

EMERGENCY ORDINANCE NO. 1487

AN EMERGENCY ORDINANCE TO AMEND TITLE I, CHAPTER 18 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, ADOPTING BY REFERENCE AMENDMENTS, CHANGES AND ADDITIONS TO THE CIVIL SERVICE RULES AND REGULATIONS OF THE CITY OF LAS VEGAS, COUNTY OF CLARK, STATE OF NEVADA, FOR THE EMPLOYEES OF SAID CITY; TO AMEND SECTIONS 470.4; 530.4; 530.5; 530.6; 650.1; 650.2; 670.3; 940.3 (b); 940.6; 1005; 1010; 1030; 1040; 1050; AND 1220.1 THROUGH 1220.15 TO PROVIDE CASH FOR HOLIDAYS FOR EMPLOYEES IN 24-HOUR PER DAY DEPARTMENTS; REDUCTION IN FORCE BY STRAIGHT SENIORITY IN ALL CASES, SICK LEAVE ACCRUED, GRIEVANCE PROCEDURES, AND MODIFICATION OF HEARING PROCEDURES; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES ORDAIN
AS FOLLOWS:

SECTION 1. Title I, Chapter 18, Section 2 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

1-18-2: AMENDMENTS: Certain sections of the Civil Service Rules and Regulations of the City of Las Vegas are hereby deleted, modified, amended, repealed or added to, as follows, to wit:

Section 470.4 is hereby deleted.

Section 530.4 is hereby deleted.

Section 530.5 is hereby amended to read as follows:

530.4 Except as provided in Rule 530.5, all suspensions or extra duty shall be for a specified number of working days and may not exceed ninety (90) working days for any one offense.

Section 530.6 is hereby amended to read as follows:

530.5 An employee may be suspended for an indefinite period of time as a result of a criminal complaint in a court of law, in which case the suspension may be until the matter is adjudicated by a court of competent jurisdiction.

Section 650.1 is hereby amended to read as follows:

650.1 For the purpose of these rules, legal holidays shall be considered to be:

New Year's Day
Washington's Birthday
Memorial Day
Independence Day
Labor Day
Nevada Day
Veterans Day
Thanksgiving Day
Christmas Day

Any day that may be declared a holiday by the President of the United States, the Governor or the Mayor.

If any of the above holidays fall on Sunday, the following Monday shall be considered as the legal holiday. If any of the above holidays fall on Saturday, the preceding Friday shall be considered as the legal holiday.

Section 650.2 (a) All full-time employees who are employed on a 40-hour week, Monday through Friday basis, shall be entitled to time off on such legal holidays.

(b) Employees in departments which operate on a 24-hour per day basis, who work on a legal holiday as a part of their regular work schedule shall receive compensation in cash for the holidays worked on a straight time basis as follows:

(i) 8 hours if they are on a 40-hour per week work schedule, or (ii) 12 hours if they are on a 56 hour per week work schedule.

(c) Employees in departments which operate on a 24-hour per day basis, whose regularly scheduled day off falls on a legal holiday shall receive compensation in cash on a straight time basis as follows: (i) 8 hours if they are on a 40-hour per week work schedule, or (ii) 12 hours if they are on a 56-hour per week work schedule, except as provided in 610.3.

(d) On request of the employee and approval of the Department Head, an employee may be credited with annual leave in lieu of compensation in cash as provided in subsections 650.2 (b) and 650.2 (c).

Section 670.3 is hereby amended to read as follows:

670.3 Sick leave will accrue monthly at the rate of one normal working shift per month. There shall be no limit to the amount of sick leave that can be accumulated.

Section 940.3 is hereby amended to read as follows:

940.3 (b) Preference for retention shall be based upon seniority of service within the classification.

Section 940.6 is hereby amended to read as follows:

940.6 There shall be no appeal from actions taken under this rule.

Section 1005 is hereby amended to read as follows:

1005 The provisions of this section apply only to employees in the competitive services who have completed their initial probationary period of employment with the City.

