

**PROPOSED REGULATION OF THE  
PERSONNEL COMMISSION**

**Sec. 1. NAC 284.656 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This regulation change proposed by the Department of Personnel provides clarification as to acceptable proof of delivery or tracking information relating to notices of hearing for disciplinary actions.

**NAC 284.656 Notice and hearing. (NRS 284.065, 284.155, 284.383, 284.385, 284.390)**

1. Except as otherwise provided in subsection 2, if an appointing authority proposes that a permanent employee be dismissed, suspended or demoted, the following procedure must be followed unless waived in writing by the employee:

(a) The employee must be given at least 10 working days' written notice of the proposed action. The notice must be on the form provided by the Department of Personnel and may be given in person, ~~or~~ by mail, *or by other carrier that provides proof of delivery or tracking information*. If ~~it is mailed~~ *not delivered in person*, the notice must be ~~mailed~~ *sent* to the employee's last known address ~~by registered or certified mail, return receipt~~ *with proof of delivery or tracking information* requested. ~~The date stamped on the receipt by the postal service is the date of delivery. If the notice is returned without a return receipt signed by the employee, the date of delivery cannot be determined from information provided by the carrier.~~ *If date of delivery cannot be determined from information provided by the carrier,* the employee's date of receipt shall be deemed to be the third day after the date of the mailing *or shipping*.

(b) The notice must:

- (1) Specify the proposed date on which the action is effective.
- (2) Inform the employee that a hearing has been scheduled on his behalf and specify the date, time and place of the hearing.
- (3) Specify the charges, the reasons for them and the cause of action contained in NAC 284.650 on which the proposed action is based.

(c) The hearing must be scheduled to take place no earlier than 7 working days after the written notice of the proposed action is delivered or deemed received pursuant to paragraph (a). The hearing may not be scheduled on a day which is not a regular working day for the employee.

(d) If the appointing authority or his designated representative and the employee agree, the date of the hearing may be changed.

(e) The notice of the proposed action must be signed by the appointing authority or his designated representative. Upon its receipt, the employee must be asked to sign the notice. If he refuses to sign the notice, his refusal must be noted on the notice. The employee's signature is not an admission by him of any of the allegations set forth in the notice.

(f) The employee may examine, at any time after receiving the notice and before the hearing, all materials which are to be used by the person conducting the hearing. The employee is entitled to receive upon request a total of up to 8 hours of administrative leave with pay to prepare for the hearings regarding his suspension, demotion or dismissal.

(g) If the employee does not understand the reasons for the proposed action or the procedure, the employee may seek an explanation from the appointing authority or another person in the agency familiar with the procedure.

(h) The employee may respond both orally and in writing to the appointing authority or his designated representative at the hearing.

(i) The appointing authority or his designated representative shall conduct the hearing. The designated representative must be a person with authority to recommend a final decision to the appointing authority. He may not render the final decision.

(j) The employee must be:

(1) Given a copy of the finding or recommendation, if any, resulting from the hearing; and  
(2) Informed, in writing, of the appointing authority's decision regarding the proposed action on or before the effective date of the action.

(k) The employee may waive his right to a hearing in writing. If the employee waives his right to the hearing, he may not be dismissed, suspended, or demoted before the proposed effective date. The waiver does not waive the employee's right to an appeal after the action is taken.

(l) This process is an informal proceeding between the two parties, the appointing authority or his designated representative and the employee, who meet together to discuss the proposed action. Witnesses are not permitted to attend, but each party may be accompanied by a person of his choice.

2. The procedure specified in subsection 1 need not be followed before dismissing or suspending a permanent employee if the circumstances give the appointing authority a reasonable cause to believe that the retention of an employee on active duty poses a threat to life, limb or property or may be seriously detrimental to the interests of the State.

3. If the circumstances set forth in subsection 2 are present, the appointing authority may temporarily assign the employee to duties in which those circumstances do not exist or, if the temporary assignment is not feasible:

(a) Immediately place the employee on administrative leave with pay until the procedure set forth in subsection 1 has been followed; or

(b) Immediately suspend or dismiss the employee. In this case the appointing authority, his designated representative, or the employee's supervisor shall attempt to inform the employee before the action is taken of the charges against him and provide the employee with an opportunity to rebut the charges. The procedure set forth in subsection 1 must be followed as soon as practicable after the immediate suspension or dismissal.