

Personnel Commission

Nevada Revised Statutes (NRS) 284.030 through 284.065:

Commission members (NRS 284.030): The Personnel Commission, Division of Human Resource Management (DHRM), Department of Administration, consists of five members who have a background in personnel administration, appointed by the Governor, as follows:

- Three members who represent the general public;
- One member who represents labor; and
- One member who represents employers or managers.

No members of the Commission shall have held a partisan political office or have been a State employee within the calendar year immediately preceding appointment, nor shall a member seek or hold public office or public employment during the member's term on the Commission (NRS 284.035).

Commission members serve at the pleasure of the Governor. No appointment shall extend beyond a period of four years. Continued absence from meetings shall constitute cause for removal (NRS 284.040).

Operations of the Commission:

- The Governor shall designate one of the members as the Chair. The Administrator of the DHRM shall act as the Secretary (NRS 284.050);
- The Commission must meet regularly at least once every three months. A majority vote of the entire Commission is necessary to adopt, amend, or rescind a regulation (NRS 284.055); and
- The Commission shall prescribe rules and regulations for its own government and management (NRS 284.060).

Powers and Duties of the Commission (NRS 284.065): The Commission shall:

- Advise the Administrator regarding the organization and administration of the DHRM;
- Report to the Governor on matters relevant to the DHRM or upon which the Governor has requested advice;

EXHIBIT C - SUNSET

Document consists of 80 pages.

Due to size limitations, pages 1-22 provided.

A copy of the complete document is available through the

Research Library (775/684-6827 or e-mail library@lcb.state.nv.us)

Meeting Date: 03-15-16

- Advise the Governor or the Legislature on personnel policy;
- Adopt regulations to implement Chapter 284 (“State Personnel System”) of NRS;
- Foster the interest in the improvement of personnel standards;
- Review decisions of the Administrator in contested cases involving the classification or allocation of particular positions; and
- Exercise any other advisory powers necessary or reasonably implied in NRS 284.

In addition, the Commission:

- Shall review and approve changes to the classification plan, as provided (NRS 284.160);
- Shall decide appeals to the Commission regarding the Administrator’s refusal to examine or certify an applicant for a position (NRS 284.245);
- May provide by regulation for disposition of unused sick leave including forfeiture of all or part of an employee’s accrued sick leave if it is determined an employee has taken sick or disability leave to which the employee was not entitled, (NRS 284.355);
- Shall adopt by regulation a system for administering disciplinary measures, including the prohibited acts, possible violations and penalties, and a fair and equitable process for taking disciplinary action against an employee submitted by departments and agencies (NRS 284.383);
- Shall adopt regulations providing for the adjustment of grievances for which a hearing is not provided by federal law or by other provisions of NRS 284, provided that a grievance may be appealed to the Employee-Management Committee (NRS 284.384);
- May designate any agent or agency to administer oaths and affirmations and examine witnesses (NRS 284.391); and
- Shall approve each appointing authority’s determination of positions of employment that affect public safety, provided such positions require screening for controlled substances (NRS 284.4066).

Background:

Legislation: Senate Bill 2 (Chapter 351, *Statutes of Nevada 1953*), sponsored by the Senate Committee on Finance, established the Advisory Personnel Commission in the Department of Personnel.

No minutes of hearings for S.B. 2 are available. However, in his message to the 1953 Session of the Legislature, Governor Charles H. Russell discussed legislation creating the Department of Personnel. He explained that the bill resulted from a study of personnel issues conducted by members of his office staff working in cooperation with a group representing employees of State agencies and departments. The bill provided for a job classification program and pay plan.

In 1963, the Legislature revised State government by eliminating the Department of Personnel and establishing the Personnel Division within the Department of Administration (S.B. 103 [Chapter 404, *Statutes of Nevada*]).

In 1983, the Legislature enacted S.B. 232 (Chapter 264, *Statutes of Nevada*), which abolished the Personnel Division and reestablished the Department of Personnel. The measure also revised the Advisory Personnel Commission by eliminating “advisory” from its title.

In 2011, the Legislature enacted S.B. 427 (Chapter 479, *Statutes of Nevada*), which reorganized certain State agencies. The measure provided for the elimination of the Department of Personnel, replacing it with the new DHRM of the Department of Administration.

Legislative history: No legislative history has been compiled for S.B. 2 or S.B. 232.

Members: The members are listed on the Commission’s website and review form

Reports to the Legislature: No reports from the Commission to the Legislature are required pursuant to NRS 284. The Administrator is required to prepare and submit several reports to the Commission, the Governor, or the Legislature, as provided by statute or as requested.

Assembly Bill 61 (Chapter 96, *Statutes of Nevada 2015*) revised NRS 284.065 by eliminating the requirement that the Commission and the Administrator submit certain biennial reports to the Governor. The reports remain mandatory as needed or required.

Records:

- Research Library holdings:
 - Minutes (March 30, 1987; February 20, 2004, through December 5, 2006)
- State Library holdings:
 - *Hearings Procedures: Procedures to be Used in Hearings Conducted by Personnel Advisory Commission* (1969)
 - *Fact Sheet on 1963–65 Classified Salary Need* (1963)
- State Archives holdings:
 - Records of meetings and materials (1953 through 2010)

Contact: Katherine Fox, Chair

Website: [http://hr.nv.gov/Boards/PersonnelCommission/Personnel Commission/](http://hr.nv.gov/Boards/PersonnelCommission/Personnel%20Commission/)

W161302

NRS 284.025 Division of Human Resource Management: Creation; administration of chapter.

