

LCB File No. R203-07

**PROPOSED REGULATION OF THE  
PERSONNEL COMMISSION**

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

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, details an appellant's responsibility when appealing the results of a classification study to the Personnel Commission. The intent of this amendment is to provide the Personnel Commission with information regarding the appellant's rationale for their disagreement with the classification study result, as they must do when appealing to the Director.

**NAC 284.152 Appeal of allocation of position or change in classification. (NRS 284.065, 284.155, 284.384)**

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.

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 the Director ~~and~~ *submit a written appeal to the Commission that is addressed to the Director.*

*The appeal must:*

- (a) Address the points outlined in the decision regarding the proper classification for the position in question; and*
- (b) Indicated the points with which the appellant disagrees and express the reasons why he disagrees.*

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

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, adds language as is consistent with the changes to NRS 6.190 made during the 2007 Legislative Session. It clarifies that an employee cannot be required to use either sick leave or annual leave when required to serve on a jury. The proposed amendment also references NRS 6.190 to ensure that State agencies are following the statute regarding working hours prior to the start of jury duty for the affected employee.

**NAC 284.582 Civil leave with pay to serve on jury or as witness. (NRS 284.065, 284.155, 284.175, 284.345)**

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. *In accordance with NRS 6.190, [An] 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:**

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, changes the timelines for parties wishing to petition the adoption, amendment, or repeal of a regulation from 90 days to 120 days to allow appropriate processing time for the Department of Personnel. This amendment is necessitated by the changes made in chapter 233B of NRS during the 2007 Legislative Session. The NRS 233B now requires that language approved by the Legislative Counsel must be posted for at least 30 days.

**NAC 284.830 Presentation and contents of petitions. (NRS 284.065)**

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.