

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

LCB File No. R203-07

January 18, 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.