

## DEFINITION OF TERMS

The terms used in these policies shall have the meanings defined below:

**Abuse or Neglect of a Child:** Except as otherwise provided in NRS 432B.020.2:

1. Physical or mental injury of a nonaccidental nature;
2. Sexual abuse or sexual exploitation; or
3. Negligent treatment or maltreatment of a child caused or allowed by a person responsible for the welfare of the child under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.  
Excessive corporal punishment may result in physical or mental injury constituting abuse or neglect of a child.

**Administrative Leave:** Authorized leave for administrative purposes, such as for conducting an investigation which may be with or without pay, at the option of the District.

**Administrator:** An individual who is directly responsible to the Superintendent/designee for administration of a site or significant District operation.

**Adulterated Specimens:** A specimen is considered adulterated if it contains a substance that is not a normal constituent or contains an endogenous substance at a concentration that is not a normal physiological concentration.

**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.

**Allocation:** The assignment of a single position to its proper classification on the basis of the duties performed and responsibility assigned.

**Allow:** To do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.

**Anniversary Date:** The date the employee is hired, appointed, promoted, reclassified or reallocated (as defined below) upward. This is the date an employee becomes eligible for consideration for a salary increase. The anniversary date may be adjusted as specifically provided elsewhere in the personnel policies. (**Note:** Federal regulations govern the anniversary date of employees returning from military leave.)

**Applicant:** A person, including a current employee, who is applying for any position with the District. May also be referred to as a candidate.

**Appointment:** The offer of and acceptance by a person to a position in accordance with the provisions of this manual.

**As Soon as Reasonably Practicable:** A person acts as soon as reasonably practicable if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

**At-will:** Employment status wherein the employee may be terminated at any time, with or without cause. An employee in an at-will status has neither a property right nor an expectation of continued employment with the District and is not covered by the provisions of the discipline, layoff, or dispute resolution sections of these personnel policies.

**Authentication:** For purposes of FMLA, providing the health care provider with a copy of the medical certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document; no additional medical information may be requested.

**Board or Board of Trustees:** The elected governing body of the District.

**Casual Worker/Hire:** An employee hired on an as-needed basis, either as a replacement for permanent employees who are out on short- and long-term absences or to meet District's additional staffing needs during peak business periods. Exempt from policies covering discipline, hiring, layoff, and dispute resolution.

**Child:** (Son or daughter) For purposes of FMLA, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing In Loco Parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability."

**Clarification:** For purposes of FMLA, contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response.

**Class Series:** Two or more classes which are similar as to the fundamental type of work but which differ as to degree of responsibility and difficulty, and which have been arrayed in a progression of level of responsibility and complexity of duties.

**Class Specification:** A description of the essential characteristics of a job class and the factors and conditions that make it unique from other classes, described in terms of duties, responsibilities, and qualifications.

**Compensatory Time Off:** Time off granted to an employee in lieu of monetary payment for overtime worked.

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

**Conflicting Employment:** Outside employment that interferes with the employee's ability to perform his/her assigned job.

**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 federal or state law.

**Date of Hire/Hire Date:** The actual date an employee first renders paid service in a regular position.

**Day:** Calendar days unless work days are specified.

**Demotion:** Involuntary movement of an employee from one job class to another job class having a lower maximum base rate of pay as a result of disciplinary action.

**Department Head/Department Manager:** An elected official or appointed official who is directly responsible to the Superintendent or to the Board or to a board established by the Board, for overall administration of an office or department of the employer.

**Diluted Specimens:** Diluted specimens have creatinine and specific gravity values that are lower than expected for human urine. The HHS has determined that specimens with creatinine levels greater than or equal to 2.0 mg/dL and have a specific gravity greater than 1.0010 but less than 1.0030 are dilute. Individuals with creatinine levels greater than or equal to 2.0 mg/dL but less than 5.0 mg/dL are required to be retested under direct observation.

**Disability-Related Inquiry:** 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 not permitted include:

- 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.
- Asking an employee/applicant a broad question about his/her impairments that is likely to elicit information about a disability.
- Asking an employee/applicant whether s/he is currently taking any prescription drugs or medication; and
- Asking about an employee's/applicant's genetic information.
- Asking about an /applicant's prior workers' compensation history.
- Asking an employee's/applicant's coworker, family member, health care provider, or other person about the employee's applicant's disability.

**Discharge:** Termination, separation, dismissal, or removal from employment for cause.

**Discipline:** A suspension (generally without pay), involuntary demotion, reduction in pay, discharge, or written reprimand or verbal warning.

**Discrimination:** Employment decisions or actions which are inappropriately taken because of the applicant's or employee's race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard, or union activity.

**Dispute:** Any disagreement between the District and an employee pertaining to the application of the District's personnel policies, or an allegation by an employee that the District has failed to provide a condition of employment established by the District's compensation plan.

