

Steve Sisolak
Governor



Deonne E. Contine
Director

Robin Hager
Deputy Director

Peter Long
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
209 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 684-0122

MEMORANDUM
HR#55-19

November 1, 2019

TO: DHRM Listserv Recipients
Nevada County Libraries
State Library and Archives

FROM: Peter Long, Administrator *Peter Long*
Division of Human Resource Management

SUBJECT: NOTICE OF PUBLIC HEARING – Amendment of Regulations that Pertain to
NAC 284

The regulation changes included with this memorandum are being proposed for adoption at the December 6, 2019 meeting of the Personnel Commission. This meeting will be held at 9:00 a.m. at the Legislative Counsel Bureau, Room 3137, 401 S. Carson Street, Carson City, Nevada with videoconferencing to the Grant Sawyer Building, Room 4401, 555 E. Washington Avenue, Las Vegas, Nevada.

Please circulate and post the attached Notice of Hearing along with the text of the proposed regulations.

PL:mg

Attachments

NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the Permanent Amendment
of Regulations of the
Personnel Commission

The Personnel Commission will hold a public hearing at 9:00 a.m. on December 6, 2019, at the Legislative Counsel Bureau, Room 3137, 401 S. Carson Street, Carson City, Nevada with videoconferencing to the Grant Sawyer Building, Room 4401, 555 E. Washington Avenue, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to Chapter 284 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

- These regulations do not have a direct economic effect on any business or the public.
- Enforcement of these regulations will not result in an increased cost.
- To our knowledge, these regulations do not overlap or duplicate the regulations of other State or local governmental agencies.
- These regulations do not establish any new fee or increase an existing fee.

<u>LCB File:</u>	<u>Section:</u>	<u>NAC:</u>	<u>Leadline or Description</u>
R015-19	Sec. 1	284.361	Use of lists and consideration of certified eligible persons: Applicable conditions.
	Sec. 2	284.405	Reassignment of employee with disability who is unable to perform essential functions of position with or without reasonable accommodation.
	Sec. 3	284.586	Civil leave with pay to vote.
R016-19	Sec. 1	284.589	Administrative leave with pay.
R019-19	Sec. 1	284.242	Overtime: Authorization.

Persons wishing to comment upon the proposed action of the Personnel Commission may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Department of Administration, Division of Human Resource Management, 209 East Musser Street, Suite 101, Carson City, Nevada 89701, Attention: Michelle Garton. Written submissions must be received by the Division of Human Resource Management on or before December 6, 2019. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Personnel Commission may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted and amended will be on file at the Nevada State Library, Archives and Public Records, 100 North Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additionally, copies of this notice and the regulations to be adopted and amended will be available at the Division of Human Resource

Management, 100 North Stewart Street, Suite 200, Carson City, Nevada, and 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption and amendment of any regulation, the agency, if requested to do so by an interested person, either before adoption and amendment, or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and amendment, and incorporate therein its reason for overruling the consideration urged against its adoption and amendment.

This notice of hearing has been posted at the following locations:

Carson City

Blasdel Building, 209 East Musser Street

Nevada State Library & Archives Building, 100 North Stewart Street

Legislative Counsel Bureau, 401 South Carson Street

Las Vegas

Grant Sawyer Building, 555 East Washington Avenue

Websites

Legislative Counsel Bureau website: www.leg.state.nv.us

Nevada Public Notice website: <http://notice.nv.gov>

Division of Human Resource Management website: www.hr.nv.gov

EXPLANATIONS OF PROPOSED CHANGES
LCB File No. R019-19

Section 1: NAC 284.242 Overtime: Authorization.

This amendment, proposed by the Division of Human Resource Management, will exempt positions at agencies that maintain a workweek longer than a 40-hour workweek or that perform duties that affect public health, safety or welfare from the requirement to communicate the need for overtime to an employee at least 4 hours in advance.

**PROPOSED REGULATION OF
THE PERSONNEL COMMISSION**

LCB File No. R019-19

July 22, 2019

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

AUTHORITY: §1, NRS 284.065, 284.155 and 284.175.

A REGULATION relating to the State Personnel System; revising provisions requiring advance communication to certain employees required to work overtime; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing regulations, if a nonexempt employee of a state agency is required to work overtime, the overtime must be: (1) authorized in accordance with statute; and (2) communicated to the employee at least 4 hours before being worked, unless an unpredictable emergency prevents compliance with those requirements. (NRS 284.242) This regulation provides that the requirement for advance communication to an employee who is required to work overtime does not apply to a nonexempt employee who: (1) is employed at an agency that maintains a workweek longer than 40 hours; and (2) performs duties that affect public health, safety or welfare.

Section 1. NAC 284.242 is hereby amended to read as follows:

284.242 1. If a nonexempt employee is required to work overtime, the overtime must be

~~authorized~~:

(a) *Authorized* pursuant to subsection 10 of NRS 284.180 ; and ~~communicated~~

(b) *Communicated* to the employee at least 4 hours in advance by the responsible supervisor

before being worked,

↳ unless an unpredictable emergency prevents prior approval and communication.

2. If a nonexempt employee requests to work overtime, the overtime must be authorized in advance pursuant to subsection 10 of NRS 284.180.

3. *The provisions of paragraph (b) of subsection 1 do not apply to a nonexempt employee who:*

(a) Is employed at an agency that maintains a workweek longer than the 40-hour workweek required by NRS 281.110; and

(b) Performs duties that affect public health, safety or welfare.

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October 29, 2019

Regulation Small Business Impact Statement

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 284. Additionally, NRS 284.013 provides limitations to which employees of the Executive Branch are covered by NRS 284. NRS 284.065 authorizes the Personnel Commission to adopt regulations to carry out the provisions of this chapter.

Due to the limitations of the Nevada State Constitution and NRS 284, the Division of Human Resource Management staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. These regulations only impact employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business and that the information contained in this statement was prepared properly and is accurate.

Peter Long
Peter Long, Administrator

October 29, 2019

Date