Section 1010 is hereby deleted.

Section 1030 is hereby deleted.

Section 1040 is hereby amended to read as follows:

1040 Appeal Procedure

1040.1 Subject to the provisions of Rule 1040.3 an employee in the competitive service may appeal any final administrative action or decision, except as otherwise provided in Rules 940.6 and 1020.2 and for which appeal is not provided under Section 1050 of these rules. Appeals affecting an employee's appointment status may be made on the grounds that the action or decision complained of resulted from one or more of the following factors:

(a) Failure to observe or correctly apply the provisions of the Civil Service Rules or the terms of his contract.

(b) Incomplete consideration of the facts.

1040.2 Appeals which are considered to be receivable under these rules shall be heard by the Civil Service Board, in accordance with Section 1220 of these rules, and their findings shall be final and conclusive.

1040.3 The following provisions shall govern the conditions of appeal:

(a) No employee shall bring an appeal before the Board until the action complained of has become final. An action is considered to be final when it has been taken by the City Manager or his duly authorized representative and the employee has received written notification of the action.

(b) An employee wishing to appeal against such an action must file with the Secretary of the Civil Service Board within ten calendar days after receipt of such notification a written statement of his intention to appeal, and, in the case of an appeal affecting his appointment status, specifying the action against which appeal is made and the sub-section or sections of Civil Service Rule 1040.1 under which the appeal is filed. Appeals affecting an employee's appointment status must also include a sufficiently detailed statement which justifies the appeal submission under the reference sub-section (s). All notices and complaints shall specify with particularity the matters and things in issue and shall not include charges or implied charges phrased generally or in the words of the Rules.

(c) Following notice of appeal, the Secretary of the Civil Service Board shall immediately notify the Chairman of the Civil Service Board. The Board shall, within fifteen calendar days of such filing, meet to set a date to consider the application for appeal. If the appeal is considered to be receivable under these rules, a hearing shall be set for a date not more than thirty calendar days from the date of the filing of the appeal, unless the employee requests a later date.

If the subject matter of the appeal, or any matter related to the appeal, is filed in a court of competent jurisdiction, the Civil Service Board shall have discretionary power to postpone any action on said appeal until the matter has been adjudicated in such court of law.

1040.4 The filing of an appeal under any of the procedures described in this section shall not constitute grounds for delaying the administrative action against which the appeal is made.

Section 1050 A new section providing for grievance procedure shall read as follows:

Grievance Procedure

1050.1 Subject to the provisions of Rule 1050.3, an employee in the competitive service may appeal any final decision of the City Manager on grievance matters as a result of any condition arising out of the employee-employer relationship for which appeal is not provided under Section 1040 of these rules.

1050.2 Grievance appeals shall be heard by the Civil Service Board in accordance with Section 1220 of these rules, and their findings shall be final and conclusive, provided that appeals on monetary matters shall be subject to final approval by the Board of City Commissioners, if necessary.

1050.3 The following provisions shall govern the conditions of a grievance appeal:

(a) Except as otherwise provided in departmental rules, the matter shall first be discussed orally with the employee's immediate supervisor within 5 days of the occurrence giving rise to the grievance. If such discussion does not resolve the grievance within 5 days, exclusive of Saturdays, Sundays and holidays, it may be processed to the next step.

(b) Within 5 days, exclusive of Saturdays, Sundays and holidays, from receiving a final answer from the employee's immediate supervisor, the grievance shall be presented in writing to the Department Head or his designee, as provided in departmental rules, who shall arrange for such meetings and make such investigations as are necessary to

give his answer in writing within 5 days, exclusive of Saturdays, Sundays, and holidays.

(c) Within 5 days, exclusive of Saturdays, Sundays and holidays, of the transmittal of the written answer by the Department Head or his designee, the aggrieved party may appeal the Department Head's decision to the City Manager's office, who shall arrange for such meetings and make such investigations as are necessary to give his answer in writing within 5 days, exclusive of Saturdays, Sundays and holidays.

