

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R150-17

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

The proposed new regulation is necessary in order to place the procedures for requesting a hearing to determine the reasonableness of disciplinary action into a separate regulation. The basis for the new regulation was previously included in NAC 284.6561.

Also, the term “predisciplinary review” is introduced in order to distinguish between the meeting that occurs prior to the administration of discipline from the “hearing” that occurs if an employee elects to file an appeal of the disciplinary action that was administered. Several regulations in this LCB File are affected by this change.

Finally, included in the newly proposed regulation and the amendment to NAC 284.6561 clarify that the effective date of disciplinary action in the case of a suspension is the first day on which the suspension takes effect.

2. A 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.

On May 4, 2018, copies of the proposed regulation amendments 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 via Listserv. These documents were also made available on the Division of Human Resource Management’s website, the Nevada Public Notice website, the Legislative Counsel Bureau’s website, and mailed to all county libraries in Nevada, and posted at the following locations:

Blasdel Building
209 E. Musser Street
Carson City, NV

Legislative Counsel Bureau
401 S. Carson Street
Carson City, NV

Nevada State Library and Archives
100 N. Stewart Street
Carson City, NV

Grant Sawyer Office Building
555 E. Washington Avenue
Las Vegas, NV

A regulation workshop was conducted by the Division of Human Resource Management on December 12, 2017, and a public hearing was held by the Nevada Personnel Commission on June 8, 2018.

At the workshop held on December 12, 2017, the regulations and amendments were generally supported.

At the public hearing, staff provided information regarding the intent and need for the regulations.

One commenter did express concern regarding inconsistency among agencies in whether they allow an employee's representative to speak and suggested additional language to specifically allow a representative to speak during the pre-disciplinary process outlined in subsection 5 of NAC 284.6561.

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Shelley Blotter at sblotter@admin.nv.gov or by calling (775) 684-0105.

- 3. The number of persons who:**
 - (a) Attended each hearing: 28**
 - (b) Testified at each hearing: 2**
 - (c) Submitted written comments: 0**

- 4. Following is a list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3(b):**

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- 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 affected parties including employees and employee associations. Written minutes and comments from the workshop and public hearing can be obtained as instructed in the response to question #2.

- 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 Division of Human Resource Management is researching the history of the process outlined in subsection 5 of NAC 284.6561 to find out if there is a clear indication of an intent to allow the employee's representative to speak during the process. If the Division of Human Resource Management finds such clear intent in the regulation's history, it will communicate such intent to State agencies.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**
 - (a) **Both adverse and beneficial effects; and**
 - (b) **Both immediate and long-term effects.**

This regulation does not have a direct economic effect on either a regulated business or the public.

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 proposed 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.**

This regulation does not overlap or duplicate any State or federal regulations.

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 covered by any federal regulations.

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.