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

**Domestic Partner:** Persons who are registered as domestic partners with the state of Nevada per NRS 122A.200.

**Drug Test:** A test to determine the presence of prohibited drugs or their metabolites 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.

**Eligible List:** A list of names of persons who have satisfactorily completed an examination for a position and have qualified; also includes Reinstatement List (see below).

**Employee:** A person employed in a budgeted position on a full- or part-time basis. For purposes of those sections of these policies covering discipline, hiring, layoff, and dispute resolution, the term employee excludes administrators and casual/temporary/seasonal workers.

***Regular Full-time Employee:*** A person who has successfully completed an initial introductory period in a regular budgeted position with a normally scheduled workweek of at least 40 hours.

***Regular Part-Time Employee:*** A person who has successfully completed an initial introductory period in a regular budgeted position which requires a minimum number of hours per week, (typically) 20 hours, but less than full-time employment.

***Probationary/Introductory Employee:*** A person who serves in an at-will status for a specified period of time during which s/he is evaluated by the District to ensure that s/he has demonstrated fitness for a position by actually performing the duties of the position.

***Exempt Employee:*** An employee who is exempt from the overtime provisions of the Fair Labor Standards Act. (Such determination is made on the basis of duties and responsibilities performed and the method of pay computation.)

***Non-Exempt Employee:*** An employee who is subject to the overtime provisions of the Fair Labor Standards Act.

**Equal Employment Opportunity (EEO) Officer:** The staff member assigned the responsibility and authority to receive, investigate, and resolve complaints of alleged discrimination/harassment. This individual also has the responsibility to provide training to the organization and assure appropriate notices are posted.

**Essential Function:** 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.

**Examination/Test:** Any measure, combination of measures, or procedures used as a basis for any employment decision. Examinations include the full range of assessment techniques from traditional paper and pencil tests, performance tests, assessment centers, probationary periods, and evaluation of physical, educational, and work experience qualifications through informal interviews and scored application forms. Open examinations are open to all applicants, internal and external. Promotional examinations are open only to selected categories of employees of the District.

**Full-Time:** Work which requires hours of work as established by the District as full-time. A full-time employee is regularly scheduled to work a normal workweek of forty (40) hours. **Note:** For the purpose of determining eligibility for benefits and layoff, collective bargaining agreements may provide alternate definitions of full-time.

**Grade:** The designation of a salary range for a class.

**Gross Misconduct:** As defined in NRS 391.312. Gross misconduct includes any act or omission that is wanton, willful, reckless, or deliberate disregard of the interests of a school, the school district, or a pupil thereof.

**Illegal Drugs:** Any controlled substance or drug which is illegal to sell, possess, cultivate, transfer, use, purchase, or distribute. 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.

**Incomplete or Insufficient Certification:** For purposes of FMLA, a medical certification is considered incomplete if the District receives a certification, but one or more of the applicable entries have not been completed. A medical certification is

considered insufficient if the District receives a complete certification, but the information provided is vague, ambiguous, or non-responsive.

**In Loco Parentis:** A relationship in which a person has put him/herself in the situation of a parent by assuming and discharging the obligations of a parent to a child with whom he or she has no legal or biological connection including day-to-day responsibilities to care for or financially support a child, or in the case of an employee, who had such responsibility for the employee when the employee was a child.

**Introductory Period:** A trial or working test period which is an integral part of the examination and selection process during which an employee serves in an at-will status and is required to demonstrate fitness for the position for which s/he was hired by actually performing the duties of the position.

**Invalid Specimens:** An invalid specimen is one that contains an unidentified adulterant, contains an unidentified interfering substance, has an abnormal physical characteristic, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing testing or obtaining a valid drug test result.

**Key Employee:** A salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the District within 75 miles of the employee's worksite.

**Layoff:** A separation from the District's service because of a shortage of funds, lack of work, abolishment of a position, reorganization, or for other reasons not reflecting discredit on an employee and for reasons outside of the employee's control.

**Leave without Pay:** Authorized leave in a non-paid status.

**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.

**Manager:** An employee 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 a department head.

**Medical Examination:** 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 functions;
- Pulmonary function tests;
- Psychological tests designed to identify a mental disorder or impairment;
- Diagnostic procedures such as x-rays, CAT scans, and MRI's
- Test to determine blood alcohol level (drug testing is not considered a medical exam)

**Negligent Treatment or Mistreatment:** Occurs if a child has been abandoned, is without proper care, control and supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults

or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

**Next of Kin:** Means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

**Parent:** For purposes of FMLA, includes a biological, adoptive, step or foster father or mother, or any other individual who stood In Loco Parentis to the employee or covered servicemember.

