

LCB File No. R90-02

**PROPOSED REGULATION OF THE
DEPARTMENT OF PERSONNEL**

**NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS AND
NOTICE OF HEARING
FOR THE ADOPTION, AMENDMENT OR REPEAL OF
REGULATIONS OF THE STATE PERSONNEL DEPARTMENT**

Workshop Notice: The Department of Personnel, 209 East Musser Street, Room 101, Carson City, Nevada, telephone number (775) 684-0119, is proposing the permanent adoption, amendment or repeal of regulations pertaining to Chapter 284 of the Nevada Administrative Code.

A workshop has been set for 9:00 a.m. on May 22, 2002, at the Nevada Department of Transportation, Room 302, 1263 South Stewart Street, Carson City, Nevada and via video conference at the Nevada Department of Transportation, Training Room A, 123 East Washington Avenue, Las Vegas, Nevada.

ACTION:

NAC REGULATION

Sections proposed for permanent amendment

Creation of new class, reclassification of position or reallocation of existing class	284.126
Special adjustments to pay	284.206
Compensation for differentials in shifts	284.210
Active lists: Removal and reactivation of names; refusal to consider certain persons	284.374
Use of lists and consideration of eligible persons	284.378
Preparation and discussion of reports; request for review	284.470
Annual leave: Records	284.540
Catastrophic leave: Voluntary repayment for hours used	284.577

Section proposed for repeal

Sick leave: Records	284.570
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A copy of all materials relating to the proposed regulations is included with this announcement. Additional copies may be obtained at the workshop or by contacting the Department of Personnel offices at 209 East Musser Street, Room 300, Carson City, Nevada, telephone number (775) 684-0119, or 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada, telephone number (702) 486-2900. A reasonable fee for copying may be charged.

Hearing Notice: The Personnel Commission will hold a public hearing at 9:00 a.m. on July 2, 2002, at the Grant Sawyer State Office Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada and by video conference at the Legislative Building, Room 4100, 401 South

Carson Street, Carson City, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, and repeal of regulations. If no person, who is directly affected by the proposed action, appears to request time to make an oral presentation, the Personnel Commission may proceed immediately to act upon any written submissions.

- These regulations do not have a direct economic effect on any business or the public.
- Enforcement of these regulations should not result in any increased cost.
- To our knowledge, these regulations do not overlap or duplicate the regulations of other State or local governmental agencies.
- These regulations do not establish any new fee or increase an existing fee.
- A statement of the need for and the purpose of the proposed regulations precedes the text of each regulation included in the attached document.

Persons wishing to comment upon the proposed action of the Personnel Commission may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Phil Hauck, Department of Personnel, 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204. **Written submissions must be received by the Department of Personnel on or before June 12, 2002.**

A copy of this notice and the regulations to be adopted, amended, or repealed will be on file at the State Library and Archives, 100 North Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted, amended, or repealed will be available at the Department of Personnel, 209 East Musser Street, Room 300, Carson City, Nevada, or at the Department of Personnel, 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of each regulation will include the entire text of any section of the Nevada Administrative Code which is proposed for adoption, amendment, or repeal. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principle reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The notice of the Workshop and Hearing has been posted at the following locations:

CARSON CITY

Blasdel Building, 209 East Musser Street
Nevada State Library and Archives, 100 North Stewart Street
Capitol Building, Main Floor
Legislative Building, Room 4100, 401 South Carson Street
NDOT, Room 302, 1263 South Stewart Street

LAS VEGAS

Grant Sawyer State Office Building
555 East Washington Avenue
NDOT, Training Room A,
123 East Washington Avenue

ALL STATE AGENCIES

ALL NEVADA COUNTY PUBLIC LIBRARIES

NOTE: We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Department of Personnel, in writing, at 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204, or call Debra Berry at (775) 684-0110, no later than five working days prior to the meeting.

