

**LCB File No. R024-05**

**PROPOSED REGULATION OF THE  
DEPARTMENT OF PERSONNEL**

(This proposed regulation was previously adopted as T017-05)  
(This agency draft replaces the one posted June 1, 2005.)

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

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

**A workshop has been set for 8:30 a.m. on August 29, 2005,** at the Legislative Building, 401 South Carson Street, Room 4100, Carson City, Nevada and via videoconference at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412, Las Vegas, Nevada.

**Action -Temporary Regulations Previously Approved by the Commission    NAC Regulation  
Proposed for Permanent Adoption**

Lack of promotional candidates.	New Section
"Entry level" defined.	NAC 284.063
"Journey level" defined.	NAC 284.069
Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date.	NAC 284.182
Differential rate of pay for qualifying shift.	NAC 284.210
Reimbursement or prepayment for training or education.	NAC 284.490
Annual leave: Credit upon reinstatement, rehiring, reemployment or transfer.	NAC 284.5405
Breaks in continuous service.	NAC 284.598
Statement of grievance: Contents; time to file.	NAC 284.678
Appeal of grievance to higher level	NAC 284.682
Unlawful discrimination.	NAC 284.696
Confidential records.	NAC 284.718

**New and Revised Regulations Proposed for Permanent Adoption**

"Trainee level" defined.	New Section
Extension of time to file a grievance	New Section
Determining type of recruitment.	NAC 284.295
Reemployment lists; certification of waiver of lists.	NAC 284.360
Promotional lists: Use; order of names.	NAC 284.367
"Grievance" defined.	NAC 284.658
Presentation of grievance to head of division.	NAC 284.686

Filing of grievance with administrator.  
Access to confidential records.

NAC 284.690  
NAC 284.726

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 September 23, 2005, in Carson City at the Legislative Building, 401 South Carson Street, Room 4100. A videoconference link will also be available in Las Vegas at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412. The purpose of the hearing is to receive comments from all interested persons regarding the amendment 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 will not result in an 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 Shelley Blotter, 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 September 6, 2005.** A copy of this notice and the regulations to be amended will be on file at the State Library and Archives, 100 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 or amended 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, 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 that is proposed for amendment. 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 Stewart St.  
Capitol Building, Main Floor  
Legislative Building, 401 South Carson St.

**LAS VEGAS**

Grant Sawyer State Office Building  
555 East Washington Avenue

**ALL STATE AGENCIES**

**ALL NEVADA COUNTY PUBLIC LIBRARIES**

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**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.

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## NOTICE OF PERSONNEL COMMISSION MEETING

### PRELIMINARY PERSONNEL COMMISSION AGENDA

The items listed below are tentatively scheduled for the Personnel Commission meeting on September 23, 2005, beginning at 9:00 a.m. This meeting will be held at the Legislative Building, Room 4100, 401 South Carson Street, Carson City, and via video conference at the Grant Sawyer Building, Room 4412, 555 East Washington Avenue, Las Vegas.

**NOTE: Agenda items may be heard in a different order than listed, at the discretion of the Chair.**

- I. Call To Order - 9:00 A.M.
- II. \*Adoption of Agenda
- III. \*Minutes of Previous Meeting
- IV. \*Pre-Employment Testing for Controlled Substances  
*Nurse I and Correctional Nurse I*  
*Department of Human Resources*
- V. \*Proposed Regulation Changes to Nevada Administrative Code, Chapter 284
  - A. Temporary Regulations Previously Approved by the Commission Proposed for Permanent Adoption
    - Sec. 1 NEW "Lack of promotional candidates" defined
    - Sec. 2 NAC 284.063 "Entry level" defined
    - Sec. 3 NAC 284.069 "Journey level" defined
    - Sec. 4 NAC 284.182 Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date
    - Sec. 5 NAC 284.210 Differential rate of pay for qualifying shift
    - Sec. 6 NAC 284.490 Reimbursement or prepayment for training or education
    - Sec. 7 NAC 284.5405 Annual Leave: Credit upon reinstatement, rehiring, reemployment or transfer
    - Sec. 8 NAC 284.598 Breaks in continuous service
    - Sec. 9 NAC 284.678 Statement of grievance: Contents; time to file
    - Sec. 10 NAC 284.682 Appeal of grievance to higher level
    - Sec. 11 NAC 284.696 Unlawful discrimination
    - Sec. 12 NAC 284.718 Confidential records
  - B. New and Revised Regulations Proposed for Permanent Adoption
    - Sec. 1 NEW "Trainee level" defined

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| Sec. 2 | NEW         | Extension of time to file a grievance                |
| Sec. 3 | NAC 284.295 | Determining type of recruitment                      |
| Sec. 4 | NAC 284.360 | Reemployment lists; certification of waiver of lists |
| Sec. 5 | NAC 284.367 | Promotional lists: Use; order of names               |
| Sec. 6 | NAC 284.658 | “Grievance” defined                                  |
| Sec. 7 | NAC 284.686 | Presentation of grievance to head of division        |
| Sec. 8 | NAC 284.690 | Filing of grievance with administrator               |
| Sec. 9 | NAC 284.726 | Access to confidential records                       |

