

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

LCB File No. R068-03

August 20, 2003

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 284.175; §2, NRS 284.155 and 284.335; §3, NRS 284.155 and 284.345; §4, NRS 284.155, 284.3626 and 284.407; §5, NRS 284.155, 284.335, 284.3626 and 284.407.

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

284.208 1. ~~Only~~ *Except as otherwise provided in subsection 3, 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.

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.

3. An employee described in subsection 1 is not entitled to receive pay for dangerous duty if the duties that he performs are an inherent and regular part of the duties assigned to the entire class of which the employee is a member.

Sec. 2. NAC 284.468 is hereby amended to read as follows:

284.468 1. A standard for the performance of work is a written statement *prepared on a form prescribed by the Department of Personnel* of the principal assignments and responsibilities of an employee and the results expected by both the supervisor and subordinate when the subordinate's job is satisfactorily performed under existing working conditions.

Standards are required for all classified positions.

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 the primary responsibility for establishing the standards, but the employee must be involved in the initial establishment and the periodic updating of the standards for his position.

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

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

Sec. 3. NAC 284.524 is hereby amended to read as follows:

284.524 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:

(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. 4. NAC 284.718 is hereby amended to read as follows:

284.718 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 employee's]~~ *the* file or record of employment *of a current or former employee* 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 ~~[H]~~; *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. Any records in the possession of the Committee on Catastrophic Leave created pursuant to NRS 284.3627 that reveal the health, medical condition or disability of a current or former employee or a member of his immediate family are confidential.

Sec. 5. NAC 284.726 is hereby amended to read as follows:

284.726 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 who are involved in processing records for the transaction of business within and between state agencies or for a transaction with a state agency that is 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 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 created pursuant to*

NRS 284.3627, 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.