

LCB File No. R068-03

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

(This proposed regulation was previously adopted as LCB File No. T052-03)

Section 1. NAC 284.208 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, replaces similar language that was removed during rules simplification. This amendment does not change the intent or the current application of the regulation.

NAC 284.208 Compensation for dangerous duty. (NRS 284.175)

1. Only the following groups, under the conditions described, are entitled to receive pay for dangerous duty:

(a) Employees engaged in scuba or skin diving.

(b) Employees who perform duties at a height of more than 16 feet above the floor in a building or 16 feet above ground level outside of a building if the work is performed on portable equipment or outside of a railed or protected area.

(c) All employees, except pilots, for time spent in single engine aircraft or helicopters when required to do so by the employer.

(d) Employees required to handle or use explosives.

These duties may appear in the class specification, but the compensation only applies when the dangerous duties are not an inherent and regular part of the duties assigned to the class as a whole.

2. Except as otherwise provided in this subsection, an employee who performs any dangerous duty must receive additional pay equal to 10 percent of his normal rate of pay for each hour in which he performs any dangerous duty. An exempt classified employee who performs any dangerous duty for any portion of a workday must receive the additional pay for all his regularly scheduled hours of employment on that workday.

Sec. 2. NAC 284.414 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Transportation, allows a department to extend the period of a temporary appointment if it is replacing an employee who is on leave of absence for active military service.

NAC 284.414 Temporary appointments. (NRS 284.155, 284.175, 284.325)

1. A temporary appointment must not exceed 6 months in any 12-month period unless the appointment is authorized as a replacement for an employee who is **[receiving]** :

(a) Receiving benefits for temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS; *or*

(b) On leave of absence for active military service.

The appointing authority shall indicate the probable duration of employment on its request for certification. Upon receipt of this request, the department will certify the names of eligible persons from the appropriate eligible list who have noted that they will accept employment for the duration of the employment indicated.

2. Service under a temporary appointment immediately preceding appointment to a permanent position must be credited towards annual leave and merit pay increases. Sick leave may be earned for each month of service pursuant to NRS 284.355.

3. A special temporary appointment to a position within the University and Community College System of Nevada may not be used to fill regularly budgeted positions. Such appointments may be made without regard to the rules on certification or appointment and may be made on forms and under procedures prescribed by the University and Community College System of Nevada and approved by the department. Time served under a special temporary appointment pursuant to this subsection may be credited towards annual leave, sick leave or merit pay increases if the temporary appointment is immediately followed by a probationary or a permanent appointment.

Sec. 3. NAC 284.468 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, requires that work performance standards be prepared on a form authorized by the department of personnel.

NAC 284.468 Standards for performance of work.

1. A standard for the performance of work is a written statement of the results and/or behavior expected of an employee when his job elements are satisfactorily performed under existing working conditions. Standards are required for all classified positions~~(F)~~, *and must be prepared on the form authorized by the department of personnel.*

2. The appointing authority is responsible for ensuring that each position has standards and that each employee is evaluated using those standards. The supervisor has responsibility for establishing the initial standards, but the employee must be given an opportunity to provide comments when the standards are revised.

3. The appointing authority has final approval of the work performance standards.

4. Standards must be reviewed annually and amended when appropriate.

5. Each employee must be provided with a copy of the standards for his position.

6. As used in this section, “job elements” means principal assignments, goals, responsibilities and/or related factors.

Sec. 4. NAC 284.524 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Corrections, would remove the requirement for the department to provide rest periods without limitation to the length of his shift if the employee has direct contact with inmates in an institution.

NAC 284.524 Workweeks and workdays; periods for rest and meals. (NRS 284.155, 284.345)

1. The workweek for state employees is 40 hours, except that workweeks of a different number of hours may be established to meet the needs of different state agencies in compliance with the provisions of NRS 281.100, 281.110 and 284.180. The workday for a full-time state employee who works a standard or nonstandard work schedule consists of two work periods separated by a 1/2- to 1-hour meal period. Insofar as practicable, the meal period must occur in the middle of the work shift. A rest period of 15 minutes must be granted for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.

2. Except as otherwise provided in subsections 3 and 4, an appointing authority shall provide a meal period and rest period to an employee who has an innovative work schedule during each workday as follows:

(a) A 1/2- to 1-hour meal period must be provided during each period of work that exceeds 5 hours. Insofar as practicable, the meal period must occur in the middle of the work shift.

(b) A rest period of 15 minutes must be provided for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.

3. The requirement to relieve an employee for a 1/2- to 1-hour meal period does not apply to an employee who receives a paid meal period.

