

**ADOPTED REGULATION OF THE
PERSONNEL COMMISSION**

LCB File No. R023-11

Effective October 26, 2011

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

AUTHORITY: §1, NRS 284.065.

A REGULATION relating to state personnel; revising provisions relating to the affirmative action program for this State; and providing other matters properly relating thereto.

Section 1. NAC 284.114 is hereby amended to read as follows:

284.114 1. The Department of Personnel is responsible for establishing, coordinating and evaluating an affirmative action program for this State.

2. The Department of Personnel will cooperate and consult with agencies to:

(a) Identify barriers in the personnel management system which may adversely affect the ability of applicants and employees to reach their full employment potential without regard to race, sex, sexual orientation, *gender identity or expression*, religion, color, national origin, age, genetic information or disability.

(b) Coordinate programs to remove barriers to equal employment opportunity while ensuring the effectiveness of the merit system and the opportunity for persons to enter the system and progress in it to the extent of their merit.

3. As used in this section, “gender identity or expression” has the meaning ascribed to it in NRS 281.370, as amended by section 16 of Assembly Bill No. 211, chapter 112, Statutes of Nevada 2011, at page 501.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB File #R023-11

The following statement is submitted for amendments to Nevada Administrative Code (NAC) 284.

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 regulations, notices of workshop, and notices of intent to act upon a regulation were sent by 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	Grant Sawyer State Office Bldg.
Blasdel Building	555 E. Washington Blvd
209 E. Musser St	Suite 4401
Carson City, NV 89701	Las Vegas, NV 89101
Nevada State Library and Archives	Capitol Building
100 Stewart St	Main Floor
Carson City, NV 89701	Carson City, NV 89701
Legislative Building	Gaming Control Board
401 S. Carson St	1919 College Parkway
Carson City, NV 89701	Carson City, NV 89701

Attached are excerpts from the minutes from the workshop that apply to these regulations.

A Regulation Workshop was conducted by the Department of Personnel on July 15, 2011 and a public hearing was held by the Nevada Personnel Commission on September 28, 2011. There were no comments received from the public regarding this regulation.

2. The number of persons who:

- (a) **Attended each hearing:** July 15, 2011 – 25; September 28, 2011 – 57
- (b) **Testified at each hearing:** July 15, 2011 – 1; September 28, 2011 – 1
- (c) **Submitted written comments:** None

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 regulations do 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.**

There were no comments or opposition to the proposed language changes.

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

These regulations do 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:**

There is no additional cost to the agency for enforcement of these regulations.

- 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.**

There are no other state or government agency regulations that the proposed amendments duplicate.

- 8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

These regulations do 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 these regulations.

- 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?**

These regulations are specific to State government agencies and has no impact on small businesses.

**SUMMARY OF THE WORKSHOP TO SOLICIT COMMENTS ON THE PROPOSED
REGULATIONS OF THE STATE DEPARTMENT OF PERSONNEL**

July 15, 2011

**CARSON CITY, NEVADA
And via Video Conferencing in
LAS VEGAS, NEVADA**

Attendees in Carson City:

Teresa Thienhaus, Director, DOP
Shelley Blotter, Division Administrator, DOP
Mark Evans, Supervisory Personnel Analyst, DOP
Peter Long, Division Administrator, DOP
Denise Woo-Seymour, DOP
Norma Mallett, DHHS/MHDS
Amy Davey, DOP
Angelica Gonzalez, DOP
Mark Teska, DPS
Renee Travis, DOA
Diana Roder, DOE
Carrie Hughes, DOP
Conni Valley, DOE
Kelly Munoz, DOF
Ron Bratsch, AFSCME
Priscilla Maloney, AFSCME
Dave Olsen, DOT
Jenny Hawkins, DOT
Salli Herbert, DCA
Joan Dinning, DOP

Attendees in Las Vegas:

Larry Hamilton, UNLV
Kalora Snyder, CRC
Brenda Haymore, CRC
Walter Shupe, CRC
Sandra Owens, DOP

Shelley Blotter: Opened the meeting at 9:00 a.m. and welcomed everyone. She asked everyone in attendance to sign the sign-in sheet and stated the purpose of the workshop was to solicit comments from affected parties for proposed regulations for permanent adoption. These regulations will be considered at a future Personnel Commission Meeting. Our next Personnel Commission Meeting is scheduled for September 28, 2011. If the regulation at that meeting is adopted by the Personnel Commission, it will go into effect when approved by the Legislative Commission and filed with the Secretary of State, which is approximately 40 days after the adoption by the Personnel Commission.

We're going to go on to our next regulation, and Denise, you can go ahead.

Denise Woo-Seymour: Pursuant to AB 211 of the 2011 Legislative Session, the proposed amendment to NAC 284.114 adds “*gender identity or expression*” to ensure equal access and non-discrimination regarding employment with the State. AB 211 defines “*gender identity or expression*” as: “*the gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth,*”

Are there any questions or comments?

Shelley Blotter: Okay. I don’t see anyone coming forward, so we’ll go ahead and move on to our next regulation related to compensation for working on a holiday, and Mark is going to summarize that for us.

No further responses were received.

Well, again, I thank you for your attendance. I know these are concerning issues, and we take your comments seriously. We will be bringing them forward at a future Personnel Commission meeting. Thank you.

[END OF MEETING]