

**ADOPTED REGULATION OF THE  
PERSONNEL COMMISSION**

**LCB File No. R024-13**

Effective October 23, 2013

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

AUTHORITY: §1, NRS 284.065, 284.155 and 284.250.

A REGULATION relating to state personnel; reducing the number of days within which an eligible person must respond to certain inquiries concerning the eligible person's availability to fill a vacancy in state employment; and providing other matters properly relating thereto.

**Section 1.** NAC 284.373 is hereby amended to read as follows:

284.373 1. While an eligible person may be contacted to determine his or her availability, no attempt may be made to obtain a waiver in order to alter the ranking of any person on the list.

2. An eligible person must respond to an inquiry of availability within:

- (a) Six days after an inquiry by mail has been postmarked;
- (b) ~~Three~~ *Two* days after an inquiry by electronic mail has been sent;
- (c) Twenty-four hours after a written inquiry is hand-delivered;
- (d) Twenty-four hours after an oral inquiry has been made if the oral inquiry was made

during a conversation with the eligible person; or

(e) If an oral inquiry by telephone was attempted and a voicemail or other similar kind of electronic message was left, ~~3~~ *2* days after that message was left.

3. An exception to a time limit may be granted by the originating agency.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066**  
**Informational Statement**  
**LCB File #R024-13**

**1. A clear and concise explanation of the need for the adopted regulation.**

State departments and agencies have requested this amendment to increase efficiency in the hiring process. This amendment changes the number of days in which an eligible person has to respond to an inquiry of availability by electronic mail, voicemail, or any other electronic message from 3 days to 2 days. Communication is virtually instant in this day in age and this will assist agencies with moving through recruitment lists quickly and fill the position faster.

**2. Description of how public comment was solicited, a summary of public response, and an explanation of 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 Division of Human Resource Management website, emailed to all county libraries in Nevada, and posted at the following locations:

Blasdel Building  
209 E. Musser Street  
Carson City, NV 89701

Grant Sawyer State Office Bldg.  
555 E. Washington Blvd.  
Las Vegas, NV 89101

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

Capitol Building  
Main Floor  
Carson City, NV 89701

Legislative Building  
401 S. Carson Street  
Carson City, NV 89701

Gaming Control Board  
1919 College Parkway  
Carson City, NV 89701

Attached are pertinent comments from the workshop and the Personnel Commission meeting.

A Regulation Workshop was conducted by the Division of Human Resource Management on July 17, 2013 and a public hearing was held by the Nevada Personnel Commission on October 10, 2013.

Comments from the workshop and hearing can be obtained from the Division of Human Resource Management by contacting Shelley Blotter at [sblotter@admin.nv.gov](mailto:sblotter@admin.nv.gov) or calling (775) 684-0105.

3. **The number of persons who:**
  - (a) **Attended each hearing:** October 10, 2013 – 53
  - (b) **Testified at each hearing:** October 10, 2013 – 4
  - (c) **Submitted written comments:** 2
  
4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**

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7220 Bermuda Street  
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Ron Cuzze, President  
State of Nevada Law Enforcement Officers Association  
(702) 736-4460  
rcuzze@earthlink.net

5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were not solicited from businesses, as the regulation does not affect businesses. Comments were solicited from effected parties including employees and employee associations. The Nevada System of Higher Education, Business Center North submitted written comments in support of the amendment, while the American Federation of State, County and Municipal Employees (ASFCME) submitted written comments in opposition of the proposed amendment. Comments from the workshop and hearing can be obtained from the Division of Human Resource Management by contacting Shelley Blotter at sblotter@admin.nv.gov or calling (775) 684-0105.

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

A regulation workshop was held to gain additional input from all interested parties, including employee associations. Ron Cuzze, President, NSLEOA opposed this amendment at the regulation workshop. He also opposed the amendment at the Personnel Commission meeting stating that some employees that he represents do not work the typical Monday – Friday, 8:00 am - 5:00 pm shift. During the Personnel Commission meeting, Kathleen Kirkland with Agency Human Resource Services, which represents 15 different agencies, stated that most candidates respond to inquiries related to an interview virtually immediately. Nancy Corbin with Business and Industry stated that filling vacancies is important to all agencies and that, in her experience, truly interested candidates respond very quickly.

Testimony was heard at the hearing and the regulation was unanimously adopted by the Personnel Commission.

