

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R060-16

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

The amendments included in this LCB File are intended to improve the ability of an appointing authority to hire employees with the appropriate qualifications. The removal of the requirement for an appointing authority to ensure that an adjustment will not create an inequity is intended to allow departments or agencies to address a difficult recruiting problem or hire persons with superior education or experience, without being required to adjust the pay of a number of other employees, which may not be fiscally feasible.

The amendments provide an appointing authority a clear method for revoking an adjustment of steps which was made to meet a difficult recruiting problem. When an employee who is receiving the adjustment moves from one position to another position in a different area, and a similar recruiting problem does not exist in the new area, the appointing authority may revoke the adjustment of steps. For example, an appointing authority may revoke an adjustment of steps when an employee transfers from Elko, where a difficult recruiting problem exists, to Reno, where no difficult recruiting problem exists.

The addition of “departments” in subsection 1 of NAC 284.204 emphasizes that a pay adjustment to resolve an equity issue is intended to be among positions in a particular department or agency, and not among employees of different departments or agencies.

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 May 10, 2016, 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 Capitol Building
101 N. Carson Street
Carson City, NV

A regulation workshop was conducted by the Division of Human Resource Management on January 27, 2016, and a public hearing was held by the Nevada Personnel Commission on June 10, 2016.

During the workshop, comment was received from the Chief Deputy, Nevada Secretary of State, expressing concern regarding revoking an adjustment of steps. Comment was also received from the Personnel Manager, Nevada Department of Transportation, expressing concerns that the amendments create inequity, apply only to an initial appointment, and may create a problem with morale. Written comment was received from the Office of the Secretary of State. As a result of the comments, changes were made to the regulation language.

At the public hearing, no comment was received.

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:** - 30
 - (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 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.**

Opposition to the regulation was received at the workshop, and the language was changed as a result.

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.