(d) Within 5 days, exclusive of Saturdays, Sundays and holidays, of the transmittal of the written answer by the City Manager's office, the aggrieved party may appeal the City Manager's decision to the Civil Service Board by filing with the Secretary of the Civil Service Board a written statement of his intention to appeal, including sufficient details of circumstances surrounding the grievance.

(e) Following notice of appeal, the Secretary of the Civil Service Board shall immediately notify the Chairman of the Civil Service Board. If the date of the next regularly scheduled meeting of the Civil Service Board is more than 15 calendar days from the date the appeal is filed, the appeal shall be heard at that meeting, except as provided in 1050.6 (f). If the date of the next regularly scheduled meeting of the Civil Service Board is less than 15 calendar days from the date the appeal is filed, the appeal shall be heard at their second regularly scheduled meeting following the date of the appeal, except as provided in 1050.6 (f).

(f) Following notice of appeal, if, in the opinion of the Civil Service Board, a special meeting should be held for the hearing of same, the Board may set a hearing date for not more than 30 calendar days from the date the appeal is filed.

(g) Failure on the part of the appellant to process the grievance within the time limits established in the preceding sections presumes that it has been satisfactorily resolved at the first step to which it had been properly processed.

(h) Failure on the part of the Department's representatives and/or the City Manager's office to answer the grievance in the

time limits established in the preceding sections presumes that the claim made in the grievance is sustained and that the satisfaction requested will be provided.

(i) Time limits specified in the preceding sections may be extended by written agreement of both parties.

Section 1220 is hereby amended to read as follows:

1220 - Hearings.

1220.1 Any hearing, inquiry, investigation or other activity of the Civil Service Board shall be conducted in accordance with the rules of procedure set forth in this section and during a hearing the technical rules of evidence shall not apply, except as otherwise provided herein.

1220.2 In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall include:

- (a) A statement of the time, place and nature of the hearing.
- (b) A statement of the legal authority and jurisdiction under which the hearing is to be held.
- (c) A reference to the particular sections of the Ordinance and Civil Service Rules involved.
- (d) A short and plain statement of the matters asserted. If the party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

1220.3 The Civil Service Board, the City Manager, the City Attorney and the appellant are entitled to examine witnesses under oath and compel their attendance and testimony or the production of evidence before it by subpoena issued in the name of the State and attested to by the City Clerk of the City of Las Vegas.

In all cases the Chairman or Vice-Chairman of the Civil Service

Board shall have power to:

- (a) Administer oaths and affirmations , and take affidavits;
- (b) Regulate all proceedings in every hearing before the Board and to perform all acts and take all measures necessary for the efficient conduct of the hearing;
- (c) Admit or exclude evidence;
- (d) Rule upon the form of any question asked or the scope and extent of testimony statements or cross-examination; and
- (e) Dispose of motions , requests for adjournment , continuances , and similar matters .

They shall have the power at any time subsequent to the formal initiation of a hearing and prior to the decision thereof, to initiate , conduct , or participate in negotiations looking toward the settlement or other disposition in whole or in part of any case; and the Chairman shall have power in any case to direct the parties or their attorneys to appear before him at any such time for a conference to consider:

- (a) The simplification of the issues;
 - (b) The necessity or desirability of amendments;
 - (c) The possibility of obtaining stipulations of fact and documents which will avoid unnecessary proof;
 - (d) The limitation of the number of expert or other witnesses;
- and
- (e) Such other matters as may expedite and aid in the disposition of the case .

1220.4 Prior to the commencing of any hearing , the appellant may file with the Civil Service Board a timely affidavit of personal bias or disqualification of any member of the Board , setting forth with particularity the grounds for such disqualification. After investigation , the Board shall either find the affidavit without merit and direct the case to proceed , or cause the disqualified member to be removed. A member of the Board may withdraw from any case wherein he deems himself disqualified for any reason. Notwithstanding the

AFFIDAVIT OF PUBLICATION

RECEIVED
Nov 13 11 18 AM '70
CITY CLERK

STATE OF NEVADA, {
COUNTY OF CLARK { ss.

