

DEFINITION OF TERMS

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

ADA Coordinator: Person designated by the District to investigate and facilitate the prompt and equitable resolution of complaints filed by qualified persons with disabilities.

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 upward. The anniversary date may be adjusted as specifically provided elsewhere in the personnel policies or applicable collective bargaining agreement. *(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.

Appointing Authority/District/Employer: The governing board, any elected official, or appointed official acting under the express authority of the governing board.

Appointment: The offer of and acceptance by a person to a position in accordance with the provisions of these personnel policies.

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 the Family and Medical Leave Act, 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 employer's additional staffing needs during peak business periods. A casual worker has neither a property right nor an expectation of continued employment with the District and is not covered by the provisions of the discipline, hiring, layoff, and/or dispute resolution sections of these personnel policies.

Child: (Son or daughter) A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. For purposes of the Family and Medical Leave Act and catastrophic leave, leave to care for a child with a serious health condition is limited to a child who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability"; Exigency Leave and Military Caregiver Leave applies to a child of any age.

Clarification: For purposes of the Family and Medical Leave Act, contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response.

Class: A group of like positions assigned to the same title and pay grade based on similar duties and responsibilities and minimum qualifications. A class may only have one position allocated to it if there are no similar positions within the organization.

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/Compensatory Time Off: Time off in lieu of monetary payment for overtime worked.

Conflicting Employment: Outside employment that interferes with the employee's ability to perform assigned job duties.

Consumer Reports: Any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (A) credit or insurance to be used primarily for personal, family, or household purposes; (B) employment purposes; or (C) any other purpose authorized under 15 U.S.C. 1681a.

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

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.

Corporal Punishment: The intentional infliction of physical pain upon or physical restraint of a student for disciplinary purposes. The term does not include the use of reasonable and necessary force:

- To quell a disturbance that threatens physical injury to any person or the destruction of property;
- To obtain possession of a weapon or other dangerous object within a student's control;
- For the purpose of self-defense or the defense of another person; or
- To escort a disruptive student who refuses to go voluntarily with the proper authorities.

Corrective Action: Action taken to improve unacceptable behavior or performance; corrective action may include coaching sessions, counseling sessions, training, and disciplinary actions including verbal warnings, written reprimands, suspensions, demotions, pay reductions, and discharge.

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.

Diluted Specimens: A urine specimen with a high concentration of water and has creatinine and specific gravity values that are lower than expected for human urine as determined by the U.S. Department of Health and Human Services.

Disability-Related Inquiry: A question (or series of questions) likely to elicit information about a disability. Generally, disability-related inquiries are restricted by the Americans with Disabilities Act during the hiring process.

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

Discipline/Disciplinary Action: A formal form of corrective action to improve unacceptable behavior or performance; discipline may include verbal warnings, written reprimands, suspension, involuntary demotion, reduction in pay, or discharge.

Discrimination: Employment decisions or actions which are inappropriately taken because of the applicant's or employee's protected class membership.

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: For the purposes of LCSD Board Policy, the employer refers to the Lyon County School District. The term may also be used to refer to the governing board or their authorized designees, including district officials, managers, supervisor, or other administrators acting within the scope of their authority.

District Premises: All District property and facilities, the surrounding grounds and parking lots, leased space, District equipment/vehicles, offices, desks, cabinets, closets, and any other property owned or controlled by the District.

Domestic Partner: Persons who are registered and have a valid domestic partnership pursuant to NRS 122A or have a legal union validly formed in another jurisdiction that is substantially equivalent.

Drug Test: A test to determine the presence of illegal drugs/prohibited substances or their metabolites that includes specimen collection and testing by a U.S. Department of Health and Human Services certified laboratory.

Elected Official: An individual who has been chosen to represent the public in governmental roles through an election process. An elected official has neither a property right nor an expectation of continued employment with the District and is not covered by the provisions of the hiring, discipline, layoff, or dispute resolution sections of these personnel policies, or other specific provisions provided in federal, state, and local laws, charters, resolutions, and ordinances.

