

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R175-18

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

The newly adopted regulations in Sections 2 and 3 are necessary to allow the terms “gender identity or expression” and “sexual orientation” to be used in Chapter 284 of the Nevada Administrative Code (NAC). Previously, the definition of “gender identity or expression” was included in NAC 284.114 to be used only in that section. The term “sexual orientation” was not previously defined, however was used in NAC 284.114. Because these terms are now included in NAC 284.718, it is necessary to define them in General Provisions of NAC 284.

The amendment to NAC 284.010 in Section 4 is a conforming change to incorporate the two new definitions explained above into the General Provisions of NAC 284.

The amendments to NAC 284.114 in Section 5 is necessary to remove the definition of the term “gender identity or expression” from the regulation because the definition will now be included in the General Provisions of NAC 284 as explained above.

The amendments to NAC 284.374, 284.470 and 284.602 in Sections 6, 7 and 8 are conforming changes based on the terminology change in NAC 284.718 in Section 9 to refer to personnel information related to an employee as his or her “record of employment.” An employee’s record of employment will include any and all information described in NAC 284.718.

NAC 284.718 in Section 9 describes confidential personnel information that is held by a State of Nevada agency or the Division of Human Resource Management. The amendment to this regulation is necessary to designate additional types of information regarding an employee as information that is considered confidential. In addition, a housekeeping change has been made to subsection 2 related to the address an employee prefers to be included in his or her record of employment.

As the State of Nevada is considered one employer, the intent of the amendment in NAC 284.726 in Section 10 is necessary to broaden access to confidential personnel related records among State of Nevada agencies. Broadening this access will assist agencies when they are considering hiring an employee from another agency. It is intended that each agency will be responsible for limiting access to this information to appropriate individual using security protocols built into the HR systems.

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 concern was raised by a representative of the American Federation of State, County and Municipal Employees (AFSCME) regarding the inclusion of employee grievances in NAC 284.718. 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: 1**
- (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):

Michelle Garton, Supervisory Personnel Analyst
State of Nevada
Department of Administration
Division of Human Resource Management
100 N. Stewart Street
Carson City, NV 89701
(775) 684-0136
mgarton@admin.nv.gov

- 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.**

This regulation does not have a direct economic effect on either a regulated business or 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.