4. The requirement for a rest period does not apply to an employee of ~~the~~

~~(a) A] a~~ correctional institution who ~~is~~

~~(1) Works] works~~ directly with the inmates at the institution. ~~is; and~~

~~(2) Works a straight 8-hour work shift.]~~

(b) The division of mental health and developmental services of the department of human resources who:

(1) Maintains or monitors the equipment in a heat plant which operates 24 hours a day; and

(2) Works a straight 8-hour work shift.

Sec. 5. NAC 284.718 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, ensures that the employment records of current and former employees remain confidential including the employee's or former employee's social security number. Additionally, it ensures that the records obtained or kept by the Committee on Catastrophic Leave regarding a current or former employee's health, medical condition, or disability are confidential.

NAC 284.718 Confidential records. (NRS 284.155, 284.407)

1. The following types of information, which are maintained by the department of personnel or the personnel office of an agency, are confidential:

(a) Information relating to salaries paid in other than governmental employment which is furnished to the department of personnel on the condition that the source remain confidential;

(b) Any document which is used by the department of personnel or an agency in negotiations with employees or their representatives which has not been made public by mutual agreement;

(c) The rating and remarks concerning an applicant by the individual members of the board or assessors of a center for assessment;

(d) Materials used in examinations, including suggested answers for oral examinations;

(e) Records and files maintained by the employee assistance program;

(f) Reports by employers, appointing authorities or law enforcement officials concerning the hiring, promotion or background of applicants, eligible persons or employees;

(g) The class title and agency of an employee whose name is excluded from the official roster, as provided in subsection 3 of NAC 284.714, when an inquiry concerning the employee is received;

(h) Any information contained on a person's application or relating to his status as an eligible person; and

(i) Information in ~~an~~ *a current or former* employee's file or record of employment which relates to his:

(1) Performance;

(2) Conduct, including any disciplinary actions taken against him;

(3) Race, ethnic identity or affiliation, sex, disability, or date of birth; ~~or~~

(4) Home telephone number ~~;~~ *;* **or**

(5) Social security number.

2. If the employee has requested that his personal mailing address be listed as confidential, his file must be so designated and list his business address.

3. The name of any beneficiary of an employee contained in the payroll document must not be released to anyone unless:

(a) The employee dies; or

(b) The employee signs a release.

4. The records that are received by or are kept by the committee on catastrophic leave which reveal a current or former employee's health, medical condition, or disability are confidential.

Sec. 6. NAC 284.726 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, would allow the Committee on Catastrophic Leave to receive confidential information concerning an employee when the information is relevant to the proceeding before them.

NAC 284.726 Access to confidential records. (NRS 284.155, 284.175, 284.335, 284.407)

1. Except as otherwise provided in this subsection, access to materials for an examination and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his designated representative. If the name of the applicant is not disclosed and the information is used for the purposes of subparagraph 2 of paragraph (a) of subsection 1 of NAC 284.204, information relating to the education and experience of an applicant may be made available to any affected applicant, employee or the designated representative of either.

2. Except as otherwise provided in subsection 3, access to an employee's file of employment containing any of the items listed in paragraphs (f) to (i), inclusive, of subsection 1 of NAC 284.718 is limited to:

(a) The employee.

(b) The employee's representative when a signed authorization from the employee is presented or is in his employment file.

(c) The appointing authority or a designated representative of the agency by which the employee is employed.

(d) The director of the department of personnel or his designated representative.

(e) An appointing authority, or his designated representative, who is considering the employee for employment in his agency.

(f) Persons who are authorized pursuant to any state or federal law or an order of a court.

(g) The state board of examiners if the board is considering a claim against the State of Nevada filed pursuant to chapter 41 of NRS which involves the employee.

(h) Persons involved in the processing of records for the transaction of business within and between state agencies or business authorized by the employee.

3. Information concerning the health, medical condition or disability of an employee or a member of his immediate family must be kept separate from the employee's file in a locked cabinet. ~~[Access]~~ *Except as otherwise provided for in subsection 6, access* to such information is limited to the employee, his current supervisor, and the appointing authority or his designated representative.

4. Except as otherwise provided by specific statute, records maintained by the employee assistance program must not be released without written permission signed by the employee to whom the records pertain.

5. Upon request, the department of personnel will provide the personal mailing address of any employee on file with the department to the state controller's office and the Internal Revenue Service.

6. The director or the appointing authority, or his designated representative, shall authorize the release of any confidential records under his control which are requested by the committee, a hearings officer, the commission, *the committee on catastrophic leave*, the Nevada equal rights commission or a court. If the director or his designated representative determines that the release of any confidential record is not necessary for those purposes, the decision may be appealed.