

**ADOPTED REGULATION OF THE
HUMAN RESOURCES COMMISSION**

LCB File No. R023-26

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: § 1, NRS 284.065, 284.155 and 284.384.

A REGULATION relating to the State Human Resources System; revising certain provisions governing requests for the adjustment of certain grievances and complaints; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Human Resources Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations governing the State Human Resources System. (NRS 284.065) Existing law also requires the Commission to adopt regulations which provide for the adjustment of certain grievances and complaints. (NRS 284.384) Existing regulations set forth a procedure for the adjustment of these grievances and complaints. (NAC 284.658-284.697) This procedure requires the Division to determine whether a person satisfies the eligibility requirements for an adjustment. If the Division determines that a person does not satisfy the eligibility requirements, existing regulations authorize the person who submitted the request for the adjustment to appeal the determination of the Division to the Employee-Management Committee. (NAC 284.693) **Section 1** of this regulation requires, with certain exceptions, that the appeal be filed with the Committee not later than 10 working days after the date on which the person receives notice of the determination of the Division.

Section 1. NAC 284.693 is hereby amended to read as follows:

284.693 1. Except as otherwise provided in NAC 284.458, if the Division of Human Resource Management determines that a request for the adjustment of:

(a) A grievance is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, because the person who submitted the request is not a person described in subsection 2 of NAC 284.658 or because a hearing is provided for the grievance pursuant to federal law or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390; or

(b) A complaint is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, because the person who submitted the request is not a person described in paragraph (a) of subsection 4 of NRS 281.755,

→ the Division must take the actions described in subsection 2.

2. Except as otherwise provided in NAC 284.458, upon making a determination pursuant to subsection 1 that a request for the adjustment of a grievance or complaint is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, the Division must, as soon as practicable:

(a) Remove the request from the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive; and

(b) Provide to the person who submitted the request and the agency in which the grievance or complaint arose:

(1) Notice that the Division has determined that the request is not eligible for the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive, and an explanation for that determination;

(2) Notice that the Division has removed the request from the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive;

(3) If applicable, information relating to the appropriate procedure for resolving the person's concern; and

(4) Information relating to the person's right to appeal the determination to the Committee.

3. If the Division ~~[of Human Resource Management]~~ determines that a request for the adjustment of a grievance or complaint is not eligible for the procedure for the adjustment of

grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive, the person who submitted the request may appeal the determination *in writing* to the Committee.

4. Except as otherwise provided in this subsection, a person who wishes to appeal the determination of the Division to the Committee pursuant to subsection 3 must file the appeal not later than 10 working days after the date on which the person receives notice of the determination by the Division. The Committee may consider an appeal that was filed more than 10 working days after the date on which the person receives notice if the Committee determines that an extenuating circumstance prevented the timely filing of the appeal.