

PROPOSED REGULATION OF THE PERSONNEL COMMISSION

LCB File No. R100-16

Explanation of Proposed Change: The following amendment, proposed by the Division of Human Resource Management, details the procedures for appealing the Administrator's refusal to examine or certify an applicant pursuant to NRS 248.245. Additionally, the new regulation will ensure that the Personnel Commission is provided with information regarding the appellant's rationale for his or her disagreement with the Administrator's decision not to examine an applicant or, after examination, certify an eligible person.

The process contained in the newly proposed regulation is modeled after NAC 284.152, as both types of appeals must be appealed to the Personnel Commission.

NEW Appeal of refusal to examine or certify.

1. An employee affected by the refusal to examine or certify, may, within 30 working days after the date of receipt of written notice of the action, file a written appeal of the action with the Administrator. The appeal must:

(a) Address the points outlined in the Division of Human Resource Management's recommendation regarding the refusal to examine or certify for the position in question; and

(b) Indicate the points with which the appellant disagrees and express the reasons for the disagreement.

2. The Administrator will issue a decision on the appeal within 30 working days after receiving the appeal unless:

(a) He or she is prohibited from doing so because of the number of appeals resulting from other determinations regarding refusal to examine or certify;

(b) There is an agreement with the appellant to extend the limitation of time for the issuance of the decision; or

(c) The Administrator delegates the duty to decide the appeal to a designated representative pursuant to subsection 3.

3. The Administrator may delegate the duty to decide the appeal to a designated representative if the Administrator is unavailable or reasonably believes he or she has a conflict of interest. If the Administrator makes such a delegation, the designated representative shall issue a decision on the appeal within 30 working days after the Administrator received the appeal.

4. Pursuant to subsection 2 of NRS 284.245, an applicant, after having requested and obtained the statement detailed in subsection 1 of NRS 284.245, may, within 30 working days after receipt of written notice of the decision of the Administrator or his or her designated representative, appeal the decision to the Commission. The appeal must:

(a) Be in writing;

(b) Be addressed to the Administrator;

(c) Address the points outlined in the determination for the refusal to examine or certify; and

(d)Indicate the points with which the appellant disagrees and express the reasons for the disagreement.

<p>Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, will bring the regulation in line with the time frame requirements of NRS 284.165.</p>

NAC 284.152 Appeal of allocation of position or change in classification. (NRS 284.065, 284.155, 284.384)

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~~ 30 days after the date of receipt of written notice of the action, file a written appeal of the action with the Administrator. The appeal must:

(a) Address the points outlined in the Division of Human Resource Management'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 for the disagreement.

2. The Administrator will issue a decision on the appeal within ~~20-working~~ 30 days after receiving the appeal unless:

(a) He or she 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 Administrator delegates the duty to decide the appeal to a designated representative pursuant to subsection 3.

3. The Administrator may delegate the duty to decide the appeal to a designated representative if the Administrator is unavailable or reasonably believes he or she has a conflict of interest. If the Administrator makes such a delegation, the designated representative shall issue a decision on the appeal within ~~20-working~~ 30 days after the Administrator received the appeal.

4. The appellant or the agency affected by the decision may, within 30 days after receipt of written notice of the decision of the Administrator or his or her designated representative, appeal the decision to the Commission. The appeal must:

(a) Be in writing;

(b) Be addressed to the Administrator;

(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.

(Added to NAC by Dep't of Personnel, eff. 9-17-87; A 3-1-96; R031-98, 4-17-98; A by Personnel Comm'n by R203-07, 4-17-2008)