Robert E. Hunter, being first duly sworn,

deposes and says: That he is Composing Room Foreman of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 8 days

from November 6, 1970 to November 13, 1970

inclusive, being the issues of said newspaper for the following dates, to-wit:

November 6, 13, 1970

That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed

R. E. Hunter

Subscribed and sworn to before me this 13th
day of November, 1970

Ruthe V. Deskin

My Commission Expires

Notary Public in and for Clark County, Nevada
RUTHE V. DESKIN
Notary Public—State of Nevada
COUNTY OF CLARK
My Commission Expires April 14, 1973



EMERGENCY ORDINANCE NO. 1487

AN EMERGENCY ORDINANCE TO AMEND TITLE 1, CHAPTER 18 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, ADOPTING BY REFERENCE AMENDMENTS, CHANGES AND ADDITIONS TO THE CIVIL SERVICE RULES AND REGULATIONS OF THE CITY OF LAS VEGAS, COUNTY OF CLARK, STATE OF NEVADA, FOR THE EMPLOYEES OF SAID CITY; TO AMEND SECTIONS 470.4; 530.4; 530.5; 530.6; 650.1; 650.2; 670.3; 940.3(b); 940.6; 1005; 1010; 1030; 1040; 1050; AND 1220.1 THROUGH 1220.15 TO PROVIDE CASH FOR HOLIDAYS FOR EMPLOYEES IN 24-HOUR PER DAY DEPARTMENTS; REDUCTION IN FORCE BY STRAIGHT SENIORITY IN ALL CASES; SICK LEAVE ACCRUED, GRIEVANCE PROCEDURES AND MODIFICATION OF HEARING PROCEDURES; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 1, Chapter 18, Section 2 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

1-18-2: AMENDMENTS: Certain sections of the Civil Service Rules and Regulations of the City of Las Vegas are hereby deleted, modified, amended, repealed or added to, as follows, to wit:

Section 470.4 is hereby deleted.

Section 530.4 is hereby deleted.

Section 530.5 is hereby amended to read as follows:

530.4 Except as provided in Rule 530.5, all suspensions or extra duty shall be for a specified number of working days and may not exceed ninety (90) working days for any one offense.

Section 530.6 is hereby amended to read as follows:

530.5 - An employee may be suspended for an indefinite period of time as a result of a criminal complaint in a court of law, in which case the suspension may be until the matter is adjudicated by a court of competent jurisdiction.

Section 650.1 is hereby amended to read as follows:

650.1 FOR THE PURPOSE OF THESE RULES, LEGAL HOLIDAYS SHALL BE CONSIDERED TO BE:

New Year's Day
Washington's Birthday
Memorial Day
Independence Day
Labor Day
Nevada Day
Veterans Day
Thanksgiving Day
Christmas Day

Any day that may be declared a holiday by the PRESIDENT OF THE UNITED STATES, the Governor or the Mayor.

If any of the above holidays fall on Sunday, the following Monday shall be considered as the legal holiday. If any of the above holidays fall on Saturday, the preceding Friday shall be considered as the legal holiday.

Section 650.2(a) All full-time employees who are employed on a 40-hour week, Monday through Friday basis, shall be entitled to time off on such legal holidays.

(b) Employees in departments which operate on a 24-hour per day basis, who work on a legal holiday as a part of their regular work schedule shall RECEIVE COMPENSATION IN CASH FOR THE HOLIDAYS WORKED ON A STRAIGHT TIME BASIS AS FOLLOWS: (i) 8 hours if they are on a 40-hour per week work schedule, or (ii) 12 hours if they are on a 56-hour per week work schedule.

