

# PROPOSED REGULATION OF THE PERSONNEL COMMISSION

## LCB File No. R039-17

**Section 1. Section 1 of LCB File No. R100-16 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, reflects the steps in the process that are currently in place for an applicant to use if he or she wishes to pursue an appeal of the refusal to examine, or, if he or she is determined to be eligible, the refusal to certify. Within 30 days of being notified of either decision, the affected individual may first request a review by the Supervisor of the Recruitment section of the Division of Human Resource Management. Then, within 30 days, if the person remains unsatisfied, he or she may request a written statement from the Administrator of the reasons for the refusal to examine, or, if eligible, refusal to certify. Finally, if the individual is still not satisfied, he or she may appeal the decision to the Personnel Commission, also within a 30 day time period.

### **Section 1 of LCB File No. R100-16 Appeal of refusal to examine or certify.**

1. An applicant affected by the refusal ~~[of the Administrator]~~ to examine the applicant or an eligible person affected by the refusal ~~[of the Administrator]~~ to certify the eligible person may ~~file a written appeal of the action with the Administrator not later than 30 days after the applicant or eligible person receives from the Administrator, in accordance with subsection 1 of NRS 284.245, a statement of the reasons for the refusal to examine or the refusal to certify, as applicable. The appeal must:~~

~~(a) Address the points outlined in the statement; and~~

~~(b) Indicate the points in the statement with which the applicant or eligible person 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 his or her refusal to examine or certify;~~

~~(b) There is an agreement with the applicant or eligible person 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.]~~ **within 30 calendar days following receipt of notification, request a review by the Division's Recruitment Supervisor of the determination.**

**2. If the applicant or eligible person is not satisfied with the response by the Division's Recruitment Supervisor, he or she may request that the Administrator provide a written**

*statement of the reasons the applicant was denied examination or eligible person was denied certification. Such a request must be requested within 30 calendar days of receiving the Division's Recruitment Supervisor response.*

~~[4.]~~ **3.** An applicant or eligible person may, within 30 working days after receipt of ~~[written notice issued pursuant to subsection 2 or 3 of the decision of]~~ the Administrator or his or her designated ~~[representative,]~~ **representative's written statement**, 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]~~ **statement** issued pursuant to subsection 2 ~~[or 3]~~ regarding the refusal to examine or certify the applicant or eligible person; and
- (d) Indicate the points in the ~~[decision]~~ **statement** with which the applicant or eligible person disagrees and express the reasons for the disagreement.

(Added to NAC by Personnel Comm'n by R100-16, eff. 11-2-2016)