**7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

- (a) Estimated economic effect on the businesses which they are to regulate.**
- (b) Estimated economic effect on the public which they are to regulate.**

This regulation does not have a direct economic effect on either a regulated business or the public. It only impacts the classified service of Executive Branch departments and the Nevada System of Higher Education.

**8. The estimated cost to the agency for enforcement of the proposed regulation:**

There is no additional cost to the agency for enforcement of this regulation.

**9. 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 amendment duplicates.

**10. 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.

**11. 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.

**Pertinent Testimony from Regulation Workshop Held July 17, 2013**

**Peter Long**, Deputy Administrator, HRM: Stated the amendment proposed by the HRM would change the number of days in which an eligible person had to respond to an inquiry of availability by electronic mail, voice mail or any other electronic message from three days to two days. He indicated that the change would reduce the time needed to fill available positions allowing agencies to move through the list of eligible persons more expeditiously. He commented that it was the opinion of the HRM and from input they had received, that communication now was almost instantaneous. Applicants received an email as soon as they are eligible. Agencies received the eligible list and often emailed applicants as it was more effective. The HRM was therefore asking that the response to either an email or voicemail message be changed from three to two days. He explained it did not mean an agency could not choose to wait an additional day but it would give them the option if they wished to act sooner.

**Ron Cuzze**, President, NSLEOA: Stated that the NSLEOA opposed this amendment.

**Amy Davey**, Personnel Officer, HRM: Stated that they had not received any specific feedback from their agencies one way or the other. She acknowledged that at times it was important for agencies to have that option if it was critical for them to fill a position quickly.

**Peter Long**, Deputy Administrator, HRM: Stated that BCN (Business Center North) was in support of the change.

**Pertinent Testimony from Personnel Commission Meeting Held October 10, 2013**

**Dana Carvin**: The Human Resource Management Division recommends the permanent adoption of the proposed amendment to NAC 284.373. This amendment would reduce the number of days, from 3 to 2, for an applicant to respond to an email, voicemail, or other similar electronic inquiry of availability of an applicant. A representative from the Nevada State Law Enforcement Officers' Association testified against this amendment at the workshop. The Nevada System of Higher Education, Business Center North submitted written comments stating that with the increase in handheld technology, they have seen applicant response times' decrease after receipt of electronic message. This change is consistent with applicant behavior and will allow agencies to move more quickly when hiring.

**Kathleen Kirkland**: Personnel Officer with Agency HR Services. Representatives from the agencies we serve agree that most people have the ability to provide an immediate response to an inquiry given the amount of technology that is available. Decreasing the number of days required to receive a reply from an applicant accelerates the recruitment process and provides more expedient process overall. This change benefits both applicants and the agencies.

Therefore Agency HR services and the agencies we serve are in support of this regulation change.

**Nancy Corbin:** Division of Mortgage Lending. I am here today in support of NAC 284.373 as well. Filling a vacancy with the most qualified person as soon as possible is important to every agency. Contacting the eligible persons can really slow the process. When contacting eligible persons, I send an electronic notification as well as trying to attempt to contact persons by telephone. My experience over the last couple years, because of technology has shown that truly interested candidates respond quickly, typically always under 24 hours. Usually it is within an hour or two. For this reason, I support changing the wait period from three days to two days in the case of inquiries being made by electronic mail or telephone.

**Ron Cuzze:** For the record, we oppose this, and the reason we oppose it is our people do not work Monday through Friday 8:00 am to 5:00 pm. A large majority work evenings and a large majority on their three days off go fishing, hunting and are not even around an area where they can pick up cell service or whatever. We are talking about one day. Even if they are notified on the first day, it is still going to take three weeks to process the paperwork. We are asking for a little consideration for our members.

**Commissioner Sanchez:** I think Mr. Cuzze is confusing the intent of this particular provision. This is not for current employees necessarily. This is for employees who may come in on an open list, who have not ever worked for the State of Nevada. I would also like to state that in 1988 I served as the Director of Personnel and Employee Relations for the City of Las Vegas. I rewrote the Civil Service rules for the City, and we reduced the number of contact days from three to two. We had no problem with any of the organized units then and that was 1988 before electronic media. It worked then and I think it will work now and I would support that.

**Commissioner Reed:** I just have a question, and that is are we talking business days or are weekends included because if somebody was contacted on late Friday night, Monday morning is over the two days? Can you address that?

**Dana Carvin:** Typically we look at business days.