

**PROPOSED REGULATION OF
THE PERSONNEL COMMISSION**

LCB File No. R039-17

August 18, 2017

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

AUTHORITY: §1, NRS 284.065, 284.155 and 284.245.

A REGULATION relating to the State Personnel System; revising the procedure for an appeal to the Personnel Commission relating to a refusal by the Administrator of the Division of Human Resource Management of the Department of Administration to examine an applicant or certify an eligible person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an applicant or eligible person to appeal to the Personnel Commission if the Administrator of the Division of Human Resource Management of the Department of Administration refuses to examine the applicant or refuses to certify the eligible person. Existing law further requires the Administrator to, upon request, furnish the applicant or eligible person with a statement of the reasons for the refusal to examine or the refusal to certify, as applicable. (NRS 284.245)

Existing regulations set forth the procedure for an applicant or eligible person to appeal such a refusal by the Administrator. (Section 1 of LCB File No. R100-16) This regulation revises the procedure to include a review of the refusal to examine the applicant or the refusal to certify the eligible person by the supervisor of recruitment of the Division of Human Resource Management.

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

Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

1. An applicant affected by ~~the refusal of the Administrator~~ *a refusal* to examine the applicant or an eligible person affected by ~~the refusal of the Administrator~~ *a refusal* to certify the eligible person may ~~file a written appeal~~ *request a review* of the action ~~with~~

~~the Administrator}~~ *by the supervisor of recruitment of the Division of Human Resource Management* not later than 30 *calendar* 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}~~ *notification of* 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.~~

~~4.}~~

2. The supervisor of recruitment of the Division of Human Resource Management shall conduct the review and return it to the applicant or eligible person within 10 days after receipt of the request for review. If the applicant or eligible person is not satisfied with the review by the supervisor of recruitment of the Division of Human Resource Management, the applicant or eligible person may request that the Administrator provide, in accordance with NRS 284.245, a statement of the reasons for the refusal to examine or the refusal to certify, as applicable. Such a request must be made within 30 calendar days after receipt of the response by the supervisor of recruitment.

3. An applicant or eligible person may, within 30 working days after receipt of ~~written notice issued pursuant to subsection 2 or 3 notification of the decision to of the decision~~ *the statement* of the Administrator ~~for his or her designated representative,~~ *provided pursuant to subsection 2*, 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.