**Personnel Action:** Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting an employee's employment status.

**Persons Responsible for Child's Welfare:** The child's parent, guardian, or stepparent with whom the child lives, an adult person continually or regularly found in the same household as the child, or a person directly responsible or serving as a volunteer for or employed in a public or private home, institution or facility where the child actually resides or is receiving child care outside of the home for a portion of the day.

**Physical Injury:** Includes, without limitation:

- A sprain or dislocation;
- Damage to cartilage;
- A fracture of a bone or the skull;
- An intracranial hemorrhage or injury to another internal organ;
- A burn or scalding;
- A cut, laceration, puncture or bite;
- Permanent or temporary disfigurement; or
- Permanent or temporary loss or impairment of a part or organ of the body.

**Position:** A group of duties and responsibilities requiring the ongoing services of one or more employees, which is listed in the authorized position list contained in the currently approved District's budget or established by formal action of the Lincoln County Board of School Trustees.

**Positive Drug or Alcohol Test:** Any detectable level of prohibited drugs or their metabolites (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.

**Probationary Employee:** A person who serves in an at-will status for a specified period of time during which s/he is evaluated by the District to ensure that s/he has demonstrated fitness for a position by actually performing the duties of the position.

**Promotion:** The movement of an employee from one class to another class having a higher maximum base rate of pay, usually as a result of some type of examination.

**Rate of Pay:** An employee's salary as shown in the District's compensation plan.

**Reallocation:** A change in the classification and pay grade of a class to a higher or lower pay grade.

**Reasonable Accommodation:**

- a modification or adjustment to a job application process that enables a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
- a modification or adjustment to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- a modification or adjustment that enables a covered employee, with a disability, to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

**Reasonable Cause to Believe:** A person has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

**Reclassification:** The change of a position to a different job class which results from changes in duties and responsibilities.

**Reduction in Pay:** Disciplinary action by the District moving an employee to a lower pay level in the same class and same pay grade.

**Regular Position:** An authorized position which appears in the authorized position list contained in the District's budget documents or its amendments approved by the Lincoln County board of School Trustees. (Normally, a regular position consists of duties which must be performed at least 20 hours per week on a regular, year-round basis.)

**Reinstatement:** The restoration of a laid-off employee or an employee rejected during a promotional probationary period to a position in a class in which the employee formerly served as a regular employee.

**Reinstatement List:** A list of names of persons who have been laid off and are available for reinstatement (rehire without examination).

**Reprimand:** A written notice to an employee stating specific performance and/or behavioral deficiencies and the improvements in behavior and/or performance which the employee must make, and that further disciplinary action will follow if the employee does not make the required improvements. (A performance evaluation form shall not be considered a reprimand.)

**Resignation:** A notice by an employee that s/he intends to separate from the District's service. The District may require that resignations be in writing.

**Salary Range:** The minimum and maximum salary set for each classification, grade, or level as designated by the position compensation plans. (Also see Grade.)

**Seasonal Employee:** *See Casual Worker.*

**Sexual Abuse:** includes forcing, allowing or encouraging a child:

- To solicit for or engage in prostitution;
- To view a pornographic film or literature; and
- To engage in:
- Filming, photographing or recording on videotape; or
- Posing, modeling, depiction or a live performance before an audience, which involves the exhibition of a child's genitals or any sexual conduct with a child, as defined in NRS 200.700.

**Son or Daughter of a Covered Servicemember:** For purposes of FMLA, a biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood In Loco Parentis, and who is of any age.

**Son or Daughter on Covered Active Duty or Call to Covered Active Duty Status:** For purposes of FMLA, employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood In Loco Parentis, who is on covered active duty or call to covered active duty status, and who is of any age.

**Spouse:** A husband or wife as defined or recognized under State law for purposes of marriage.

**Step:** A specific rate of pay within the salary range established for a class. (Also see Rate of Pay.)

**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 knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.

**Substituted Specimens:** Substituted specimens have creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine. The HHS has determined that specimens with creatinine levels of less than 2.0 mg/dL are substituted.

**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 or manager.

**Suspension:** The temporary separation from service, with or without pay, of an employee for disciplinary reasons or pending investigation of an employee's conduct.

**Temporary Employee:** *See Casual Worker.*

**Transfer:** A lateral change of an employee from one position to another position in the same class or to a different class in the same salary range.

**Transitional Duty:** A temporary assignment of an employee who is unable to perform the essential functions of their job but has been cleared by a medical provider to perform other assignments for the District.

**Volunteer:** An individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. An individual is not considered a volunteer if the



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individual is otherwise employed for the same public agency to perform the same type of services as those for which the individual proposes to volunteer.

**Warning:** Verbal notice or counseling of an employee specifying required changes in work performance or on-the-job behavior.