V. \*Approval of Proposed Class Specifications

- A. Agriculturist series
- B. Park Supervisor (Commissioned) series
- C. Park Supervisor (Non-Commissioned) series
- D. Supervisor, Associate Engineer series
- E. Staff, Associate Engineer series
- F. Craft Worker-in-Training series
- G. Environmental Health Specialist series

VI. \*Approval of Occupational Group Study Revised Class Specifications

- A. Fiscal Management & Staff Services occupational group
  - 1. Subgroup: Actuarial/Research/Grants Analysis
    - a. Statistician series
  - 2. Subgroup: Public Information
    - a. Geologic Information Specialist
    - b. Exhibit Preparator series
    - c. Technical Production Editor
  - 3. Subgroup: Electronic Data Processing
    - a. Information Security Officer series

VII. \*Individual Classification Appeals

- A. Sherry Sabins, Personnel Analyst II  
*Health Care Financing & Policy Division, Department of Human Resources*
- B. Bill Premo, Facility Supervisor III  
*University of Nevada, Reno, Grounds Department*

- VIII. Special Reports
- IX. Comments by the General Public
- X. Select Date for Next Meeting
- XI. \*Adjournment

\*Indicates agenda items scheduled to be voted on by the Personnel Commission.

If anyone has questions or wishes to discuss, in further detail, the items scheduled for this Commission meeting, please contact Shelley Blotter at (775) 684-0119.

We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend this meeting. If special arrangements 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 less than five working days prior to the meeting.

**LCB File No. R024-05**

**PROPOSED REGULATION OF THE  
DEPARTMENT OF PERSONNEL**

(This agency draft replaces the one posted June 1, 2005.)

**Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows :**

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel and adopted by the Personnel Commission as a temporary regulation on March 25, 2005, describes when a class may be defined as having a lack of promotional candidates.

**NEW SECTION: “Lack of promotional candidates”**

*For the purposes of NAC 284.295, 284.360 and 284.367, a class may be designated in the classification plan as class for which applicants for promotion are not normally available if the class has historically had less than five applicants for promotion available from within the State service.*

**Sec. 2. Chapter 284 of the NAC is hereby amended by adding thereto a new section to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Legislative Council Bureau, defines the term “Trainee Level” for use in this Chapter.

**NEW SECTION: “Trainee Level” defined**

*“Trainee Level” means the level of performance within an occupational specialty at which an employee is in the process of acquiring the knowledge, skills and abilities to perform at the journey level.*

**Sec. 3. NAC 284.063 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel and adopted by the Personnel Commission as a temporary regulation on March 25, 2005, allows additional classes to be defined as “entry level”.

**NAC 284.063 “Entry level” defined. (NRS 284.065)** “Entry level” means ~~the lowest class within a class series. Where a trainee level exists the~~ *a class in which supervision is not a required duty or responsibility of the positions allocated to the class. The* term includes ~~both the~~ *any* trainee ~~and the next higher~~ *level and the journey* level.

**Sec. 4. NAC 284.069 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel and adopted by the Personnel Commission as a temporary regulation on March 25, 2005, aligns the definition of “Journey level” with current practice.

**NAC 284.069 “Journey level” defined. (NRS 284.065)** “Journey level” means the level of performance within an occupational specialty that requires ~~independent action, analysis, and interpretation.~~ *a degree of knowledge and proficiency sufficient to perform work independently with little or no additional training.*

**Sec. 5. NAC 284.295 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Legislative Council Bureau, makes changes consistent with Section 1 of the Temporary Regulations Previously Approved by the Commission Proposed for Permanent Adoption, “Lack of promotional candidates.”

**NAC 284.295 Determining type of recruitment. (NRS 284.065, 284.155, 284.295)**

1. The Department of Personnel will determine the type of recruitment based on:
  - (a) The number of current or anticipated vacancies;
  - (b) The anticipated number of applicants; and
  - (c) The recommendations or requests of the appointing authority.
2. Except as otherwise provided in subsection 3, a recruitment must be restricted to one or a combination of these groups in the following order of priority:
  - (a) Applicants for promotion from within the division where the vacancy exists.
  - (b) Applicants for promotion from within the department where the vacancy exists.
  - (c) Applicants for promotion from throughout state service.
  - (d) Applicants for appointment from open competition.If a recruitment includes more than one promotional group, any group with a higher priority must be included and receive preference.
3. Recruitment may be open competitive, or limited to or combined with any one or more of the promotional groups listed in subsection 2 if:
  - (a) The appointing authority certifies in writing to the Department of Personnel that, in accordance with the provisions of NAC 284.297, it is in the best interest of the agency to expand the recruitment to allow other groups to compete equally; or
  - (b) The class is designated in the classification plan as:
    - (1) Entry level because it is not a normal progression from another class; or
    - (2) ~~One~~ *A class* for which applicants for promotion are not normally available.
4. The provisions of this section do not prohibit the Department of Personnel or its designee from conducting a recruitment in anticipation of a vacancy.



