

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R076-15

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

The amendments included in LCB File R076-15 improve the efficiency of the formal grievance process and reduce administrative burden.

It is very important to ensure that employees understand the proper method to address a workplace issue. Section 1 of this regulation gives the authority to the Division of Human Resource Management to remove a grievance from the process when the issue does not meet the definition of a grievance pursuant to NRS 284.384. Because of the short timeframes associated with some of the hearings listed in NRS 284.384, some as short as 5 or 10 working days, it is vitally important to inform an employee of the proper procedure to handle his or her concern as promptly as possible.

The addition of “classified” to NAC 284.658 is necessary because classified employees are the only type of employee who can achieve permanent status, which is already included in the regulation as a requirement. Adding “classified” makes it clearer to employees who is and who is not eligible to utilize the formal grievance process.

To achieve consistency in terminology and reduce confusion, the phrase “event leading to the grievance” will be used throughout NAC 284.678.

The amendments in Section 4 of this LCB file are necessary to reduce administrative burden, reduce time and expense related to certain aspects of the Employee-Management Committee, and establish regulations pursuant to NRS 284.074, which authorizes the Chair or a member of the Committee designated by the Chair to issue and enforce subpoenas.

The final section in this LCB file is necessary for situations where outside circumstances are creating or could create a delay in the hearing of the grievance by the Committee. Placing a grievance into abeyance could be appropriate when an investigation is being conducted, and the outcome may impact an employee’s grievance. It would also be suitable in a situation where the grievant will be away from the office for an extended period of time, such as on approved Family and Medical Leave (FMLA), administrative leave, or when a court proceeding within the court system will be taking place.

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 January 22, 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, faxed or 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

Nevada State Capitol Building
101 N. Carson Street
Carson City, NV

A regulation workshop was conducted by the Division of Human Resource Management on August 12, 2015, and a public hearing was held by the Nevada Personnel Commission on March 4, 2016.

During the workshop, comment was received in support of the proposed changes by the Personnel Officer of the Department of Employment, Training and Rehabilitation, specifically for the addition of "classified" to NAC 284.658 and the ability of the Division of Human Resource Management to remove grievances from the process that should be handled in a different venue. Comment was also received in support of the changes by the Personnel Officer of the Nevada Department of Transportation and the Deputy Director of the Department of Health and Human Services.

At the public hearing, the Personnel Officer of the Nevada Department of Transportation testified in support of the regulation amendment.

Written minutes 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:** - 23
 - (b) **Testified at each hearing:** - 2
 - (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):**

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Kimberley King, Personnel Officer III
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- 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 from the workshop and public hearing can be obtained as instructed in the response to question #2. No written comments were received.

- 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.**

No opposition to the regulation was received at the workshop or 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.