(c) EMPLOYEES IN DEPARTMENTS WHICH OPERATE ON A 24-HOUR PER DAY BASIS, whose regularly scheduled day off falls on a legal holiday shall RECEIVE COMPENSATION IN CASH ON A STRAIGHT TIME BASIS AS FOLLOWS: (i) 8 hours if they are on a 40-hour per week work schedule, or (ii) 12 hours if they are on a 56-hour per week work schedule, except as provided in 610.3.

(d) ON REQUEST OF THE EMPLOYEE AND APPROVAL OF THE DEPARTMENT HEAD, AN EMPLOYEE MAY BE CREDITED WITH ANNUAL LEAVE IN LIEU OF COMPENSATION IN CASH AS PROVIDED IN SUBSECTIONS 650.2 (b) AND 650.2 (c).

Section 670.3 is hereby amended to read as follows:
670.3 SICK LEAVE WILL ACCRUE MONTHLY AT THE RATE OF ONE NORMAL WORKING SHIFT PER MONTH. There shall be no limit to the amount of sick leave that can be accumulated.

Section 940.3 is hereby amended to read as follows:
940.3(b) Preference for retention shall be based upon seniority of service within the classification.

Section 940.6 is hereby amended to read as follows:

940.6 There shall be no appeal from actions taken under this rule.

Section 1005 is hereby amended to read as follows:

1005 The provisions of this section apply only to employees in the competitive services WHO HAVE COMPLETED THEIR INITIAL PROBATIONARY PERIOD OF EMPLOYMENT WITH THE CITY.

Section 1010 is hereby deleted.

Section 1030 is hereby deleted.

Section 1040 is hereby amended to read as follows:

1040 Appeal Procedure
1040.1 Subject to the provisions of Rule 1040.3 an employee in the competitive service may appeal any final administrative action or decision, except as otherwise provided in Rules 940.6 and 1020.2 and for which appeal is not provided under Section 1050 of these rules. Appeals affecting an employee's appointment status may be made on the grounds that the action or decision complained of resulted from one or more of the following factors:

(a) Failure to observe or correctly apply the provisions of the Civil Service Rules or the terms of his contract.

(b) Incomplete consideration of the facts.

1040.2 Appeals which are considered to be receivable under these rules shall be heard by the Civil Service Board, in accordance with Section 1220 of these rules, and their findings shall be final and conclusive.

1040.3 The following provisions shall govern the conditions of appeal:

(a) No employee shall bring an appeal before the Board until the action complained of has become final. An action is considered to be final when it has been taken by the City Manager or his duly authorized representative and the employee has received written notification of the action.

(b) An employee wishing to appeal against such an action must file with the Secretary of the Civil Service Board within ten calendar days after receipt of such notification a written statement of his intention to appeal, and, in the case of an appeal affecting his appointment status, specifying the action against which appeal is made and the sub-section or sections of Civil Service Rule 1040.1 under which the appeal is filed. Appeals affecting an employee's appointment status must also include a sufficiently detailed statement which justifies the appeal submission under the reference sub-section(s). All notices and complaints shall specify with particularity the matters and things in issue and shall not include charges or implied charges phrased generally or in the words of the Rules.

(c) Following notice of appeal, the Secretary of the Civil Service Board shall immediately notify the Chairman of the Civil Service Board. The Board shall, within fifteen calendar days of such filing, meet to set a date to consider the application for appeal. If the appeal is considered to be receivable under these rules, a hearing shall be set for a date not more than thirty calendar days from the date of the filing of the appeal, unless the employee requests a later date.

If the subject matter of the appeal, or any matter related to the appeal, is filed in a court of competent jurisdiction, the Civil Service Board shall have discretionary power to postpone any action on said appeal until the matter has been adjudicated in such court of law.

1040.4 The filing of an appeal under any of the procedures described in this section shall not constitute grounds for delaying the administrative action against which the appeal is made.

