

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R039-17

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

Pursuant to NRS 284.240, the Administrator of the Division of Human Resource Management (Administrator) may refuse to examine an applicant or, after examination, may refuse to certify an eligible person in certain circumstances. Such circumstance could include a lack of preliminary requirements for the examination or employment, making a false statement of a material fact, or deception or fraud in an application. Pursuant to NRS 284.245, the Administrator shall furnish a statement upon request of an individual he or she has refused to examine or, after an examination, refused to certify. This statute also allows an applicant or eligible person to take an appeal to the Personnel Commission in accordance with regulations.

The amendment in this LCB File addresses the process that an applicant may use to appeal a refusal to examine an applicant, or after examination, a refusal to certify. The Commission initially adopted a process for this type of an appeal on September 30, 2016. After the regulation was adopted, the Division determined that the language could be clearer to reflect how the process actually works. If an individual wishes to appeal the refusal to examine or certify, he or she must first request a review by the supervisor of recruitment of DHRM. If the person is not satisfied with the decision of the supervisor of recruitment, he or she may request a statement from the Administrator. If the individual is still not satisfied, the person may appeal the Administrator's decision to the Personnel Commission. Specific timeframes are also included in the proposed 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 August 30, 2017, 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

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

Legislative Counsel Bureau
401 S. Carson 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 July 11, 2017, and a public hearing was held by the Nevada Personnel Commission on September 29, 2017.

There were no comments for or against the proposed change to this regulation during the workshop held on July 11, 2017.

At the public hearing, staff provided information regarding the intent and need for the regulations. No public comment was received at the hearing.

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Shelley Blotter at sblotter@admin.nv.gov or by calling (775) 684-0105.

3. **The number of persons who:**
 - (a) **Attended each hearing:** 37
 - (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):**

Beverly Ghan, Supervisory Personnel Analyst
State of Nevada
Department of Administration
Division of Human Resource Management
209 E. Musser Street, Suite 101
Carson City, NV 89701
(775) 684-0133
bghan@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 effected 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.