1. The Division of Human Resource Management of the Department of Administration is hereby created.
2. The Division shall administer the provisions of this chapter.

[4:351:1953]—(NRS A 1963, 1035; 1983, 619; 2011, 2953)

REVISER'S NOTE.

Ch. 479, Stats. 2011, which amended this section to change the name of the "Department of Personnel" to the "Division of Human Resource Management of the Department of Administration," contains the following provisions not included in NRS:

"1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred."

NRS 284.030 Personnel Commission: Creation; appointment of members.

1. There is hereby created in the Division a Personnel Commission composed of five members appointed by the Governor.

2. The Governor shall appoint:

(a) Three members who are representatives of the general public and have a demonstrated interest in or knowledge of the principles of public personnel administration.

(b) One member who is a representative of labor and has a background in personnel administration.

(c) One member who is a representative of employers or managers and has a background in personnel administration.

[Part 5:351:1953]—(NRS A 1963, 1035; 1983, 619, 774; 2011, 2953)

NRS CROSS REFERENCES.

Additional qualifications of representatives of general public, NRS 232A.020

NRS 284.035 Personnel Commission: Prohibition against member holding or seeking partisan political office or employment with State. No member of the Commission shall have held a partisan political office or have been an employee of the State within the calendar year immediately preceding the member's appointment, nor shall the member seek or hold such an office or employment during the member's term on the Commission.

[7:351:1953]

REVISER'S NOTE.

"As a member of the commission." replaced "as a member of the board."

NRS 284.040 Personnel Commission: Terms and removal of members.

1. The members of the Commission shall serve at the pleasure of the Governor, but no appointment shall extend beyond a period of 4 years from the date of expiration of the preceding appointment.

2. Continued absence from meetings shall constitute good and sufficient cause for removal of a member by the

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Governor.

[Part 5:351:1953] + [6:351:1953]

NRS CROSS REFERENCES.

Vacancies, NRS 232A.020

REVISER'S NOTE.

In revised subsec. 2, "shall" replaced "may."

NRS 284.045 Personnel Commission: Salaries and expenses of members.

1. While engaged in official business of the Division, the members of the Commission are entitled to receive a salary of not more than \$80 per day, as fixed by the Commission.

2. While engaged in the business of the Division, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

[10:351:1953]—(NRS A 1963, 1036; 1975, 297; 1981, 1979; 1983, 619; 1985, 391; 1989, 1710)

NRS 284.050 Personnel Commission: Chair; Secretary; duty of Administrator to keep minutes and audio recordings or transcripts.

1. The Governor shall designate one of the members of the Commission as Chair of the Commission.

2. The Administrator shall act as the nonvoting recording Secretary of the Commission. The Administrator shall keep the minutes and audio recordings or transcripts of the proceedings of the Commission.

[Part 5:351:1953] + [Part 8:351:1953] + [Part 15:351:1953]—(NRS A 1963, 1036; 1983, 619; 2005, 1408)

NRS 284.055 Personnel Commission: Meetings; quorum; duty of Commission to keep minutes and audio recordings or transcripts; public records.

1. The members of the Commission may meet at the times and places specified by the call of the Chair or a majority of the Commission, but a meeting of the Commission must be held regularly at least once every 3 months.

2. Three members of the Commission constitute a quorum. A quorum may exercise any power conferred on the Commission, but no regulations may be adopted, amended or rescinded except by a majority vote of the entire membership of the Commission.

3. The Commission shall keep minutes and audio recordings or transcripts of the transactions of each meeting. Except as otherwise provided in NRS 241.035, the minutes, audio recordings and transcripts are public records and must be filed with the Division. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

[Part 8:351:1953] + [Part 9:351:1953]—(NRS A 1963, 1036; 1983, 619, 1440; 2005, 1409; 2013, 328)

NRS CROSS REFERENCES.

Meetings of public agencies, NRS ch. 241

NRS 284.060 Personnel Commission: Rules for management. The Commission shall prescribe rules and regulations for its own management and government.

[Part 8:351:1953]

ADMINISTRATIVE REGULATIONS.

Hearings before Personnel Commission, NAC 284.850-284.874

ATTORNEY GENERAL'S OPINIONS.

Advisory personnel commission cannot supersede or amend statutes without consent of legislature. Although NRS 284.060 provides that the state advisory personnel commission (now the personnel commission) shall prescribe rules and regulations for its own management and

NRS 284.065 Personnel Commission: Powers and duties.

1. The Commission has only such powers and duties as are authorized by law.
2. In addition to the powers and duties set forth elsewhere in this chapter, the Commission shall:
 - (a) Advise the Administrator concerning the organization and administration of the Division.
 - (b) Report to the Governor biennially on all matters which the Commission may deem pertinent to the Division and concerning any specific matters previously requested by the Governor.
 - (c) Advise and make recommendations to the Governor or the Legislature relative to the personnel policy of the State.
 - (d) Adopt regulations to carry out the provisions of this chapter.
 - (e) Foster the interest of institutions of learning and of civic, professional and employee organizations in the improvement of personnel standards in the state service.
 - (f) Review decisions of the Administrator in contested cases involving the classification or allocation of particular positions.
 - (g) Exercise any other advisory powers necessary or reasonably implied within the provisions and purposes of this chapter.