Section 1050. A new section providing for grievance procedure shall read as follows:
GRIEVANCE PROCEDURE

1050.1 Subject to the provisions of Rule 1050.3, an employee in the competitive service may appeal any final decision of the City Manager on grievance matters as a result of any condition arising out of the employee-employer relationship for which appeal is not provided under Section 1040 of these rules.

1050.2 Grievance appeals shall be heard by the Civil Service Board in accordance with Section 1220 of these rules, and their findings shall be final and conclusive, provided that appeals on monetary matters shall be subject to final approval by the Board of City Commissioners, if necessary.

1050.3 The following provisions shall govern the conditions of a grievance appeal:

(a) Except as otherwise provided in departmental rules, the matter shall first be discussed orally with the employee's immediate supervisor within 5 days of the occurrence giving rise to the grievance. If such discussion does not resolve the grievance within 5 days, exclusive of Saturdays, Sundays and holidays, it may be processed to the next step.

(b) Within 5 days, exclusive of Saturdays, Sundays and holidays, from receiving a final answer from the employee's immediate supervisor, the grievance shall be presented in writing to the Department Head or his designee, as provided in departmental rules, who shall arrange for such meetings and make such investigations as are necessary to give his answer in writing within 5 days, exclusive of Saturdays, Sundays, and holidays.

(c) Within 5 days, exclusive of Saturdays, Sundays and holidays, of the transmittal of the written answer by the Department Head or his designee, the aggrieved party may appeal the Department Head's decision to the City Manager's office, who shall arrange for such meetings and make such investigations as are necessary to give his answer in writing within 5 days, exclusive of Saturdays, Sundays and holidays.

(d) Within 5 days, exclusive of Saturdays, Sundays and holidays, of the transmittal of the written answer by the City Manager's office, the aggrieved party may appeal the City Manager's decision to the Civil Service Board by filing with the Secretary of the Civil Service Board a written statement of his intention to appeal, including sufficient details of circumstances surrounding the grievance.

(e) Following notice of appeal, the Secretary of the Civil Service Board shall immediately notify the Chairman of the Civil Service Board of the date of the next regularly scheduled meeting of the Civil Service Board is more than 15 calendar days from the date the appeal is filed, the appeal shall be heard at that meeting, except as provided in 1050.6(f). If the date of the next regularly scheduled meeting of the Civil Service Board is less than 15 calendar days from the date the appeal is filed, the appeal shall be heard at their second regularly scheduled meeting following the date of the appeal, except as provided in 1050.6(f).

(f) Following notice of appeal, if, in the opinion of the Civil Service Board, a special meeting should be held for the hearing of same, the Board may set a hearing date for not more than 30 calendar days from the date the appeal is filed.

(g) Failure on the part of the appellant to process the grievance within the time limits established in the preceding sections presumes that it has been satisfactorily resolved at the first step to which it had been properly processed.

(h) Failure on the part of the Department's representatives and/or the City Manager's office to answer the grievance in the time limits established in the preceding sections presumes that the claim made in the grievance is sustained and that the satisfaction requested will be provided.

(i) Time limits specified in the preceding sections may be extended by written agreement of both parties.

Section 1220 is hereby amended to read as follows:

1220—Hearings.

1220.1 Any hearing, inquiry, investigation or other activity of the Civil Service Board shall be conducted in accordance with the rules of procedure set forth in this section and during a hearing the technical rules of evidence shall not apply, except as otherwise provided herein.

1220.2 In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall include:

(a) A statement of the time, place and nature of the hearing.

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(c) A reference to the particular sections of the Ordinance and Civil Service Rules involved.

(d) A short and plain statement of the matters asserted. If the party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

1220.3 The Civil Service Board, the City Manager, the City Attorney and the appellant are entitled to examine witnesses under oath and compel their attendance and testimony or the production of evidence before it by subpoena issued in the name of the State and attested to by the City Clerk of the City of Las Vegas.

