

**ADOPTED REGULATION OF THE  
PERSONNEL COMMISSION**

**LCB File No. R064-14**

Effective October 24, 2014

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

AUTHORITY: §1, NRS 284.065, 284.155 and 284.175.

A REGULATION relating to state personnel; revising provisions relating to the rate of pay for employees in the classified service of the State; and providing other matters properly relating thereto.

**Legislative Counsel's Digest**

Under existing law, the Personnel Commission of the Division of Human Resource Management of the Department of Administration is required to adopt regulations concerning the job and salary classifications of certain persons who are employed by the State. (NRS 284.065, 284.155, 284.175) Under existing regulations, an employee who has been promoted after a past demotion may not receive a promotional increase in pay that is greater than the increase which he or she would have otherwise been entitled to receive had he or she not been demoted. (NAC 284.172) This regulation reduces to 1 year this limitation governing pay upon promotion after an employee's past demotion and authorizes the Administrator of the Division to approve, within 1 year after the employee's demotion, a promotional increase in pay that is greater than the amount the person would have been entitled to receive had he or she not been demoted.

**Section 1.** NAC 284.172 is hereby amended to read as follows:

284.172 1. The following provisions govern the rate of pay which must be paid if an employee is promoted:

(a) The employee must be placed at the lowest step in the higher grade that meets one of the following requirements:

(1) If the employee moves one or two grades above his or her former grade, he or she must be placed at the same step in the new grade as the step held in his or her former grade.

(2) If the employee moves three or more grades above his or her former grade, the employee must be placed:

(I) At a step which is equivalent to an increase of two steps above the step held in his or her former grade; or

(II) At the lowest step of the new grade,

↪ whichever pay is higher and in accordance with the provisions of NAC 284.179.

(b) A special adjustment to an employee's pay for performing supervisory duties which is granted in accordance with paragraph (c) of subsection 2 of NAC 284.206 is the present level of pay for the purpose of calculating a promotional increase authorized by paragraph (a) only if the employee has received the special adjustment to his or her pay for more than 6 months of continuous full-time service.

(c) If an employee has been demoted, he or she may not , *within 1 year after the demotion,* receive a promotional increase in pay that is greater than the increase which he or she would have otherwise been entitled to receive had he or she not been demoted ~~+~~ *unless the Administrator approves the promotional increase.*

(d) This subsection does not apply when an employee is reemployed or reappointed to his or her former grade within 1 year after holding that grade.

2. As used in this section, "present level of pay" means a rate of pay that is equal to the amount that is assigned to the step within the grade which is closest to, but does not exceed, the employee's pay after a special adjustment to pay pursuant to the provisions of NAC 284.206.

**LEGISLATIVE REVIEW OF ADOPTED REGULATION--NRS 233B.066**  
**Informational Statement**  
**LCB File #R064-14**

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

This amendment will reduce errors and ensure the equitable treatment of all employees when determining rate of pay. Under the existing regulation, an employee who has been promoted after a demotion may not receive a promotional increase in pay that is greater than the increase he or she would have otherwise been entitled to receive had he or she not been demoted. This amendment will allow for an employee to receive a promotional increase in pay pursuant to section 1(a) of this regulation, after one year has passed since the demotion, unless the time period is waived by the Administrator.

**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; [www.hr.nv.gov](http://www.hr.nv.gov), the Legislative Counsel Bureau (LCB) website; [www.leg.state.nv.us](http://www.leg.state.nv.us), the Nevada Public Notice website; [www.notice.nv.gov](http://www.notice.nv.gov), emailed to all county libraries in Nevada, and physically posted at the following locations:

Blasdel Building  
209 E. Musser Street  
Carson City, NV 89701  
Nevada State Library and  
Archives  
100 Stewart Street  
Carson City, NV 89701

Grant Sawyer State Office Bldg.  
555 E. Washington Blvd.  
Las Vegas, NV 89101  
Legislative Building  
401 S. Carson Street  
Carson City, NV 89701

A regulation workshop was conducted by the Division of Human Resource Management on April 16, 2014.

During the workshop, comment was received in support of this change. Additional comment was received requesting, rather than removing subsection 1(c) entirely, the addition of a timeframe, and that the timeframe could be waived with the approval of the Administrator.

Subsequent to the regulation workshop, written comment was received in support of removing subsection 1(c) altogether. Additional written comment requested the requirement of a 4-year timeframe, unless waived with the approval of the Administrator.

The proposed regulation change was modified subsequent to the regulation workshop. Subsection 1(c) was not removed and a one-year timeframe was added, with the ability of the Administrator to waive it.

There was no comment received at the public hearing held by the Nevada Personnel Commission on July 11, 2014.

Minutes 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.

- 3. The number of persons who:**
  - (a) Attended each hearing:** Workshop: April 16, 2014 – 23; Hearing: July 11, 2014 – 55
  - (b) Testified at each hearing:** Workshop: April 16, 2014 – 6; Hearing: July 11, 2014 – 0
  - (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:**

Kimberley King, Personnel Officer III  
Department of Transportation  
1263 S. Stewart St.  
Carson City, NV 89701  
(775) 888-7430  
kking@ndot.state.nv.us

Bill Hoffman, Deputy Director  
Department of Transportation  
1263 S. Stewart St.  
Carson City, NV 89701  
(775) 888-7430  
whoffman@ndot.state.nv.us

Kareen Masters, Deputy Director Admin Services  
Department of Health and Human Services  
4126 Technology Way  
Carson City, NV 89706  
(775) 684-4012  
kmasters@dhhs.nv.gov

Alys Dobel, Personnel Officer III  
Department of Motor Vehicles  
555 Wright Way  
Carson City, NV 89701  
(775) 684-4965  
adobel@dmv.nv.gov

Susie Bargmann, Personnel Officer II  
Department of Corrections  
5500 Snyder Avenue  
Carson City, NV 89701  
sbargmann@doc.nv.gov

Renee Dapaoli, Personnel Officer III  
Department of Health and Human Services  
1470 E. College Parkway  
Carson City, NV 89706  
(775) 684-0641  
rdepaoli@health.nv.gov

Suzanne Webb, Personnel Analyst I  
Department of Health and Human Services  
4126 Technology Way  
Carson City, NV  
(775) 684-5850  
scwebb@health.nv.gov

Jeanine Nelson, HR Services Manager  
Nevada System of Higher Education  
Business Center North HR  
(775) 784-7706  
jgnelson@unr.edu

**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. Comments from the workshop and Personnel Commission 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.**

The proposed change to this regulation presented at the regulation workshop was to remove section 1(c) completely. During the workshop, comment was made and supported by several agencies to include time restraints rather than removing the section entirely. As a result, the change to this regulation proposed to the Personnel Commission on July 11, 2014, included a timeframe, which can be waived by the Administrator, and did not remove the entire section.

Comment was also received during the regulation workshop to include “except as otherwise provided for in NAC 284.204 and NAC 284.206,” however the Division determined that this is not in alignment with the current administration’s standpoint.

The Personnel Commission unanimously approved the proposed change.

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 State of Nevada classified service.

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.**

The regulation does not overlap any federal or state mandated regulation, but simplifies the language and allows an employee to receive a promotional increase in pay after one year has passed or earlier with the consent of the Administrator.

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

The 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.