[Part 8:351:1953] + [Part 9:351:1953]—(NRS A 1963, 1036; 1979, 356; 1983, 620; 2003, 1436)

REVISER'S NOTE.

Ch. 282, Stats. 2003, which amended paragraph (d) of subsection 2 of this section to authorize the Personnel Commission to adopt regulations, contains the following provision not included in NRS:

"A regulation adopted by the Department of Personnel [now Division of Human Resource Management of the Department of Administration] or the Director of the Department [now Administrator of Division] pursuant to chapter 284 of NRS remains in effect as a regulation of the Personnel Commission until amended or repealed by the Personnel Commission."

ADMINISTRATIVE REGULATIONS.

State Personnel System, NAC ch. 284

NRS 284.160 Classification plan for classified service; changes in plan; procedure for making certain changes without approval of Commission.

1. The Administrator shall prepare, maintain and revise as necessary a classification plan for all positions in the classified service, based upon similarity of duties and responsibilities, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class.

2. The duty of the Administrator to classify extends to all offices, employments and positions held by persons who may become members of the classified service under the provisions of this chapter.

3. The Administrator may, after consultation with the head of a department or agency, make changes in the classification of positions whenever the Administrator deems it necessary for the efficiency of the public service.

4. The classification plan and changes therein are subject to approval by the Commission, except that the Administrator may make a change in the classification plan without the prior approval of the Commission if:

(a) The Administrator deems it necessary for the efficiency of the public service;

(b) The change is not proposed in conjunction with an occupational study; and

(c) The Administrator, at least 20 working days before acting upon the proposed change:

(1) Provides written notice of the proposal to each member of the Commission, to all departments and to any head of an employees' organization who requests notice of such proposals; and

(2) Posts a written notice of the proposal in each of the principal offices of the Division.

↪ Any occupational study conducted by the Division in connection with the preparation, maintenance or revision of the classification plan must be approved by the Commission.

5. If no written objection to the proposed change to the classification plan is received by the Administrator before the date it is scheduled to be acted upon, the Administrator may effect the change. The Administrator shall report to the Commission any change in the classification plan made without its approval at the Commission's next succeeding regular meeting.

6. If a written objection is received before the date the proposed change is scheduled to be acted upon, the Administrator shall place the matter on the agenda of the Commission for consideration at its next succeeding regular meeting.

[Part 22:351:1953]—(NRS A 1963, 1041; 1983, 625; 1985, 151; 1991, 453)

ADMINISTRATIVE REGULATIONS.

Classification, NAC 284.126-284.152

NEVADA CASES.

Personnel Commission had jurisdiction to hear appeal from denied reclassification requests. The state's Advisory Personnel Commission (now the Personnel Commission) had jurisdiction to entertain an appeal from a decision of the Personnel Division (now Division of Human Resource Management of the Department of Administration) denying requests of individual classified employees for reclassification of their positions. A provision of NRS 284.160 requiring Commission approval whenever the Chief of the Personnel Division (now Administrator of the Division of Human Resource Management of the Department of Administration) made changes in the classification plan necessarily encompassed the power to review denials of requests for reclassification. *Edwards v. State, Dep't of Human Resources*, 96 Nev. 689, 615 P.2d 951 (1980)

NRS 284.245 Statement of Administrator upon refusal to examine or certify; appeal to Commission.

1. When the Administrator refuses to examine an applicant or, after an examination, refuses to certify an eligible person, the applicant or eligible person may request the Administrator to furnish to the applicant or eligible person a statement of the reasons for the refusal to examine or the refusal to certify, as the case may be. The Administrator shall furnish the statement upon request.

2. If the Administrator refuses to examine an applicant or, after an examination, refuses to certify an eligible person, the applicant or eligible person may take an appeal to the Commission in accordance with regulations adopted by the Commission. If the Commission finds that the Administrator is in error in refusing to examine an applicant or in refusing to certify an eligible person, the Commission shall order the Administrator to examine or certify, and the Administrator shall comply.

[28:351:1953]—(NRS A 1963, 1044; 1983, 629)

NRS 284.355 Leave for sickness and disability: Accrual; payment for unused leave; employees with mental or emotional disorders; forfeiture of leave.

1. Except as otherwise provided in this section, all employees in the public service, whether in the classified or unclassified service, are entitled to sick and disability leave with pay of 1 1/4 working days for each month of service, which may be cumulative from year to year. After an employee has accumulated 90 working days of sick leave, the amount of additional unused sick leave which the employee is entitled to carry forward from 1 year to the next is limited to one-half of the unused sick leave accrued during that year, but the Commission may by regulation provide for subsequent use of unused sick leave accrued but not carried forward because of this limitation in cases where the employee is suffering from a long-term or chronic illness and has used all sick leave otherwise available to the employee.

