

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R164-18

1. A clear and concise explanation of the need for the adopted regulation.

The amendment to NAC 284.172 in Section 1 is necessary to allow an appointing authority to request an accelerated rate under NAC 284.204 for an employee when that employee is promoted. Historically, a request for an accelerated rate has only been allowable when an employee is newly hired. This amendment will create equity by allowing an appointing authority to request an accelerated rate in either type of hiring decision.

The amendment to NAC 284.204 in Section 2 is necessary to create equity among State of Nevada agencies by removing the option for an appointing authority to maintain a differential between a supervisor's pay and his or her employee's pay. Historically, only agencies that have the funds available to maintain such a differential have utilized this provision, which creates an inequity for employees of agencies that do not have the funds available.

The amendment to NAC 284.206 in Section 3 makes a conforming change.

The amendment to NAC 284.360 in Section 4 makes some housekeeping changes. Additionally, this amendment is necessary to allow the Administrator of the Division of Human Resource Management to unrank a list or waive the list as he or she deems appropriate. This change will allow more flexibility in the recruitment process, particularly concerning positions that are difficult to fill.

Current regulation allows an appointing authority to refuse to consider an eligible person who has been subject to a suspension, demotion or termination based on an upheld or uncontested disciplinary action in the preceding 12 months. The amendment to NAC 284.374 in Section 5 is necessary to include that an appointing authority is not required to consider such an eligible person for a period of 12 months after any reviewing court issues a final decision, should the contested disciplinary action be submitted for judicial review.

The amendment to NAC 284.437 in Section 6 is necessary to allow an appointing authority to underfill a position above the journey level with the written approval of the Administrator of the Division of Human Resource Management, or his or her designee. This change will reduce administrative burden and increase the timeliness of filling positions. The ability for an appointing authority to underfill a position at or below the journey level at his or her discretion remains in the regulation.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

On November 6, 2018, copies of the proposed regulation amendments were sent by email to persons who were known to have an interest in the subject of proposed personnel regulation

changes as well as any person who had specifically requested such notice via Listserv. These documents were also made available on the Division of Human Resource Management's website, the Nevada Public Notice website, the Legislative Counsel Bureau's website, and mailed to all county libraries in Nevada, and posted at the following locations:

Blasdel Building
209 E. Musser Street
Carson City, NV

Legislative Counsel Bureau
401 S. Carson Street
Carson City, NV

Nevada State Library and Archives
100 N. Stewart Street
Carson City, NV

Grant Sawyer Office Building
555 E. Washington Avenue
Las Vegas, NV

A regulation workshop was conducted by the Division of Human Resource Management on June 15, 2018, and a public hearing was held by the Nevada Personnel Commission on December 7, 2018.

At the regulation workshop, a representative of the American Federation of State, County and Municipal Employees (AFSCME) stated they were neutral on the amendment to NAC 284.204. Other comments received were generally in support of the regulations.

At the public hearing, staff provided information regarding the intent and need for the regulation and amendment.

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Michell Garton at mgarton@admin.nv.gov or by calling (775) 684-0136.

3. **The number of persons who:**
 - (a) **Attended each hearing: 36**
 - (b) **Testified at each hearing: 2**
 - (c) **Submitted written comments: 0**

4. **Following is a list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3(b):**

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- 5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were not solicited from businesses, as the regulation does not affect businesses. Comments were solicited from affected parties including employees and employee associations. Written minutes and comments from the workshop and public hearing can be obtained as instructed in the response to question #2.

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

There was no opposition to the regulation at the Personnel Commission hearing.

- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**
(a) Both adverse and beneficial effects; and
(b) Both immediate and long-term effects.

There are no adverse or beneficial effects on regulated business and the public. There are no immediate or long-term effects on business and the public.

- 8. The estimated cost to the agency for enforcement of the proposed regulation:**

There is no additional cost to the agency for enforcement of this regulation.

- 9. A description of any regulations of other State or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

This regulation does not overlap or duplicate any State or federal regulations.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The regulation does not include any provisions that are covered by any federal regulations.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

No fees are associated with this regulation.