

**NOTICE OF INTENT TO ACT UPON A REGULATION**  
**Notice of Hearing for the Adoption, Amendment or Repeal of**  
**Regulations of the Personnel Commission**

The Personnel Commission will hold a public hearing at 9:00 a.m. on June 24, 2022, at the Nevada State Library and Archives Building, Room 110, 100 N. Stewart Street, Carson City, Nevada with videoconferencing to the Grant Sawyer Building, Room 1400, 555 E. Washington Avenue, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to Chapter 284 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

- These regulations do not have a direct economic effect on any business or the public.
- Enforcement of these regulations will not result in an increased cost.
- To our knowledge, these regulations do not overlap or duplicate the regulations of other State or local governmental agencies.
- These regulations do not establish any new fee or increase an existing fee.

**Permanent Adoption –**

<b><u>LCB File:</u></b>	<b><u>Section:</u></b>	<b><u>NAC:</u></b>	<b><u>Leadline or Description</u></b>
<b>R015-21</b>	Sec. 1	284.5811	Family and medical leave: Maximum amount in 12-month period; eligibility; use.
<b>R016-21</b>	Sec. 1	NEW	“Sex- or gender-based harassment” defined.
	Sec. 2	284.010	Definitions.
	Sec. 3	284.496	Classes and training concerning prevention of sex- or gender-based harassment.
	Sec. 4	284.498	Training of supervisory and managerial employees.
	Sec. 5	284.650	Causes for disciplinary or corrective action.
	Sec. 6	284.696	Unlawful discrimination.
	Sec. 7	284.718	Confidential records.
	Sec. 8	284.726	Access to confidential records.
	Sec. 9	284.771	Sex- or gender-based harassment.
	Sec. 10	284.0995	“Sexual harassment” defined.
<b>R017-21</b>	Sec. 1	NEW	Appeal of determination to release confidential records.

	Sec. 2	284.718	Confidential records.
	Sec. 3	284.726	Access to confidential records.
<b>R125-21</b>	Sec. 1	284.470	Preparation, filing, contents, discussion and distribution of reports; powers and duties of employees; review; adjustment of grievances.
	Sec. 2	284.5243	Break times and place for mother of a child under 1 year of age to express breast milk: Procedures for employee to request break times and place; efforts to address employee's needs; date of receipt of request; response to request by department or agency.
	Sec. 3	284.656	Contents and delivery of notice of proposed action; employee authorized to seek explanation of reasons for proposed action or procedures for disciplinary actions from agency.
	Sec. 4	284.6561	Predisciplinary review before proposed dismissal, demotion or suspension; waiver by employee.
	Sec. 5	284.680	Date of receipt of grievance or complaint.

**Temporary Adoption –**

<u>Section:</u>	<u>NAC:</u>	<u>Leadline or Description</u>
Sec. 1	NEW	Succession plan; appointments.
Sec. 2	NEW	Certification of employees who prepare succession plans.
Sec. 3	284.058	“Eligible person” defined.
Sec. 4	284.313	Limitation of competition in recruitment; applications.

Persons wishing to comment upon the proposed action of the Personnel Commission may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Department of Administration, Division of Human Resource Management, 209 East Musser Street, Suite 101, Carson City, Nevada 89701, Attention: David Johnson. Written submissions must be received by the Division of Human Resource Management on or before June 24, 2022. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Personnel Commission may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted, amended or repealed will be on file at the Nevada State Library, Archives and Public Records, 100 North Stewart Street, Carson City,

Nevada, for inspection by members of the public during business hours. Additionally, copies of this notice and the regulations to be adopted, amended or repealed will be available at the Division of Human Resource Management, 100 North Stewart Street, Suite 200, Carson City, Nevada, and 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption, amendment or repeal of any regulation, the agency, if requested to do so by an interested person, either before adoption, amendment or repeal, or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, amendment or repeal, and incorporate therein its reason for overruling the consideration urged against its adoption, amendment or repeal.

This notice of hearing has been posted at the following locations:

**Carson City**

Blasdel Building, 209 East Musser Street

Nevada State Library & Archives Building, 100 North Stewart Street

Legislative Counsel Bureau, 401 South Carson Street

**Las Vegas**

Grant Sawyer Building, 555 East Washington Avenue

**Websites**

Legislative Counsel Bureau website: [www.leg.state.nv.us](http://www.leg.state.nv.us)

Nevada Public Notice website: <http://notice.nv.gov>

Division of Human Resource Management website: [www.hr.nv.gov](http://www.hr.nv.gov)

**EXPLANATIONS OF PROPOSED CHANGES**  
**LCB File No. R015-21**

**Section 1: NAC 284.5811 Family and medical leave: Maximum amount in 12-month period; eligibility use.**

This amendment, proposed by the Division of Human Resource Management (DHRM), will default the State's Family and Medical Leave Act (FMLA) eligibility criteria to the criteria outlined in the U.S. Department of Labor's FMLA regulations. "Paid status" is defined in NAC 284.0742 as including leave with pay (not including catastrophic leave) and leave without pay pursuant to NAC 284.580. However, the FMLA federal regulations base the hours requirement on the "hours of service" during the 12-month period immediately preceding the employee's leave. The current method of FMLA eligibility calculation may, in certain circumstances, allow an employee to qualify for leave, based on this regulation, prior to qualifying based on the federal regulations. If an employee is provided FMLA leave early and then not granted FMLA-protected leave during the period the employee qualifies under the federal FMLA regulations, it could leave the State open to review by the FMLA regulatory body, the U.S. Department of Labor.