

**ADOPTED REGULATION OF THE
PERSONNEL COMMISSION**

LCB File No. R064-09

Effective October 27, 2009

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 Personnel System; revising provisions relating to grievances; and providing other matters properly relating thereto.

Section 1. NAC 284.682 is hereby amended to read as follows:

284.682 1. If the *employee and the employee's appointing authority agree that the* correction of the matter under appeal is beyond the control of a level of supervision contemplated in this procedure or if the ~~[Department of Personnel]~~ *Director or his or her designee, in consultation with the employee's appointing authority,* determines that the submission of the grievance to the supervisor would be a useless act, the aggrieved employee may appeal directly to the next appropriate level.

2. Except as otherwise provided in NAC 284.692, an employee has 10 working days to refer his grievance to the next level after:

(a) He receives notification of the action; or

(b) The passage of 10 working days after his grievance is deemed to have been received,

↪ whichever occurs first, at each step in the procedure.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R064-09**

The Personnel Commission adopted regulations which pertain to chapter 284 of the Nevada Administrative Code on September 25, 2009.

INFORMATIONAL STATEMENT

The following statement is submitted for amendments to Nevada Administrative Code (NAC) 284.

- 1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulation, notice of workshop, and notices of intent to act upon a regulation 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. These documents were also made available on the website of the Department of Personnel (DOP), <http://dop.nv.gov/>, mailed to all county libraries in Nevada and posted at the following locations:

Department of Personnel Blasdel Building 209 E. Musser St Carson City, NV 89701	Grant Sawyer State Office Bldg. 555 E. Washington Blvd Suite 4401 Las Vegas, NV 89101
Nevada State Library and Archives 100 Stewart St Carson City, NV 89701	Capitol Building Main Floor Carson City, NV 89701
Legislative Building 401 S. Carson St Carson City, NV 89701	Gaming Control Board 1919 College Parkway Carson City, NV 89701

Attached are excerpts from the minutes from the workshop that apply to these changes.

A public hearing by the Nevada Personnel Commission was held on September 25, 2009. Ron Cuzze from the Nevada State Law Enforcement Officers Association stated that he agreed with the intent of the regulation but thought that it needed to be clearer as to who specifically constituted each step in the grievance process. He also suggested that “appointing authority” needed to be defined more effectively, because he was concerned that one level in the organization might agree to skip a step but a higher level might require it to be heard at all levels. Renee Travis from the Department of Administration and Kimberley King from the Department of Transportation supported the regulation change.

The number of persons who:

- (a) Attended each hearing:** September 25, 2009, Personnel Commission meeting (hearing), 49 attendees

- (b) **Testified at each hearing:** September 25, 2009, Personnel Commission meeting, 3 testified
- (c) **Submitted written comments:** None

2. A description of how comment was solicited from businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were not solicited, as the regulation does not affect businesses.

3. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

Language in the regulation was amended based on comments at the workshop.

The concerns expressed at the hearing went beyond the scope of the regulation and would call for additional changes to other regulations that address the grievance process. Additionally, the recommended changes were not appropriate for all agencies' organizational structure. The issues could be addressed more effectively through documentation of agreements to bypass steps in the grievance process.

4. 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.

5. The estimated cost to the agency for enforcement of the adopted regulation:

No direct cost is anticipated to the Department of Personnel for the enforcement of this regulation.

6. A description of any regulations of other State or governmental agencies which the 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 other State or governmental agency regulation.

- 7. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

This regulation does not include any provisions that are more stringent than any federal regulation.

- 8. 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.

- 9. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

This regulation is specific to State government agencies and has no impact on small business.