

PROPOSED REGULATION OF THE PERSONNEL COMMISSION

LCB File No. R010-14

REGULATION CHANGES PROPOSED FOR PERMANENT ADOPTION

Explanation of Proposed Change: The Division of Human Resource Management is proposing that the Hearing and Appeals Division of the Department of Administration be the primary source of Hearing Officers for the Appeals process and that one or more independent Hearing Officers is retained to hear appeals where there is a conflict of interest with the Hearings and Appeals Division Hearing Officers. This change will require the *Hearing Officer Rules of Procedure* to be modified to describe the Hearing Officer selection process.

NAC 284.780 Selection of qualified hearing officer. (NRS 284.065, 284.155, 284.376, 284.390)

~~1. For each hearing requested in a claim relating to a dismissal, suspension, demotion, involuntary transfer, or reprisal or retaliatory action, the Administrator shall provide to each party to the claim:~~

~~(a) A list of three qualified hearing officers; or~~

~~(b) A list of five qualified hearing officers.~~

~~2. If the Administrator provides a list of:~~

~~(a) Three qualified hearing officers, each party may strike one name from the list; or~~

~~(b) Five qualified hearing officers, each party may strike two names from the list,~~

~~and shall return the list with the remaining names to the Administrator not later than 10 days after receipt of the list.~~

~~3. Except as otherwise provided in subsection 5, each person whose name is struck from the list pursuant to subsection 2 is ineligible to serve as a hearing officer in that claim.~~

~~4. Except as otherwise provided in subsection 5, the Administrator shall select a hearing officer for the hearing from among the persons whose names were not struck from the list pursuant to subsection 2.~~

~~5. If, for any reason, all of the hearing officers whose names were not struck from the list pursuant to subsection 2 are unqualified or otherwise unavailable to serve as a hearing officer for the hearing, the Administrator may provide a new list of hearing officers to the parties in the manner provided in this section or may select any qualified hearing officer who is available to serve as a hearing officer in the hearing.]~~

(Added to NAC by Personnel Comm'n by R192-09, 6-30-2010, eff. 7-1-2010)