2. Upon the retirement of an employee, the employee's termination through no fault of the employee or the employee's death while in public employment, the employee or the employee's beneficiaries are entitled to payment:

(a) For the employee's unused sick leave in excess of 30 days, exclusive of any unused sick leave accrued but not carried forward, according to the employee's number of years of public service, except service with a political subdivision of the State, as follows:

- (1) For 10 years of service or more but less than 15 years, not more than \$2,500.
- (2) For 15 years of service or more but less than 20 years, not more than \$4,000.
- (3) For 20 years of service or more but less than 25 years, not more than \$6,000.
- (4) For 25 years of service, not more than \$8,000.

(b) For the employee's unused sick leave accrued but not carried forward, an amount equal to one-half of the sum of:

- (1) The employee's hours of unused sick leave accrued but not carried forward; and
- (2) An additional 120 hours.

3. The Commission may by regulation provide for additional sick and disability leave for long-term employees and for prorated sick and disability leave for part-time employees.

4. An employee entitled to payment for unused sick leave pursuant to subsection 2 may elect to receive the payment in any one or more of the following forms:

- (a) A lump-sum payment.
- (b) An advanced payment of the premiums or contributions for insurance coverage for which the employee is otherwise eligible pursuant to chapter 287 of NRS. If the insurance coverage is terminated and the money advanced for premiums or contributions pursuant to this subsection exceeds the amount which is payable for premiums or contributions for the period for which the former employee was actually covered, the unused portion of the advanced payment must be paid promptly to the former employee or, if the employee is deceased, to the employee's beneficiary.

(c) The purchase of additional retirement credit, if the employee is otherwise eligible pursuant to chapter 286 of NRS.

5. Officers and members of the faculty of the Nevada System of Higher Education are entitled to sick and disability leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.

6. The Commission may by regulation provide policies concerning employees with mental or emotional disorders which:

(a) Use a liberal approach to the granting of sick leave or leave without pay to such an employee if it is necessary for the employee to be absent for treatment or temporary hospitalization.

(b) Provide for the retention of the job of such an employee for a reasonable period of absence, and if an extended absence necessitates separation or retirement, provide for the reemployment of such an employee if at all possible after recovery.

(c) Protect employee benefits, including, without limitation, retirement, life insurance and health benefits.

7. The Commission shall establish by regulation a schedule for the accrual of sick leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of sick leave at the same rate proportionately as employees who work a 40-hour week accrue sick leave.

8. The Division may investigate any instance in which it believes that an employee has taken sick or disability leave to which the employee was not entitled. If, after notice to the employee and a hearing, the Commission determines that the employee has taken sick or disability leave to which the employee was not entitled, the Commission may order the forfeiture of all or part of the employee's accrued sick leave.

[3:273:1953] + [Part 43:351:1953]—(NRS A 1960, 487; 1961, 426; 1963, 1048; 1965, 675; 1969, 1115, 1427; 1973, 815; 1977, 1093; 1979, 939; 1981, 1042, 1744; 1983, 636; 1991, 1172, 1968; 1993, 379, 589; 1999, 3020; 2001 Special Session, 63; 2003, 1447)

REVISER'S NOTE.

Ch. 282, Stats. 2003, which transferred the authority to adopt regulations in this section from the Department of Personnel (now Division of Human Resource Management of the Department of Administration) and the Director of the Department of Personnel (now Administrator of Division) to the Personnel Commission, contains the following provision not included in NRS:

"A regulation adopted by the Department of Personnel [now the Division of Human Resource Management of the Department of Administration] or the Director of the Department [now Administrator of Division] pursuant to chapter 284 of NRS remains in effect as a regulation of the Personnel Commission until amended or repealed by the Personnel Commission."

ADMINISTRATIVE REGULATIONS.

Attendance and leaves, NAC 284.523-284.598

Hearings before Personnel Commission, NAC 284.850-284.874

"Working day" interpreted, NAC 284.113

ATTORNEY GENERAL'S OPINIONS.

Employee who becomes ill before year of service not entitled to full annual sick leave. Under sec. 43, ch. 351, Stats. 1953 (cf. NRS 284.355), an employee who becomes ill prior to completing a year of service is not entitled to full annual sick leave but only to time accumulated at the rate of 1 1/4 days per month. AGO 268 (6-25-1953)

Excess working hours do not increase annual or sick leave allowances. Work by a state employee in excess of the daily limitation prescribed by NRS 281.100 does not carry with it any increase in annual leave or sick leave allowances under NRS 284.350 and 284.355, respectively. AGO 451 (10-17-1967)

NRS 284.383 Use of disciplinary measures; employee entitled to receive copy of findings or recommendations; classified employee entitled to receive copy of policy explaining information relating to disciplinary action.

1. The Commission shall adopt by regulation a system for administering disciplinary measures against a state employee in which, except in cases of serious violations of law or regulations, less severe measures are applied at first, after which more severe measures are applied only if less severe measures have failed to correct the employee's deficiencies.

2. The system adopted pursuant to subsection 1 must provide that a state employee is entitled to receive a copy of any findings or recommendations made by an appointing authority or the representative of the appointing authority, if any, regarding proposed disciplinary action.

3. An appointing authority shall provide each permanent classified employee of the appointing authority with a copy of a policy approved by the Commission that explains prohibited acts, possible violations and penalties and a fair and equitable process for taking disciplinary action against such an employee.