Eligible List: A list of names of persons who have satisfactorily completed an examination for a position and are qualified for employment.

Employee: A person employed in a budgeted position on a full- or part-time basis.

- **Regular Full-Time Employee:** A person who has successfully completed a probationary/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 a probationary/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.

- **Introductory Employee:** A non-licensed person who serves in an at-will status for a specified period of time during which the employee is evaluated by the District to ensure that the employee has demonstrated fitness for a position by actually performing the duties of the position.
- **Post-Probationary Employee:** An administrator or teacher who has completed the probationary period as provided in NRS 391.
- **Probationary Employee:** An administrator or teacher who is employed for a period set forth in NRS 391.
- **Exempt Employee:** An employee who is exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act.
- **Non-Exempt Employee:** An employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

Equal Employment Opportunity (EEO) Officer: The staff member assigned the responsibility and authority to post notices, provide training, and receive, investigate, and resolve complaints of alleged discrimination/harassment.

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, including traditional paper and pencil tests, performance tests, assessment centers, probationary/introductory periods, and evaluation of physical, educational, and work experience qualifications through interviews and scored application forms.

Exigency Leave/Qualifying Exigency: For purposes of the Family and Medical Leave Act, a qualifying event for which eligible employees may take leave for a family member who is on covered active duty or under an impending call to covered active duty:

- Short-term notice deployment (deployment in seven or less calendar days)
- Military events and activities
- Childcare and school activities
- Family support or assistance programs
- Financial and legal arrangements
- Counseling
- Servicemember's rest and recuperation leave (limited to 15 calendar days for each instance)
- Post-deployment activities
- Parental leave for the spouse, son, daughter, or parent of a military member to care for the military member's parent who is incapable of self-care.
- Additional activities arising out of active duty upon which the District and employee agree.

Firearms: Any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant; includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.

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 work week 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 pay range for a class.

Gross Misconduct: As defined in NRS 391.750. 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 under federal or Nevada law, 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 the Family and Medical Leave Act, 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: For purposes of the Family and Medical Leave Act, a relationship in which a person has put oneself in the situation of a parent by assuming and discharging the obligations of a parent to a child with whom the employee 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 a classified employee serves in an at-will status used to determine if an employee's performance meets the expectations of the position for which the employee was hired and if continued employment is warranted.

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 Family and Medical Leave Act 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: See "Reduction in Force".

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.

Major Life Activities: For the purposes of the Americans with Disabilities Act, functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, concentrating, thinking, communicating, reading, sitting, reaching, interacting with others, working, and the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, genitourinary, cardiovascular, hemic, lymphatic, musculoskeletal, respiratory, circulatory, endocrine, and reproductive functions.

Manager: An employee who has been authorized to select, train, schedule, and evaluate the work of other employees including supervisors, and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees, typically under the direction of an administrator or director.

Medical Examination: A procedure or test usually given by a healthcare professional or in a medical setting that seeks information about an individual's physical or mental impairments or health.

Next of Kin: For the purposes of the Family and Medical Leave Act (FMLA), the nearest blood relative other than the covered service member'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 the nearest blood relative for purposes of Military Caregiver Leave under the FMLA.

Parent: For purposes of the Family and Medical Leave Act, includes a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee or covered service member. The term does not include parents "in-law".

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

Personal Information: A natural person's first name or first initial and last name in combination with any one or more of the following elements, when the name and data elements are not encrypted:

- social security number;
- driver's license or identification card number;

- account number or credit/debit card number with security/access code or password;
- a username or email address in combination with a password, access code or security question and answer.

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 childcare 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 Superintendent.

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 specimen. With respect to alcohol, a blood alcohol concentration of 0.02 or higher constitutes a positive test.

Prohibited Substances: Medical and recreational marijuana (cannabis); prescription drugs not legally obtained, not being used in the manner, combination, or quantity prescribed, or by the individual for whom prescribed; over-the-counter medications used contrary to manufacturer instructions; or consumer products not meant for human consumption.

