

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R163-18

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

The amendment to Chapter 284 of the Nevada Administrative Code (NAC) outlined in Section 1 of this LCB File is necessary to encourage State of Nevada agencies to consider employees who are interested in transferring to another position. Currently, permanent classified employees who transfer from one position to another are not required to serve a trial period. Due to this, agencies are often reluctant to accept transferring employees, particularly an employee who is interested in transferring from one agency to another. The regulation allows either the agency to revert the employee or the employee to voluntarily choose to revert to his or her previous position if it has not yet been filled by another employee. This process is outlined in this section.

The amendment to NAC 284.058 in Section 2 is necessary to include as “eligible persons” those who are eligible through noncompetitive means pursuant to NAC 284.358.

The amendment to NAC 284.108 in Section 3 is a conforming change to incorporate an employee who voluntarily chooses to transfer in the definition of “trial period.”

The amendment to NAC 284.444 in Section 4 is necessary to require a permanent employee who voluntarily chooses to transfer to serve a trial period.

The amendment to NAC 284.448 in Section 5 is a conforming change based on the amendment to NAC 284.444 in Section 4 of this LCB File.

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 November 6, 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

June 15, 2018, and a public hearing was held by the Nevada Personnel Commission on December 7, 2018.

At the regulation workshop, a concern was raised by a representative of the American Federation of State, County and Municipal Employees (AFSCME) regarding the requirement of a permanent employee to serve a trial period if he or she chooses to transfer. Other comments received were generally in support of the regulations.

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

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Michell Garton at mgarton@admin.nv.gov or by calling (775) 684-0136.

3. **The number of persons who:**
 - (a) **Attended each hearing:** 36
 - (b) **Testified at each hearing:** 1
 - (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):**

Kara Sullivan, Supervisory Personnel Analyst
State of Nevada
Department of Administration
Division of Human Resource Management
209 E. Musser Street, Suite 101
Carson City, NV 89701
(775) 684-0133
ksullivan@admin.nv.gov

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.**

There was no opposition to the regulation at the Personnel Commission hearing. However, the Personnel Commission adopted the regulation with a space added between two words to correct a typographical error in subparagraph (a) of subsection 11 of Section 4 of the LCB File.

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.**

There are no adverse or beneficial effects on regulated business and the public. There are no immediate or long-term effects on business and 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.