

PROPOSED REGULATION OF THE PERSONNEL COMMISSION

LCB File No. R036-17

Section 1. NAC 284.321 is hereby repealed:

Explanation of Proposed Change: Assembly Bill 384 of the 2017 Legislative Session amends NRS 284 to add a new section providing that the criminal history of an applicant or other qualified person under consideration for employment in the classified or unclassified service may not be considered until the final in-person interview, a conditional offer of employment, or the applicant has been certified by the Administrator, whichever occurs first.

This amendment, proposed by the Division of Human Resource Management, repeals NAC 284.321, as the regulation is related to the consideration of criminal history when an employment application is being reviewed, rather than the time periods now listed in Assembly Bill 384 of the 2017 Legislative Session.

~~[NAC 284.321—Convictions: Disclosure; factors for consideration. (NRS 284.065, 284.155, 284.295)~~

~~—1.—Any applicant who has a record of a criminal conviction as an adult shall so indicate on his or her application. The application must be accompanied by a complete explanation of the conviction. The failure of the applicant to authorize the release of the information which relates to the conviction of a crime is cause for rejection of the applicant.~~

~~—2.—Any applicant who has a record of conviction for any moving traffic violations within the previous 5 years shall so indicate on his or her application, including the dates and nature of the violations and the fines imposed.~~

~~—3.—The Division of Human Resource Management or its designated representative, in determining whether to accept or refuse the application for a class, position or state service, will consider the type of position, the relevant statutory provisions, the intervening amount of time since the offense, the applicant's age at the time of the offense and, if applicable, the applicant's conduct during incarceration and any parole or probation, the reports from parole or probation officers concerning the applicant's record of employment while on parole or probation and related factors.~~

~~—4.—All relevant public records must be made available to the appointing authority upon its request.]~~

[Personnel Div., Rule IV § E, eff. 8-11-73; A 6-9-74] — (NAC A by Dep't of Personnel, 10-26-84; 5-27-86) — (Substituted in revision for NAC 284.314)