PROPOSED REGULATION OF THE DEPARTMENT OF PERSONNEL

Section 1. NAC 284.206 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the State of Nevada Employees Association, would continue to grant employees who work for the Department of Human Resources a 5 percent special adjustment for working in an assaultive environment, if they received the adjustment on June 30, 2002. These employees must work in the previously designated assaultive environment no less than ten hours a week. Additionally, nurses and technicians who are currently employed and those employed in the future by the Department of Human Resources, in a previously designated assaultive environment, would receive the special adjustment to pay.

NAC 284.206 Special adjustments to pay. (NRS 284.155, 284.175)

1. The department of personnel may approve a special adjustment to pay equivalent to 5 percent of the employee's base rate of pay to recognize conditionally:

(a) An employee who works out of his class on a continuing basis and who performs essentially all the duties and responsibilities of a position classified at a higher grade. To receive the increase, the employee must:

- (1) Be assigned duties and responsibilities of the higher grade which are clearly demonstrated in the class specification; and
- (2) Carry out the duties and responsibilities for at least 16 consecutive workdays before the increase becomes effective.

The adjustment to pay pursuant to this paragraph is effective retroactively, commencing on the date on which the employee assumed the additional duties and responsibilities. The adjustment to pay must not continue for more than 6 months in any 12-month period unless the person is underfilling a position pursuant to NAC 284.437 and recruitment has failed to produce a sufficient number of applicants on the appropriate list. If the employee will be required to carry out the assigned duties and responsibilities of the higher grade for 1 year or less, the appointing authority may request a temporary reclassification pursuant to NAC 284.132.

(b) An employee required to use bilingual skills or sign language for the deaf at least 10 percent of his work time.

(c) An employee supervising other employees of the same or a higher grade if the supervision;

- (1) Is not part of the supervision or management responsibilities for a program that is provided for in the class specification; and
- (2) Includes, without limitation, selection, work assignment, training, work review, performance evaluation and discipline of employees.

(d) An employee:

- (1) Who is required regularly to perform custodial work and clean up human bodily waste in a medical, clinical or inpatient facility.

(2) Of the division of mental health and developmental services of the department of human resources or the division of child and family services of the department of human resources:

- (I) Who provides mental health services to inpatients;
- (II) Whose principal place of work ~~is determined by the administrator of that division~~ *as determined by current practice* to be located in an assaultive environment; and
- (III) Who is required to provide medical treatment, maintain buildings, instruct academic courses or provide therapy.

The adjustment to pay pursuant to this paragraph will be granted ~~only when such duties are not required of the class as a whole and~~ *to employees who as of June 30, 2002 received the 5 percent additional pay for working in an assaultive environment and who are physically in the assaultive environment no less than ten hours a week, and granted to all nurses and technicians who work in an assaultive environment.* It will be granted only once, although the employee performs more than one duty described in this paragraph. Except as otherwise provided in this paragraph, such an employee who is assigned to work in a unit that is designated by the administrator of that division to be located in an assaultive environment for 1 hour or more per shift must also receive the adjustment for each hour and portion thereof that he works in the unit. An exempt classified employee who is assigned to work in a unit that is designated by the administrator to be located in an assaultive environment for any portion of a workday must receive the adjustment for all his regularly scheduled hours of employment on that workday.

(e) Except as otherwise provided in this paragraph, an employee who conducts a formal training program for employees. The training program must:

- (1) Be conducted weekly;
- (2) Consist of training on the job and in the classroom or training only in the classroom;
- (3) Include a test to determine the employees' progress in the program; and
- (4) Result in the award of a certificate of completion or advancement in a class series to the journey level.

If an adjustment to pay is granted pursuant to this paragraph, the adjustment begins when the employee starts conducting the training program and ends when the training program is completed. An adjustment will not be granted if the duty to conduct training is clearly set forth in the class specification. Informal orientation given to new employees will not be considered for this special adjustment.

(f) A law enforcement officer who is assigned to motorcycle duty.

(g) An employee of the department of corrections who is responsible for the supervision of a group of inmates assigned to a work area of an institution and who is responsible for implementing security procedures, including, without limitation:

- (1) Securing the work area from inmates who are not authorized to enter the work area;
- (2) Accounting for all inmates who have been assigned to the work area; and
- (3) Accounting for all materials, tools and equipment in the work area.