(Added to NRS by 1979, 1353; A 1995, 233; 2011, 1495)

ADMINISTRATIVE REGULATIONS.

Disciplinary procedures, NAC 284.638-284.6563

NEVADA CASES.

Hearing officer's decision that former department of prisons' dismissal of employee was too severe a disciplinary measure was justified under the circumstances. An employee of the department of prisons (now the department of corrections) employed inmates to type mailing labels and stuff envelopes with flyers advertising his personal business, and was dismissed by the department for a violation of the regulations in that he had engaged in an activity conflicting with his employment and had failed to submit a written request for approval of secondary employment.

A hearing officer determined that dismissal of the employee (see NRS 284.385) was too severe a disciplinary measure (see NRS 284.383). In affirming the decision of the hearing officer, the supreme court noted that the hearing officer had considered that the employee's outside business activity, although incompatible with his job, was legal in this state, the employee's past work performance had been generally satisfactory or above, the employee's actions had not significantly or permanently affected his ability to perform his work duties, and these were the employee's first offenses, and held that the hearing officer's conclusion was reasoned and based on the evidence before him, and therefore was not a clear error or abuse of discretion. *Knapp v. State ex rel. Dep't of Prisons*, 111 Nev. 420, 892 P.2d 575 (1995)

NRS 284.384 Adjustment of certain grievances: Regulations; appeal to Employee-Management Committee; enforcement of binding decisions of Employee-Management Committee; representation of employee.

1. The Commission shall adopt regulations which provide for the adjustment of grievances for which a hearing is not provided by federal law or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390. Any grievance for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 is subject to adjustment pursuant to this section.

2. The regulations must provide procedures for:

(a) Consideration and adjustment of the grievance within the agency in which it arose.

(b) Submission to the Employee-Management Committee for a final decision if the employee is still dissatisfied with the resolution of the dispute.

(c) If requested by an employee or agency, the use of a resolution conference to resolve a grievance.

3. The regulations must include provisions for:

(a) Submitting each proposed resolution of a dispute which has a fiscal effect to the Budget Division of the Department of Administration for a determination by that Division whether the resolution is feasible on the basis of its fiscal effects; and

(b) Making the resolution binding.

4. Any grievance which is subject to adjustment pursuant to this section may be appealed to the Employee-Management Committee for a final decision. Except as otherwise provided in subsection 3, a final decision of the Committee is binding. The Committee or an employee may petition a court of competent jurisdiction for enforcement of the Committee's binding decisions.

5. The employee may represent himself or herself at any hearing regarding a grievance which is subject to adjustment pursuant to this section or be represented by an attorney or other person of the employee's own choosing.

6. As used in this section, "grievance" means an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.

(Added to NRS by 1981, 538; A 1983, 362, 638; 1989, 1244; 1993, 544; 2001, 1440; 2003, 155, 1449; 2007, 2843; 2011, 3066)

REVISER'S NOTE.

Ch. 484, Stats. 2011, which amended this section to add paragraph (c) of subsection 2, effective January 1, 2012, contains the following provision not included in NRS:

"The Personnel Commission of the Department of Personnel shall, before January 1, 2012, adopt the regulations required by NRS 284.384, as amended by section 1.7 of this act."

ADMINISTRATIVE REGULATIONS.

Adjustment of grievances, NAC 284.658-284.697

NRS 284.391 Hearings: Issuance of subpoenas; discovery; oaths; examination of witnesses.

1. The hearing officer may, upon application of any party to a hearing held pursuant to NRS 284.376 or 284.390, issue subpoenas requiring the attendance and testimony of witnesses at the proceeding.

2. The hearing officer may, upon motion of a party, direct that an opposing party participate in a discovery

conference at which both parties and their counsel may put questions to the other party and receive answers, or request and receive copies of relevant documents or examine relevant documents and records and any other physical evidence which the opposing party intends to use at the hearing.

3. The hearing officer, or any agent or agency designated by the Commission for such purposes, may administer oaths and affirmations and examine witnesses.

(Added to NRS by 1969, 1134; A 1973, 590; 1979, 1354; 1983, 248)

NRS 284.4066 Screening tests: Applicants for positions affecting public safety required to take screening test; appointing authority authorized to consider results; provision of results to applicant upon request.

1. Each appointing authority shall, subject to the approval of the Commission, determine whether each of its positions of employment affects the public safety. The appointing authority shall not hire an applicant for such a position unless the applicant submits to a screening test to detect the general presence of a controlled substance. Notice of the provisions of this section must be given to each applicant for such a position at or before the time of application.

2. An appointing authority may consider the results of a screening test in determining whether to employ an applicant. If those results indicate the presence of a controlled substance, the appointing authority shall not hire the applicant unless the applicant provides, within 72 hours after being requested by the appointing authority, proof that the applicant had taken the controlled substance as directed pursuant to a current and lawful prescription issued in the applicant's name.

3. An appointing authority shall, at the request of an applicant, provide the applicant with the results of the applicant's screening test.

