

**PROPOSED REGULATION OF
THE PERSONNEL COMMISSION**

LCB File No. R123-19

March 10, 2020

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

AUTHORITY: §1, NRS 284.065 and 284.155; §2, NRS 284.065, 284.155, 284.383 and 284.385.

A REGULATION relating to the State Personnel System; requiring a state employee who holds a permit to carry a concealed firearm to provide notification to the appointing authority or designated representative thereof that the employee will be carrying a concealed firearm on the premises of the public building in which he or she is employed; authorizing disciplinary or corrective action to be taken against such an employee for failing to provide such notification; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally authorizes a person who holds a valid permit to carry a concealed firearm to carry a concealed firearm while the permittee is on the premises of any public building, but a permittee is prohibited from carrying a concealed firearm while on the premises of certain public buildings, including a public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building. However, existing law also provides an exception to such a prohibition if the permittee is employed in the public building. (NRS 202.3673)

Existing law requires the Personnel Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations to carry out the provisions of law governing the State Personnel System. (NRS 284.065) Existing law also requires the Commission to adopt a code of regulations for the classified service of the State of Nevada, which is comprised of all positions in the public service that are lawfully designated as being in the classified service and filled according to merit and fitness from eligible lists prepared upon the basis of examination. (NRS 284.150, 284.155) Existing law further requires the Commission to adopt regulations that set forth a system for administering disciplinary measures against a state employee in which less severe measures are generally applied first and, if such measures fail to correct the employee's deficiencies, more severe measures are then applied. (NRS 284.383) Existing regulations set forth provisions relating to when a warning or written reprimand may be issued against an employee and when an employee may be suspended, demoted or dismissed. (NAC 284.638, 284.642, 284.646) Existing regulations also set forth

various situations in which appropriate disciplinary or corrective action may be taken against an employee. (NAC 284.650)

Section 1 of this regulation requires an employee who possesses a permit to carry a concealed firearm and is authorized by existing law to carry a concealed firearm while on the premises of the public building in which he or she is employed to notify, before the employee carries a concealed firearm on the premises of the public building, the appointing authority or a designated representative of the appointing authority that the employee will be carrying the concealed firearm. **Section 2** of this regulation provides that appropriate disciplinary or corrective action may be taken against an employee who fails to provide such notification.

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

If an employee is authorized pursuant to NRS 202.3673 to carry a concealed firearm while on the premises of the public building in which he or she is employed, the employee must, before the employee carries a concealed firearm on the premises of the public building, notify the appointing authority or a designated representative of the appointing authority that the employee will be carrying the concealed firearm.

Sec. 2. NAC 284.650 is hereby amended to read as follows:

284.650 Appropriate disciplinary or corrective action may be taken for any of the following causes:

1. Activity which is incompatible with an employee's conditions of employment established by law or which violates a provision of NAC 284.653 or 284.738 to 284.771, inclusive.
2. Disgraceful personal conduct which impairs the performance of a job or causes discredit to the agency.
3. The employee of any institution administering a security program, in the considered judgment of the appointing authority, violates or endangers the security of the institution.
4. Discourteous treatment of the public or fellow employees while on duty.
5. Incompetence or inefficiency.

6. Insubordination or willful disobedience.
7. Inexcusable neglect of duty.
8. Fraud in securing appointment.
9. Prohibited political activity.
10. Dishonesty.
11. Abuse, damage to or waste of public equipment, property or supplies because of inexcusable negligence or willful acts.
12. Drug or alcohol misuse as described in NRS 284.4062 and NAC 284.884.
13. Conviction of any criminal act involving moral turpitude.
14. Being under the influence of intoxicants, a controlled substance without a medical doctor's prescription or any other illegally used substances while on duty.
15. Unauthorized absence from duty or abuse of leave privileges.
16. Violation of any rule of the Commission.
17. Falsification of any records.
18. Misrepresentation of official capacity or authority.
19. Violation of any safety rule adopted or enforced by the employee's appointing authority.
20. Carrying, while on the premises of the workplace, any firearm which is not required for the performance of the employee's current job duties or authorized by his or her appointing authority.
21. *Failure of an employee who is authorized pursuant to NRS 202.3673 to carry a concealed firearm while on the premises of the public building in which he or she is employed to notify the appointing authority or a designated representative of the appointing authority, in*

accordance with section 1 of this regulation, that the employee will be carrying the concealed firearm.

22. Any act of violence which arises out of or in the course of the performance of the employee's duties, including, without limitation, stalking, conduct that is threatening or intimidating, assault or battery.

~~22.~~ 23. Failure to participate in any investigation of alleged discrimination, including, without limitation, an investigation concerning sexual harassment.

~~23.~~ 24. Failure to participate in an administrative investigation authorized by the employee's appointing authority.

~~24.~~ 25. Failure to report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license when required pursuant to NAC 284.652.