

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

LCB File No. R135-22

August 15, 2022

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

AUTHORITY: § 1, NRS 284.065; § 2, NRS 284.065 and 284.387.

A REGULATION relating to the state personnel system; authorizing an appointing authority to adopt and implement a written policy regarding telework; prohibiting an appointing authority from authorizing an employee to telework unless such a policy has been adopted; revising provisions concerning the submission of certain requests for an extension of time to complete an internal administrative investigation relating to a state employee; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Personnel Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations to carry out its statutory duties related to the state personnel system. (NRS 284.065) **Section 1** of this regulation authorizes an appointing authority to adopt and implement a written policy regarding telework, whereby an employee of the appointing authority, through the use of technology, may perform his or her duties and responsibilities from a location other than the building or office space occupied by the employing agency. **Section 1** also: (1) sets forth certain contents that may be included in written policy regarding telework; and (2) prohibits an appointing authority from authorizing an employee to telework unless such a policy has been adopted.

Existing law requires an appointing authority to complete an internal administrative investigation which may result in certain disciplinary action within 90 days after providing the employee with notice of the allegations, unless the Administrator of the Division or the Governor approves a request for an extension of time to complete the investigation. (NRS 284.387) Existing regulations: (1) require an appointing authority to submit certain requests for an extension of time to complete an investigation within a prescribed time period; and (2) authorize the Administrator or the Governor to deny a request for an extension that is not submitted within that time period. (NAC 284.6555) **Section 2** of this regulation authorizes: (1) an appointing authority, upon showing good cause for the delay, to submit a request for an extension of time after the prescribed time period has expired; and (2) the Administrator or the Governor to grant such a request for good cause shown.

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

1. An appointing authority may adopt and implement a written policy authorizing an employee of the appointing authority to telework whenever appropriate and beneficial to the needs of the agency.

2. A written policy adopted pursuant to subsection 1 may:

(a) Establish eligibility requirements for telework based upon the operational needs of the agency;

(b) Prescribe a procedure for establishing a telework arrangement, including, without limitation:

(1) An application process for an employee who wishes to telework; and

(2) A requirement that an employee who wishes to telework must enter into a telework agreement with his or her employing agency;

(c) Prescribe requirements regarding communication between an employee who teleworks and any supervisor or manager of the employee, including, without limitation, a requirement that:

(1) Such persons communicate frequently and intentionally; and

(2) The supervisor or manager periodically review the performance and productivity of the employee;

(d) Specify the grounds for terminating a telework agreement; and

(e) Prescribe a procedure for the termination of a telework arrangement.

3. An appointing authority shall not authorize an employee to telework unless the appointing authority has adopted a written policy pursuant to subsection 1.

4. As used in this section, “telework” means a work arrangement under which an employee, through the use of technology, including, without limitation, electronic communications, videoconferencing and telecommunications, performs his or her duties and responsibilities from a location other than the building or office space occupied by the employing agency.

Sec. 2. NAC 284.6555 is hereby amended to read as follows:

284.6555 1. Pursuant to subsection 2 of NRS 284.387, if an appointing authority wishes to request an initial extension of not more than 60 days from the Administrator to complete an internal administrative investigation that could lead to disciplinary action against an employee pursuant to NRS 284.385 and make a determination as a result of the investigation, the appointing authority must:

(a) ~~Submit~~ *Except as otherwise provided in subsection 3, submit* the request to the Administrator on a form prescribed by the Division of Human Resource Management on or before the 90th day after the employee was provided notice of the allegations against the employee;

(b) Explain in the request why the appointing authority is unable to complete the internal administrative investigation and make a determination within 90 days after the employee was provided notice of the allegations; and

(c) Provide a copy of the request to the employee who is the subject of the internal administrative investigation.

2. If an initial extension is granted pursuant to subsection 1 and the appointing authority is unable to complete the internal administrative investigation and make a determination within the period of the extension, the appointing authority may request an additional extension to be

approved by the Governor. If the appointing authority wishes to request an additional extension, the appointing authority must:

(a) ~~{Submit}~~ *Except as otherwise provided in subsection 3, submit* the request in writing to the Administrator, for submission to the Governor, on or before the expiration date of the initial extension;

(b) Explain in the request why the appointing authority is unable to complete the internal administrative investigation and make a determination within the period of the initial extension; and

(c) Provide a copy of the request to the employee who is the subject of the internal administrative investigation.

3. ~~{The Administrator}~~ *An appointing authority* may ~~{deny}~~, *upon showing good cause for the delay, submit* a request for an extension ~~{that is not submitted within}~~ *after the expiration of the period required by paragraph (a) of subsection 1 ~~{}~~ or paragraph (a) of subsection 2.*

4. The *Administrator or the* Governor, *as applicable,* may ~~{deny}~~ *grant* a request for an extension ~~{that is not submitted within the period required by paragraph (a) of}~~ *submitted pursuant to* subsection ~~{2-}~~ *3 for good cause shown.*