(Added to NRS by 1991, 1350; A 1993, 2254; 2003, 1450)



Information Concerning Board or Commission Subject to Review by the Sunset Subcommittee of the Legislative Commission

as required by Nevada Revised Statutes 232B.230



Board or commission name:

Personnel Commission

Members' names with expiration date of term, and indicate the number of vacancies:

Commission Member Name Term Expiration Date
Katherine Fox, Chairperson (represents employers or managers) 7/1/2018
David Sanchez (represents general public) 7/2/2017
David Read (represents general public) 7/2/2017
Gary Mauger (represents labor) 7/2/2017

Physical address:

100 N. Stewart Street, Suite 200, Carson City, Nevada, 89701

Mailing address:

100 N. Stewart Street, Suite 200, Carson City, Nevada, 89701

Web site address (if any):

http://hr.nv.gov/Boards/PersonnelCommission/Personnel_Commission/

Web site developer (if not EITS, please indicate if EITS approved the web site):

EITS

Executive director's name and contact information:

Katherine Fox, Chairperson
Personnel Commission
Division of Human Resource Management
Department of Administration

Staff members' names including titles and status as full-time or part-time (attach additional pages as necessary):

Tawny Polito, Administrative Assistant. Provides staff support to the Personnel Commission in addition to providing staff support to the Division Administrator.

Days and hours of operation:

The Division of Human Resource Management's hours are Monday through Friday from

Created by what authority:

NRS 284.030

Authority to adopt regulations (NRS) and citation to regulations (NAC), if applicable:

Will be provided to the Sunset Subcommittee when submitted.

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

List by LCB File No. and date of adoption the five regulations most recently adopted by the board or commission, with any applicable deadline for the adoption of any such regulation:

R102-15, 12/21/15, required an effective date of 1/1/16
R044-15, 12/21/15, Section 4 required an effective date of 1/1/16
R043-15, 12/21/15
R042-15, 12/21/15, Section 3 required an effective date of 1/1/16
R041-15, 12/21/15

List any required regulations that have not been adopted, with any applicable deadline for the adoption of any such regulation. Please identify each such regulation by LCB File No., if available, or by reference to the provision of NRS or Statutes of Nevada requiring adoption of the regulation:

None

Governing structure of the board or commission pursuant to statute:

The members of the Commission serve at the pleasure of the Governor. (NRS 284.040)
The Governor also designates one of the members of the Commission as the Chair of the Commission. (NRS 284.050) The Commission may meet at the times and places specified by the call of the Chair or a majority of the Commission, but a meeting of the Commission

Duties of the board or commission:

The Commission shall:

1. Advise the Administrator concerning the organization and administration of the Division.
2. Report to the Governor on all matters which the Commission may deem pertinent to the Division and concerning any specific matters previously requested by the Governor.
3. Advise and make recommendations to the Governor or the Legislature relative to the personnel policy of the State.
4. Adopt regulations to carry out the provisions of NRS 284.

Statement of the objectives and programs of the board or commission:

Please see the duties of the Commission in the above response.

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

**Itemized list of services offered
by the board or commission:**

The Personnel Commission:

1. Hears and decides appeals related to classification of positions;
2. Hears and decides appeals related to the denial of an applicant to be examined or certified to a list of eligible candidates; (Recruitment)
3. Approves occupational classification studies and class specification maintenance reviews;
4. Approves which positions and classes require pre-employment testing for controlled substances;
5. Selects hearing officers to decide employee's appeal of a suspension, demotion,

**Dates of the immediately
preceding six meetings:**

3/4/2016, 12/4/2015, 10/9/2015, 9/25/2015, 6/19/2015 (two meetings same day), and 3/20/2015

**Statutory tax exemptions,
abatements, or money set aside
for the board or commission:**

None

**Description of the manner in
which the board or commission
is funded, including all funding
sources:**

Funds to support the operation of the Personnel Commission are included in the Division of Human Resource Management's budget. The Division is funded through Personnel Assessments charged to departments, agencies, and the Nevada System of Higher Education who use the services of the Division.

**Please identify any forms
required by the board or
commission to be used by
members of the public which
are not available for
downloading from the web site
of the board or commission:**

All forms are available online.

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

Does the board or commission have any recommendations for consolidation with another board or commission? If so, which one(s) could be revised to include the charge to the board or commission that is the subject of this review?

No. This is the appropriate forum.

Does the board or commission believe that its objectives and programs have been effective in accomplishing the purposes for which the board or commission was created? Please explain the response with any information the board or commission believes is relevant:

Yes. The Commission members bring a wealth of experience regarding human resource issues which benefits both the Division and State employees including from a management and employee perspective. This experience allows the Commission to provide real value when reviewing and approving proposed prohibitions and penalties submitted by Executive Branch departments; the adoption, amendment or abolishment of class specifications; reviewing classification determinations by the Division; and the selection of hearing officers that hear and decide employee appeals regarding discipline

Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs:

No

If additional space is necessary, please attach additional pages and refer to the attachments on the form.

Please include with this form:

1. The operating budget of the board or commission.
2. A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits this form, including the balances of any fund or account maintained by or on behalf of the board or commission.
3. The most recent legislative audit or other audit of the board or commission, and any efficiency studies or constituent or staff surveys conducted in the past 3 years.
4. Any reports required to be filed with the Legislative or Executive Branch over the past 3 years. Please indicate if any reports were filed late or have not been filed.
5. Copies of the minutes of the immediately preceding six meetings of the board or commission.
6. A copy of the organizational chart showing the governing structure of the board or commission and its staff.
7. A copy of the most recent strategic plan of the board or commission.