The adjustment to pay pursuant to this paragraph will be granted only if such duties are not provided for in the class specification.

(h) An employee who is authorized by the legislature to receive such an adjustment to his pay.

2. The department of personnel may approve a special adjustment to the pay of an employee who occupies a position in which the duties have been recognized through the

classification process as being at a higher level, but who does not meet the minimum qualifications for the class. The special adjustment to the employee's pay must be equivalent to 2.5 percent of the employee's base rate of pay if the employee performs duties classified one grade higher than his current position, or 5 percent of the employee's base rate of pay if the employee performs duties classified two or more grades higher than his current position. A special adjustment to an employee's pay made pursuant to this subsection may continue in effect from the date on which the position questionnaire is received:

- (a) Until the employee meets the minimum qualifications and is promoted;
- (b) For 1 year after the effective date of the special adjustment to pay; or
- (c) Until the date the higher level duties are removed,

whichever occurs first.

3. A request for a special adjustment to pay made pursuant to this section may be initiated by an employee, the appointing authority or the department of personnel.

4. A special adjustment to pay authorized by this section does not constitute a promotion.

5. Any special adjustment to pay made pursuant to subsection 1 must be revoked when the conditions justifying it cease to exist.

6. Except as otherwise provided in this section, the effective date of a special adjustment to pay is the date on which the written request is received by the department of personnel or the personnel office of the agency at which the employee who is receiving the special adjustment to pay is employed. If the request for the special adjustment to pay is delayed because an administrative or clerical error prevented its delivery, the effective date of the special adjustment to pay must be determined by the appointing authority and must be based on the date on which the request should reasonably have been submitted. A retroactive adjustment to pay must not exceed 6 months from the date on which the department of personnel receives the written request.

Sec. 2. NAC 284.206 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Human Resources, would allow Psychiatric Nurses, Licensed Practical Nurses, Mental Health Technicians, and Developmental Services Technicians in the Department of Human Resources whose duties include direct contact and interaction with clients for at least one-half of their scheduled shift to continue to receive the adjustment until the affected employees' pay, as of June 30, 2002, including the special adjustment, can be offset by pay increases, excluding merit pay increases.

NAC 284.206 Special adjustments to pay. (NRS 284.155, 284.175)

1. The department of personnel may approve a special adjustment to pay equivalent to 5 percent of the employee's base rate of pay to recognize conditionally:

(a) An employee who works out of his class on a continuing basis and who performs essentially all the duties and responsibilities of a position classified at a higher grade. To receive the increase, the employee must:

(1) Be assigned duties and responsibilities of the higher grade which are clearly demonstrated in the class specification; and

(2) Carry out the duties and responsibilities for at least 16 consecutive workdays before the increase becomes effective.

The adjustment to pay pursuant to this paragraph is effective retroactively, commencing on the date on which the employee assumed the additional duties and responsibilities. The adjustment to pay must not continue for more than 6 months in any 12-month period unless the person is underfilling a position pursuant to NAC 284.437 and recruitment has failed to produce a sufficient number of applicants on the appropriate list. If the employee will be required to carry out the assigned duties and responsibilities of the higher grade for 1 year or less, the appointing authority may request a temporary reclassification pursuant to NAC 284.132.

(b) An employee required to use bilingual skills or sign language for the deaf at least 10 percent of his work time.

(c) An employee supervising other employees of the same or a higher grade if the supervision;

(1) Is not part of the supervision or management responsibilities for a program that is provided for in the class specification; and

(2) Includes, without limitation, selection, work assignment, training, work review, performance evaluation and discipline of employees.

(d) An employee:

(1) Who is required regularly to perform custodial work and clean up human bodily waste in a medical, clinical or inpatient facility.