Promotion: The movement of an employee from one class to another class having a higher maximum base rate of pay.

Protected Class/Protected Class Membership: Individuals or groups of individuals protected from employment discrimination, harassment, and retaliation by federal and/or state laws. Protected classes include race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Nevada National Guard, victims of domestic violence or sexual assault, and any other class that becomes protected by federal and/or state law.

Protected Hairstyle: Includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks, and twists.

Race: Traits associated with race, including, without limitation, hair texture and protected hairstyles.

Rate of Pay/Pay Rate: An employee's wages 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 or a qualified female applicant with a condition relating to pregnancy, childbirth, or related medical condition to be considered for the position such qualified applicant desires; or
- 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, a female employee with a condition relating to pregnancy, childbirth, or a related medical condition, or an employee who is or has a family or household member who is a victim of an act which constitutes domestic violence or sexual assault, to perform the essential functions of that position; or
- that enables a qualified individual with a disability or a female employee who has a condition relating to pregnancy, childbirth, or a related medical condition, to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees; or
- To work in an environment that will allow the employee to practice one's own religion.

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 Force: 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.

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

Regular Employee: See "Regular Full-Time Employee" and "Regular Part-Time Employee" listed under "Employee".

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 Board of Trustees.

Reinstatement: The restoration of a laid-off employee or an employee rejected during a promotional probationary/introductory period to a position in a class in which the employee formerly served as a regular employee. For purposes of the Uniformed Services Employment and the Reemployment Rights Act, reemployment to the position the employee would have attained if continuously employed during the absence (the "escalator position"), with the same seniority, status, and pay, and other rights and benefits determined by seniority. For purposes of the Family and Medical Leave Act (FMLA), restoration to the same or equivalent position after returning from FMLA.

Reinstatement List: A list of names of persons who have been laid off and are available for reinstatement.

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 written notice by an employee that the employee intends to separate from the District's service.

Safety-Sensitive Positions: Positions which may, in the normal course of business:

- Require the employee to operate a vehicle or heavy equipment on a regular and recurring basis; and/or
- 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, including positions that require use of dangerous tools/equipment; performance of job duties at heights; use of dangerous chemicals; or carrying firearms in the performance of job duties.

Salary Range: The minimum and maximum annual salary set for designated positions within the District and as outlined by applicable collectively bargained agreements or individual employment contracts.

Seasonal Employee: See "Casual Worker/Hire".

Serious Health Condition: For purposes of the Family and Medical Leave Act, an illness, injury, impairment, or physical or mental condition of incapacity or treatment that involves:

- Inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility, plus any period of incapacity or subsequent treatment related to the inpatient care; or

- Continuing treatment by (or under the supervision of) a health care provider for a period of incapacity of more than three consecutive full calendar days, combined with at least two visits to a health care provider within 30 days of the first day of incapacity or one visit to a health care provider requiring a regimen of continuing treatment (e.g., prescription medication).

Son or Daughter: See “Child”.

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

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

Substance Abuse Professional (SAP): A licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders.

Substituted Specimens: An employee’s specimen not consistent with normal human specimen as determined by the U.S. Department of Health and Human Services (e.g. a urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine).

Supervisor: 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 typically under the direction of a manager, administrator, or director.

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

Title IX Coordinator: Person designated by the District to coordinate the District’s compliance with Title IX, including the District’s grievance procedures for resolving associated complaints.

Temporary Employee: See “Casual Worker/Hire”.

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 pay range.

Transitional Duty: A temporary assignment of an employee who is unable to perform one or more essential functions of the assigned job, but has been cleared by a medical provider to perform other duties for the District.

Volunteer: Any person who, without promise, expectation, or receipt of compensation, works at, assists with, or oversees any activity or event conducted or sponsored by a school or the District, during or outside of school/District hours.

**LYON COUNTY SCHOOL DISTRICT
BOARD POLICY**

GZ

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