Please submit this form electronically to: cstonefield@lcb.state.nv.us. Submit additional documents electronically in a .pdf format.

If the file is too large for emailing, please submit hard copies to:

Carol Stonefield
Research Division
Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701

Personnel Commission (attachment to the Review Form)

Page 1, Members' names with expiration date of term, and indicate the number of vacancies

Commission Member Name	Term Expiration Date
Katherine Fox, Chairperson (represents employers or managers)	7/1/2018
David Sanchez (represents general public)	7/2/2017
David Read (represents general public)	7/2/2017
Gary Mauger (represents labor)	7/2/2017
Andreas Spurlock (represents general public)	7/2/2017
Peter Long, Interim Administrator, Division of Human Resource Management, non-voting Recording Secretary	

Page 1, Executive director's name and contact information:

Katherine Fox, Chairperson
Personnel Commission
Division of Human Resource Management
Department of Administration
100 N. Stewart Street, Suite 200
Carson City, Nevada 89701-4213

Page 1, Days and hours of operation:

The Division of Human Resource Management's hours are Monday through Friday from 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., excepting State holidays. The Division receives the correspondence for the Commission and coordinates the Personnel Commission business functions.

Page 2, Governing structure of the board or commission pursuant to statute:

The members of the Commission serve at the pleasure of the Governor. (NRS 284.040) The Governor also designates one of the members of the Commission as the Chair of the Commission. (NRS 284.050) The Commission may meet at the times and places specified by the call of the Chair or a majority of the Commission, but a meeting of the Commission must be held at least once every 3 months. Three members of the Commission constitute a quorum, but to adopt, amend, or rescind regulations a majority vote of the entire membership of the Commission is required.

Page 2, Duties of the board or commission:

The Commission shall:

1. Advise the Administrator concerning the organization and administration of the Division.
2. Report to the Governor on all matters which the Commission may deem pertinent to the Division and concerning any specific matters previously requested by the Governor.
3. Advise and make recommendations to the Governor or the Legislature relative to the personnel policy of the State.
4. Adopt regulations to carry out the provisions of NRS 284.
5. Foster the interest of institutions of learning and of civic, professional and employee organizations in the improvement of personnel standards in the state service.
6. Review decisions of the Administrator in contested cases involving the classification or allocation of particular positions.
7. Appoint one or more hearing officers to conduct hearings and render decisions as provided in NRS 284.376 and 284.390. May designate any agent or agency to administer oaths and affirmations and examine witnesses. (NRS 284.391)
8. Approve changes to the classification plan, except for those that are posted for 20 days without written objection. (NRS 284.160)
9. Decide appeals to the Commission regarding the Administrator's refusal to exam or certify an applicant for a position. (NRS 284.245)
10. Approve the prohibited acts, possible violations and penalties and a fair and equitable process for taking disciplinary action against an employee submitted by departments and agencies. (NRS 284.383)
11. Provide a hearing to determine if an employee has taken sick or disability leave to which the employee was not entitled, the Commission may order the forfeiture of all or part of the employee's accrued sick leave. (NRS 284.355)
12. Determine which positions of employment affect the public safety and require pre-employment drug testing. (284.4066)

The Commission may determine:

1. The years of progressively responsible experience in personnel administration required to be the Administrator of the Division of Human Resource Management.
2. Recovery of an unlawful payment may be maintained in the district court of any county by the Administrator or a member of the Commission. (NRS 284.190)

Page 3, Itemized list of services offered by the board or commission:

The Personnel Commission:

1. Hears and decides appeals related to classification of positions;
2. Hears and decides appeals related to the denial of an applicant to be examined or certified to a list of eligible candidates; (Recruitment)
3. Approves occupational classification studies and class specification maintenance reviews;
4. Approves which positions and classes require pre-employment testing for controlled substances;
5. Selects hearing officers to decide employee's appeal of a suspension, demotion, termination, involuntary transfer, and/or if reprisal or retaliatory action was taken against an employee for reporting improper governmental action;
6. Approves the adoption, amendment, and rescission of regulations;
7. Approves the adoption and amendment of "conflicting activities", aka prohibitions and penalties, developed and submitted by an agency's appointing authority; and
8. Approves a request for an employee's leave without pay which will exceed one year.

Page 4, Does the board or commission believe that its objectives and programs have been effective in accomplishing the purposes for which the board or commission was created? Please explain the response with any information the board or commission believes is relevant:

Yes. The Commission members bring a wealth of experience regarding human resource issues which benefits both the Division and State employees including from a management and employee prospective. This experience allows the Commission to provide real value when reviewing and approving proposed prohibitions and penalties submitted by Executive Branch departments; the adoption, amendment or abolishment of class specifications; reviewing classification determinations by the Division; and the selection of hearing officers that hear and decide employee appeals regarding discipline and allegations of reprisal or retaliation action as a result of Whistle Blower complaints.

The Commission has also been an active partner with the Division of Human Resource Management in the adoption of regulations which have streamlined processes including those related to filling vacancies, address alcohol and drugs, and timely addressed sometime controversial statutory changes following legislative sessions for such issues as mandatory furloughs, military leave, and eligibility for overtime.