In all cases the Chairman or Vice-Chairman of the Civil Service Board shall have power to:

(a) Administer oaths and affirmations, and take affidavits;

(b) Regulate all proceedings in every hearing before the Board and to perform all acts and take all measures necessary for the efficient conduct of the hearing;

(c) Admit or exclude evidence;

(d) Rule upon the form of any question asked or the scope and extent of testimony statements or cross-examination; and

(e) Dispose of motions, requests for adjournment, continuances, and similar matters.

They shall have the power at any time subsequent to the formal initiation of a hearing and prior to the decision thereof, to initiate, conduct, or participate in negotiations looking toward the settlement or other disposition in whole or in part of any case; and the Chairman shall have power in any case to direct the parties or their attorneys to appear before him at any such time for a conference to consider:

(a) The simplification of the issues;

(b) The necessity or desirability of amendments;

(c) The possibility of obtaining stipulations of fact and documents which will avoid unnecessary proof;

(d) The limitation of the number of expert or other witnesses; and

(e) Such other matters as may expedite and aid in the disposition of the case.

1220.4 Prior to the commencing of any hearing, the appellant may file with the Civil Service Board a timely affidavit of personal bias or disqualification of any member of the Board, setting forth with particularity the grounds for such disqualification. After investigation, the Board shall either find the affidavit without merit and direct the case to proceed, or cause the disqualified member to be removed. A member of the Board may withdraw from any case wherein he deems himself disqualified for any reason. Notwithstanding the provisions of this section, not more than two (2) members shall be disqualified from any one hearing by affidavits of prejudice.

1220.5 Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Irrelevant, immaterial or unduly repetitious evidence shall be excluded. Evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonable and prudent men in the conduct of their affairs. Agencies shall give effect to the rules or privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

Documentary evidence may be received in the form of authenticated copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses

on any matter relevant to the issues even though such matter was not covered in the direct examination, impeach any witness regardless of which party first called him to testify, and rebut the evidence against him.

1220.6 The Civil Service Board may take official notice of any matter of generally recognized fact or any technical or scientific fact of an established character, but the parties shall have an adequate opportunity to show that such facts are erroneously noticed.

1220.7 At the conclusion of all hearings, the Civil Service Board shall afford the parties opportunity for oral argument. (If either or both parties request, and upon good cause shown, the Board may afford the parties reasonable opportunity for briefs and further argument as may be indicated.)

1220.8 All members of the Civil Service Board who heard the case (unless unavailable because of death, illness, or otherwise) shall find the relevant facts, including conclusions and inferences of fact, and enter an appropriate order, judgment, or other form of decision, which shall become a part of the record. If all members do not agree, the majority shall determine the decision. If there is no majority vote, the case shall be considered lost, and the administrative decision shall be deemed upheld.

1220.9 At the conclusion of a hearing pursuant to the provisions of Section 1040 of these rules, the Board may find:

(a) That the action appealed was without justification and that the appellant shall be restored to his previous status and receive compensation for the period of any suspension, extra duty, termination or reduction in grade; or

(b) That the action appealed was justified and should be confirmed; or

(c) That such other action as it deems proper should be taken.

1220.10 At the conclusion of a hearing pursuant to the provisions of Section 1050 of these rules, the Board may find:

(a) That the claim made in the grievance appeal is justified and that the satisfaction requested shall be provided; or

(b) That the claim made in the grievance appeal is justified and that the satisfaction requested shall be provided, subject to final approval of the Board of City Commissioners, if necessary, in hearings involving monetary matters; or

(c) That the claim made in the grievance appeal is without justification; or

(d) That such other action as it deems proper should be taken.

1220.11 The Civil Service Board shall report its findings to the City Manager. The City Manager shall notify the employee and his Department Head in writing of the decision, in accordance with Section 1230 of these rules.

1220.12 All hearings before the Civil Service Board shall be held publicly unless the appellant requests a closed hearing. The testimony and other proceedings at such hearing shall be recorded on a recording instrument. The cost of transcribing such testimony from the recording instrument shall be paid by the appellant if he requests a transcript. Any recordings shall be kept for a period of 2 years and then may be destroyed on the instructions of the Civil Service Board.

