

**ADOPTED REGULATION OF THE
PERSONNEL COMMISSION**

LCB File No. R203-07

Effective April 17, 2008

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; §2, NRS 284.065 and 284.345; §3, NRS 284.065.

A REGULATION relating to the state personnel system; requiring the inclusion of certain information in an appeal to the Personnel Commission regarding state employee classifications; revising provisions relating to the service of state employees as jurors and witnesses; extending the period before a regularly scheduled meeting of the Commission by which a petition to initiate the adoption, amendment or repeal of a regulation must be presented to the Director of the Department of Personnel; and providing other matters properly relating thereto.

Section 1. NAC 284.152 is hereby amended to read as follows:

284.152 1. An employee affected by the allocation of a position to a grade or class or by a change in classification as a result of a study regarding classifications, or the agency where such actions have occurred, may, within 20 working days after the date of receipt of written notice of the action, file a written appeal of the action with the Director. The appeal must:

(a) Address the points outlined in the Department of Personnel's recommendation regarding the proper classification for the position in question; and

(b) Indicate the points with which the appellant disagrees and express the reasons ~~why he disagrees.]~~ *for the disagreement.*

2. The Director will issue a decision on the appeal within 20 working days after he receives the appeal unless:

(a) He is prohibited from doing so because of the number of appeals resulting from a study regarding classifications;

(b) There is an agreement with the appellant to extend the limitation of time for the issuance of the decision; or

(c) The Director delegates the duty to decide the appeal to a designated representative pursuant to subsection 3.

3. The Director may delegate the duty to decide the appeal to a designated representative if the Director is unavailable or reasonably believes he has a conflict of interest. If the Director makes such a delegation, the designated representative shall issue a decision on the appeal within 20 working days after the Director received the appeal.

4. The appellant or the agency affected by the decision may , ~~appeal it to the Commission~~ within 30 days after receipt of written notice of the decision ~~from~~ of the Director ~~or his designated representative~~, *appeal the decision to the Commission. The appeal must:*

(a) Be in writing;

(b) Be addressed to the Director;

(c) Address the points outlined in the decision regarding the proper classification for the position in question; and

(d) Indicate the points with which the appellant or the agency disagrees and express the reasons for the disagreement.

Sec. 2. NAC 284.582 is hereby amended to read as follows:

284.582 1. Except as otherwise provided in subsection 2, civil leave with pay must be granted to any employee who is required, during his normal hours of work, to serve:

(a) On a jury; or

(b) As a witness in a court or at an administrative hearing if he is not a party to the action and the action is not related to his job.

↪ The period of the leave must not be deducted from the balance of his *sick leave or* annual leave. An employee who is granted the leave must receive his regular pay while on the leave, and he may retain any fee paid to him for his service as a juror or witness.

2. If an employee, in his official capacity as a state employee and as part of his required duties, serves as a witness during his regular working hours, he shall accept any witness fee offered to him and relinquish it to the agency by which he is employed.

3. If an employee is paid travel expenses and subsistence allowances by the court or public agency for which he performs service as a witness, he may retain that payment only if the State has not provided him payment for the same purpose. If the State has provided him such a payment, he shall relinquish it to the agency by which he is employed.

4. ~~{An}~~ *In accordance with NRS 6.190, an* agency shall attempt to adjust the working hours of employees who work night shifts and are called as witnesses or for jury duty during the day. If an agency feels this is impractical, in the case of jury duty, it shall petition the court to excuse the juror.

Sec. 3. NAC 284.830 is hereby amended to read as follows:

284.830 1. Petitions to initiate the adoption, amendment or repeal of a regulation must be presented in writing in a letter addressed to the Director at least ~~{90}~~ *120* days before a regularly scheduled meeting of the Commission.

2. Petitions to protest the adoption, amendment or repeal of a regulation must be presented in writing in a letter addressed to the Director at least 20 days before a regularly scheduled meeting of the Commission.

3. Such a petition must contain or be accompanied by relevant data, views and arguments. If a petition is for a new regulation or an amendment to an existing regulation, the petitioner shall also submit the proposed language.

NOTICE OF ADOPTION OF REGULATION
LCB File No. R203-07

The Personnel Commission adopted regulations assigned LCB File No. R203-07, which pertain to chapter 284 of the Nevada Administrative Code

INFORMATIONAL STATEMENT

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 notice of intent to act upon a regulation were sent by U.S. Mail and 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

Legislative Building
401 S. Carson St
Carson City, NV 89710

Nevada State Library and Archives
100 Stewart St
Carson City, NV 89701

Capitol Building
Main Floor

As a result of comments received at the workshop proposed change to NAC 284.386 (reinstatement of former permanent employee) was withdrawn. Proposed change to NAC 284.210 (Differential rate of pay for qualifying shift) was withdrawn for further study, comment, and analysis.

Minutes from the workshop are attached.

A public hearing by the Nevada Personnel Commission was held on March 21, 2008.

2. The number of persons who:

- (a) **Attended each hearing:** Personnel Commission meeting (hearing), 54 attendees
 - (b) **Testified at each hearing:** Personnel Commission meeting (hearing), one testified
- Submitted written comments:** No written comments were received.

3. 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.

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

No comments opposed to any of the sections in this regulation were received.

- 5. The estimated economic effect of the regulation on the business that 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.

- 6. The estimated cost to the agency for enforcement of the adopted regulation:**

No increased cost is anticipated to the Department of Personnel with the enforcement of this regulation.

- 7. 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 State, federal, or other governmental agency regulations.

- 8. 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.

- 9. 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.

- 10. 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 and has no impact on small business.