery of the notice or, if the notice is mailed and subsequently returned to the sender, 3 days after mailing.

(Ch. 470, Stats. 1975 p. 743; A—Ch. 450, Stats. 1985 p. 1325; Ch. 350, Stats. 1987 p. 795; Ch. 169, [Stats. 1997 p. 449](#); Ch. 427, [Stats. 1999 p. 1980](#))

**Sec. 9.105 Hearing to determine reasonableness of dismissal, demotion or suspension; judicial review.**

1. Except as otherwise provided in subsection 2, within 10 working days after the effective date of a dismissal, demotion or suspension pursuant to section 9.100, an employee who has been dismissed,

~~demoted or suspended may file a request in writing with the Civil Service Commission for a hearing to determine the reasonableness of the action.~~

- ~~2. An employee who elects to use an available grievance procedure shall be deemed to have waived his or her right to a hearing before the Commission pursuant to subsection 1.~~
- ~~3. The Commission shall grant the employee a hearing within 20 working days after receipt of the employee's written request unless the time limitation is waived, in writing, by the employee at the time the request is filed, or there is a conflict with the hearing calendar of the Commission or its hearing officers. If a hearing is not held within 20 days, it must be scheduled for the earliest possible date. The date for a hearing may not be vacated or the hearing continued except for good cause.~~
- ~~4. The Commission may appoint a hearing officer to conduct or assist in conducting a hearing. The Commission may delegate to the hearing officer such authority as the Commission deems appropriate.~~
- ~~5. Technical rules of evidence do not apply at the hearing.~~
- ~~6. All testimony at the hearing must be recorded or reported by a shorthand reporter certified pursuant to chapter 656 of NRS, and may be transcribed, if necessary, for the deliberation of the Commission or a hearing officer, or for an appeal to the district court. The cost of a transcript ordered by the Commission or a hearing officer must be paid by the City.~~
- ~~7. Unless the parties stipulate otherwise, the Commission or hearing officer shall render a decision in writing, setting forth the reasons therefor, within 30 days after the hearing.~~
- ~~8. If the Commission or hearing officer determines that the dismissal, demotion or suspension was without just cause, the action must be set aside and the employee must be reinstated, with full pay for the period of dismissal, demotion or suspension.~~
- ~~9. The decision of the Commission or hearing officer is binding on the parties.~~
- ~~10. Any petition for judicial review of the decision of the Commission or hearing officer must be filed within 30 days after service of the decision.~~

(Added—Ch. 350, Stats. 1987 p. 788; A—Ch. 427, [Stats. 1999 p. 1981](#))

~~**Sec. 9.120 Notice of hearing: Method of service.**—Notice of the time and place of a hearing scheduled pursuant to section 9.105 must be served upon the employee, and may be served in the same manner as a summons is served in this state or by mailing it to the employee by registered or certified mail, return receipt requested, at the address stated in the notice of appeal with postage thereon fully prepaid. An affidavit by a person serving notice by mail pursuant to this section setting forth the facts of service shall be deemed to constitute conclusive proof that all parties in interest have been provided with full and sufficient notice of the hearing.~~

(Ch. 470, Stats. 1975 p. 743; A—Ch. 350, Stats. 1987 p. 796)

**Sec. 9.125040 Hearings: Issuance of subpoenas; discovery; oaths; examination and exclusion of witnesses.**

1. The Civil Service Commission or hearing officer may, upon application of any party to a hearing held pursuant to section 9.105, issue subpoenas requiring the attendance and testimony of witnesses at the proceeding.
2. The Commission or hearing officer may, upon motion of a party, direct that an opposing party participate in a discovery conference at which both parties and their counsel may question the other party and receive answers, request and receive copies of relevant documents or examine relevant documents and records and any other physical evidence which the opposing party intends to use at the hearing.
3. The Commission or hearing officer, or any agent designated by the Commission, may administer oaths and affirmations and examine witnesses.
4. The Commission or hearing officer may exclude from the hearing a person whose conduct at the hearing is disorderly, contemptuous, insolent or disruptive.

(Added—Ch. 350, Stats. 1987 p. 788)

**Sec. 9.135050 Hearings: Subpoenas extend to all parts of State; service of subpoenas; attendance of witnesses.** A subpoena issued pursuant to section 9.125 extends to all parts of the State and must be served in accordance with the provisions of [N.R.C.P. 4\(c\)](#). No witness may be required to attend at a place out of the county in which he or she resides unless the distance is less than 100 miles from his or her place of residence, except that the Civil Service Commission or hearing officer, upon affidavit of any party showing that the testimony of that witness is material and necessary, may endorse on the subpoena an order requiring the attendance of the witness in response to the subpoena.

(Added—Ch. 350, Stats. 1987 p. 789)

**Sec. 9.145060 Hearings: Fees, mileage and expenses of witnesses.**

1. All witnesses appearing pursuant to subpoena, other than parties or officers or employees of the City, are entitled to receive fees and mileage in the same amounts and under the same circumstances as prescribed in [NRS 50.225](#).
2. Witnesses entitled to fees or mileage who attend hearings at points so far removed from their residences

as to prohibit return thereto from day to day are entitled, in addition to fees and mileage, to the per diem allowance provided for state officers and employees generally for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearings.

3. Fees for mileage and per diem allowances must be paid by the party at whose request the witness is subpoenaed. The Civil Service Commission or hearing officer may award as costs the amount of such expenses to the prevailing party.

(Added—Ch. 350, Stats. 1987 p. 789; A—Ch. 175, [Stats. 2007 p. 606](#))

**Sec. 9.155070 Subpoenas: Enforcement.**

1. If any witness refuses to attend or testify as required by a subpoena issued by the Civil Service Commission or hearing officer, the Commission may file a petition with the district court stating that:
  - (a) Due notice has been given for the time and place of attendance of the witness;
  - (b) The witness has been subpoenaed pursuant to section 9.125; and
  - (c) The witness has failed or refused to attend or has refused to answer questions propounded to him or her, and asking for an order of the court compelling the witness to attend and testify before the Commission or hearing officer, as required by the subpoena.
2. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he or she has not attended or testified. A certified copy of the order must be served upon the witness.
3. If it appears to the court that the subpoena was regularly issued, the court shall enter an order that the witness appear before the Commission or hearing officer at the time and place fixed in the order and testify, and upon failure to obey the order the witness must be dealt with as for contempt of court.

(Added—Ch. 350, Stats. 1987 p. 789)

**Sec. 9.170080 Meetings of the Commission.**

1. Upon the request of the City Manager or the Chairperson, with notice to ~~advising~~ the Commission of matters requiring consideration, the ~~Chairperson of the~~ Commission shall call a ~~Commission~~ meeting within 15 days after receipt of the request.
2. The Commission shall hold ~~not less than~~ one regular meeting per ~~month~~ ~~quarter~~. The meeting ~~must~~ ~~may~~ be held on the same day of ~~each calendar month~~ ~~each~~ ~~quarter~~, except that if the day is a holiday, the meeting ~~must~~ ~~may~~ be held on the next business day.
3. Notice of meetings must be given and meetings must be held as provided in chapter 241 of NRS.

(Ch. 470, Stats. 1975 p. 744; A—Ch. 350, Stats. 1987 p. 796)

**Sec. 9.190090 Applicability.** This article applies to all employees of the City of Sparks, except:

1. Elected officers of the City;
2. The City Manager;
3. Persons in appointive positions; and
4. Temporary employees.

(Ch. 470, Stats. 1975 p. 745; A—Ch. 450, Stats. 1985 p. 1326; Ch. 350, Stats. 1987 p. 796)