1220.13 The record in a contested case shall include:

(a) All pleadings, motions and intermediate rulings.

(b) Evidence received or considered.

(c) A statement of matters officially noticed.

(d) Questions and offers of proof and objections, and rulings thereon.

(e) Proposed findings and exceptions.

(f) Any decision, opinion or report by the Civil Service Board.

1220.14 Secretarial service shall be provided the Civil Service Board by the City.

1220.15 Inadvertent deviations which may occur in the foregoing procedures shall not invalidate the final decision of the Civil Service Board.

SECTION 2. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the city jail for not more than six months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 3. All ordinances or parts of ordinances, sections, subsections, phrases, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 4th day of November, 1970.

(s) HANK THORNLEY,
Mayor Pro Tem

ATTEST:
(s) EDWINA M. COLE
City Clerk.

(SEAL)
Those voting in favor of the foregoing ordinance:
Commissioners COBLENTZ, HOWERY and Mayor Pro Tem THORNLEY.

Those voting "Nay": Commissioner COREY.

Absent: Mayor GRAGSON.
APPROVED:
(s) HANK THORNLEY,
Mayor Pro Tem.

ATTEST:
(s) EDWIN M. COLE,
City Clerk.
(SEAL)
Pub. Nov. 6, 1970.

provisions of this section, not more than two (2) members shall be disqualified from any one hearing by affidavits of prejudice.

1220.5 Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Irrelevant, immaterial or unduly repetitious evidence shall be excluded. Evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonable and prudent men in the conduct of their affairs. Agencies shall give effect to the rules or privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

Documentary evidence may be received in the form of authenticated copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though such matter was not covered in the direct examination, impeach any witness regardless of which party first called him to testify, and rebut the evidence against him.

1220.6 The Civil Service Board may take official notice of any matter of generally recognized fact or any technical or scientific fact of an established character, but the parties shall have an adequate opportunity to show that such facts are erroneously noticed.

1220.7 At the conclusion of all hearings, the Civil Service Board shall afford the parties opportunity for oral argument. (If either or both parties request, and upon good cause shown, the Board may afford the parties reasonable opportunity for briefs and further argument as may be indicated.)

1220.8 All members of the Civil Service Board who heard the case (unless unavailable because of death, illness, or otherwise) shall find the relevant facts, including conclusions and inferences of fact, and enter an appropriate order, judgment, or other form of decision, which shall become a part of the record. If all members

do not agree, the majority shall determine the decision. If there is no majority vote, the case shall be considered lost, and the administrative decision shall be deemed upheld.

1220.9 At the conclusion of a hearing pursuant to the provisions of Section 1040 of these rules, the Board may find:

(a) That the action appealed was without justification and that the appellant shall be restored to his previous status and receive compensation for the period of any suspension, extra duty, termination or reduction in grade; or

(b) That the action appealed was justified and should be confirmed; or

(c) That such other action as it deems proper should be taken.

1220.10 At the conclusion of a hearing pursuant to the provisions of Section 1050 of these rules, the Board may find:

(a) That the claim made in the grievance appeal is justified and that the satisfaction requested shall be provided; or

(b) That the claim made in the grievance appeal is justified and that the satisfaction requested shall be provided, subject to final approval of the Board of City Commissioners, if necessary, in hearings involving monetary matters; or

(c) That the claim made in the grievance appeal is without justification; or

(d) That such other action as it deems proper should be taken.

1220.11 The Civil Service Board shall report its findings to the City Manager. The City Manager shall notify the employee and his Department Head in writing of the decision, in accordance with Section 1230 of these rules.

1220.12 All hearings before the Civil Service Board shall be held publicly unless the appellant requests a closed hearing. The testimony and other proceedings at such hearing shall be recorded