**Sec. 6. NAC 284.360 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Legislative Council Bureau, makes changes so language is consistent with Section 1 of the Temporary Regulations Previously Approved by the Commission Proposed for Permanent Adoption, “Lack of promotional candidates.”

**NAC 284.360 Reemployment lists; certification or waiver of lists. (NRS 284.065, 284.155, 284.250)**

1. Upon receipt of the appropriate form from an appointing authority for a list of eligible candidates in a specific class, the Department of Personnel will verify the availability of a reemployment list for that class. If a reemployment list is available, the Department of Personnel will provide the reemployment list to the appointing authority. Eligible persons who appear on reemployment lists are ranked in order of seniority. Except as otherwise provided in subsection 2 of NAC 284.6017, placement on a reemployment list will be determined using the criteria governing the determination of seniority for layoff pursuant to NAC 284.632.

2. If there is no reemployment list available, the Department of Personnel will, in accordance with subsections 3 and 4, certify the names of eligible person on ranked or unranked lists, or waive the list.

3. The names of eligible persons on ranked lists will appear in the order of the total rating which they earned in the examination, including preferences for veterans and residents.

4. The Department of Personnel may certify a list of eligible applicants who are not ranked, or may waive the list for:

- (a) A class that is grade 20 or below;
- (b) A class designated in the classification plan as entry level; or
- (c) A class *designated in the classification plan as a class for* which applicants for promotion are not normally available.

5. Eligible persons who have requested a transfer and persons with disabilities who are eligible for temporary limited appointments pursuant to NAC 284.364 will be certified on the same list as other eligible persons and may be considered at the option of the appointing authority.

6. Only an eligible person who has indicated his willingness to accept the location of the vacancy and the other conditions of employment will be certified.

**Sec. 7. NAC 284.367 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Legislative Council Bureau, makes changes so language is consistent with the new section on “Lack of promotional candidates.”

**NAC 284.367 Promotional lists: Use; order of names. (NRS 284.065, 284.155, 284.250)**

1. If a promotional list of eligible persons is used to fill a vacancy after the initial recruitment:

- (a) The recruitment which created the list must have been open to employees of the appointing authority which requests the list; and

(b) The order of names must be changed to reflect the priority prescribed by NAC 284.358.

2. Certification may be made from the names highest on the list after promotional or promotional and open lists for the class are combined if either of the following occurs:

(a) The appointing authority certifies in writing to the Department of Personnel that, in accordance with the provisions of NAC 284.297, it is in the best interest of the agency to expand the certification to allow eligible persons from other groups to be considered on the basis of merit.

(b) One or more promotional lists exist for a class which otherwise qualifies for open competition because the class is designated in the classification plan as entry level or ~~is one~~ *as a class* which normally has a lack of promotional candidates.

If lists are combined, the names on the list must be in order of merit.

3. At the request of an appointing authority, one or more promotional lists must be established from an existing open competitive list and certified for a vacancy.

4. A list of eligible persons established from a recruitment in which the order of priority was changed must not be certified in that order for a new vacancy unless the appointing authority complies with the provisions of paragraph (a) of subsection 2. These names will be used to establish one or more lists as may be appropriate.

**Sec. 8. NAC 284.718 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel and adopted by the Personnel Commission as a temporary regulation on March 25, 2005, clarifies that interview materials are confidential and access is not allowed.

**NAC 284.718 Confidential records. (NRS 284.065, 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) *Any document which is used by the Department of Personnel or an agency in the process of interviewing an applicant, including, without limitation, a document containing interview questions, evaluation tools used for rating applicants and any notes concerning an applicant that were taken by a person as part of the process of rating an applicant;*

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

~~(e)~~ (f) Records and files maintained by the Employee Assistance Program;

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

~~(g)~~ (h) 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;

~~[(4)]~~ (i) Any information contained on a person's application or relating to his status as an eligible person; and

~~[(4)]~~ (j) Information in 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;
- (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. 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.

5. Any notes, records, recordings or findings of an investigation conducted by the Department of Personnel relating to sexual harassment or discrimination, or both, and any findings of such an investigation that are provided to an appointing authority are confidential.

## **Sec. 9. NAC 284.726 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Legislative Council Bureau, updates the reference to NAC 284.718 due to proposed changes in Section 12 of the Temporary Regulations Previously Approved by the Commission Proposed for Permanent Adoption.

### **NAC 284.726 Access to confidential records. (NRS 284.065, 284.155, 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 ~~[(4) to (i)]~~ (g) to (j) 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 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
  - (i) Persons who are involved in processing records for the transaction of business 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. 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 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.