(2) Of the division of mental health and developmental services of the department of human resources or the division of child and family services of the department of human resources:

(I) Who ~~provides mental health services to inpatients;~~

~~— (II) Whose principal place of work is determined by the administrator of that division to be located in an assaultive environment; and~~

~~— (III) Who is required to provide medical treatment, maintain buildings, instruct academic courses or provide therapy.~~

~~The adjustment to pay pursuant to this paragraph will be granted only when such duties are not required of the class as a whole and will be granted only once, although the employee performs more than one duty described in this paragraph. Except as otherwise provided in this paragraph, such an employee who is assigned to work in a unit that is designated by the administrator of that division to be located in an assaultive environment for 1 hour or more per shift must also receive the adjustment for each hour and portion thereof that he works in the unit. An exempt classified employee who is assigned to work in a unit that is designated by the administrator to be located in an assaultive environment for any portion of a workday must receive the adjustment for all his regularly scheduled hours of employment on that workday.]~~ *is employed as a nurse, mental health technician or developmental services technician in units designated by the division administrator as an acute unit of a psychiatric hospital, or a forensic unit for mentally disordered offenders, or a unit in a mental retardation facility for clients with severe behavioral disorders;*

(II) Whose work duties include direct contact and interaction with clients for at least one-half of his scheduled work shift; and

(III) Who has received a special adjustment to pay for performing certain work in an assaultive environment, as authorized by former subsection 1d.(2), for at least one-half of his working time during the three months immediately prior to June 30, 2002, must have his base rate of pay, as of June 30, 2002, plus the 5 percent adjustment, frozen at that level. The pay will remain frozen until future pay adjustments, excluding merit pay increases, offset the 5

percent adjustment authorized by former subsection 1d.(2) for working in an assaultive work environment.

(e) Except as otherwise provided in this paragraph, an employee who conducts a formal training program for employees. The training program must:

- (1) Be conducted weekly;
- (2) Consist of training on the job and in the classroom or training only in the classroom;
- (3) Include a test to determine the employees' progress in the program; and
- (4) Result in the award of a certificate of completion or advancement in a class series to the journey level.

If an adjustment to pay is granted pursuant to this paragraph, the adjustment begins when the employee starts conducting the training program and ends when the training program is completed. An adjustment will not be granted if the duty to conduct training is clearly set forth in the class specification. Informal orientation given to new employees will not be considered for this special adjustment.

(f) A law enforcement officer who is assigned to motorcycle duty.

(g) An employee of the department of corrections who is responsible for the supervision of a group of inmates assigned to a work area of an institution and who is responsible for implementing security procedures, including, without limitation:

- (1) Securing the work area from inmates who are not authorized to enter the work area;
- (2) Accounting for all inmates who have been assigned to the work area; and
- (3) Accounting for all materials, tools and equipment in the work area.

The adjustment to pay pursuant to this paragraph will be granted only if such duties are not provided for in the class specification.

(h) An employee who is authorized by the legislature to receive such an adjustment to his pay.

2. The department of personnel may approve a special adjustment to the pay of an employee who occupies a position in which the duties have been recognized through the classification process as being at a higher level, but who does not meet the minimum qualifications for the class. The special adjustment to the employee's pay must be equivalent to 2.5 percent of the employee's base rate of pay if the employee performs duties classified one grade higher than his current position, or 5 percent of the employee's base rate of pay if the employee performs duties classified two or more grades higher than his current position. A special adjustment to an employee's pay made pursuant to this subsection may continue in effect from the date on which the position questionnaire is received:

- (a) Until the employee meets the minimum qualifications and is promoted;
- (b) For 1 year after the effective date of the special adjustment to pay; or
- (c) Until the date the higher level duties are removed,

whichever occurs first.

3. A request for a special adjustment to pay made pursuant to this section may be initiated by an employee, the appointing authority or the department of personnel.

4. A special adjustment to pay authorized by this section does not constitute a promotion.

5. Any special adjustment to pay made pursuant to subsection 1 must be revoked when the conditions justifying it cease to exist.

6. Except as otherwise provided in this section, the effective date of a special adjustment to pay is the date on which the written request is received by the department of personnel or the personnel office of the agency at which the employee who is receiving the special adjustment to

pay is employed. If the request for the special adjustment to pay is delayed because an administrative or clerical error prevented its delivery, the effective date of the special adjustment to pay must be determined by the appointing authority and must be based on the date on which the request should reasonably have been submitted. A retroactive adjustment to pay must not exceed 6 months from the date on which the department of personnel receives the written request.