Lastly, the Commission provides a forum for employee complaints or concerns to be heard outside of the Division or other appeal or grievance processes. It is a testament to the diligence of the staff of the Division to work with both employee groups and the management of Executive Branch agencies, that concerns are rarely voiced. In such circumstances, the Division has listened and worked hard to address concerns when they were within the Division's control.

Personnel Commission

Additional Items Requested:

1. The operating budget of the board or commission.

Personnel Commission ⁽¹⁾					
Category	Description	G/L	FY16 ⁽²⁾		FY17
			Budgeted	Expenses	Budgeted
01	Board and Commission Pay	5860	\$ 1,120	\$ 960	\$ 1,120
03	Personal Vehicle In-State	6240	\$ 325	\$ 184	\$ 325
04	Contracts (Transcription Services)	7063	\$ 563	\$ 198	\$ 563
04	Professional Services -E (Regulation Drafting Fees)	7435	\$ 1,250	\$ 1,900	\$ 1,250
Total			\$ 3,258	\$ 3,242	\$ 3,258

Notes:

(1) Additional costs of staff, office supplies, postage, etc. are not tracked and are absorbed in the Division of Human Resource Management's overall budget.

(2) Expenses posted as of 1/13/2016.

2. A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits this form, including the balances of any fund or account maintained by or on behalf of the board or commission.

Personnel Commission ⁽¹⁾								
Category	Description	G/L	FY13		FY14		FY15	
			Budgeted	Expenses	Budgeted	Expenses	Budgeted	Expenses
01	Board and Commission Pay	5860	\$ 2,000	\$ 1,600	\$ 1,840	\$ 1,120	\$ 1,840	\$ 1,520
03	Personal Vehicle In-State	6240	\$ 648	\$ 634	\$ 584	\$ 325	\$ 584	\$ 561
04	Contracts (Transcription Services)	7063		\$ 653		\$ 563		\$ 675
04	Professional Services -E (Regulation Drafting Fees)	7435	\$ 655	\$ 600	\$ 3,275	\$ 1,150	\$ 1,738	\$ -
Total			\$ 3,303	\$ 3,487	\$ 5,699	\$ 3,158	\$ 4,162	\$ 2,756

Notes:

(1) Additional costs of staff, office supplies, postage, etc. are not tracked and are absorbed in the Division of Human Resource Management's overall budget.

3. The most recent legislative audit or other audit of the board or commission, and any efficiency studies or constituent or staff surveys conducted in the past 3 years.

None

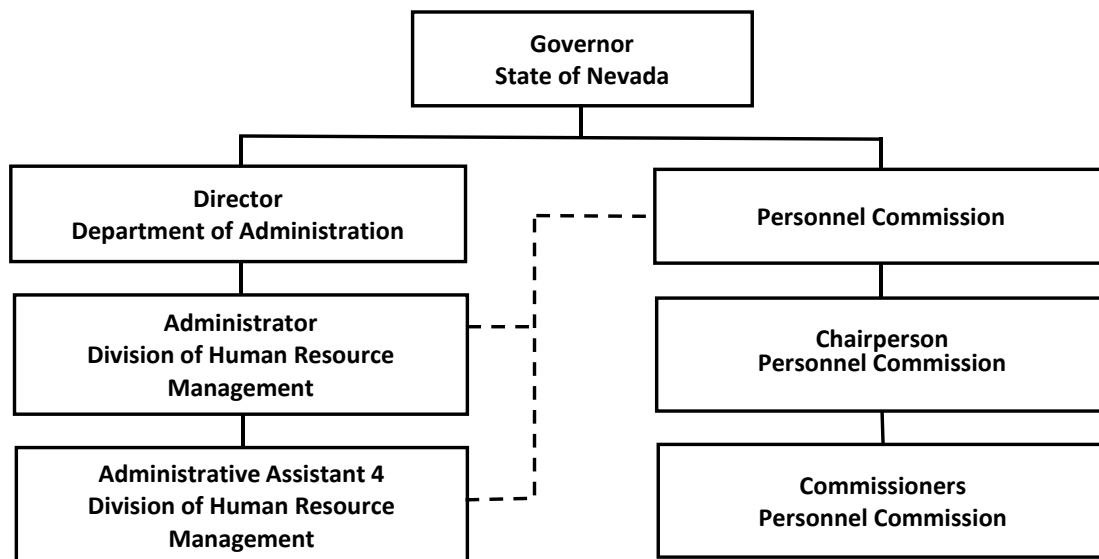
4. Any reports required to be filed with the Legislative or Executive Branch over the past 3 years. Please indicate if any reports were filed late or have not been filed.

The Division of Human Resource Management submitted the most recent 10-year review of regulations, required by NRS 233B.050(1)(e), to Brenda Erdoes, Legislative Counsel on May 3, 2013 and the 3-year review required by NRS 233.050(1)(a) and (d) to Ross Miller, Secretary of State, on May 28, 2013.

5. Copies of the minutes of the immediately preceding six meetings of the board or commission.

Will be provided to the Sunset Subcommittee when submitted.

6. A copy of the organizational chart showing the governing structure of the board or commission and its staff.



7. A copy of the most recent strategic plan of the board or commission.

None