

**PROPOSED REGULATION OF THE DIRECTOR OF THE
DEPARTMENT OF PERSONNEL**

LCB File No. R042-99

July 23, 1999

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

AUTHORITY: §1, NRS 284.155 and 284.345; §2, NRS 284.155.

Section 1. NAC 284.589 is hereby amended to read as follows:

284.589 1. An appointing authority may grant administrative leave with pay to an employee:

(a) To relieve him of his duties during the active investigation of a suspected criminal violation or the investigation of an alleged wrongdoing;

(b) For up to 2 hours to donate blood; or

(c) To relieve him of his duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065.

2. An appointing authority or the department of personnel may grant administrative leave with pay to an employee for:

(a) His participation in, or attendance at, activities which are directly or indirectly related to the employee's job or his employment with the state but which do not require him to participate or attend in his official capacity as a state employee; or

(b) Closure of the employee's office or worksite caused by a natural disaster or other similar adverse condition when the employee is scheduled and expected to be at work. An appointing

authority may designate certain employees as essential and notify them that they are required to report to work.

3. An appointing authority shall grant administrative leave with pay to an employee for ~~the~~ *any of the following purposes:*

(a) The initial appointment and one follow-up appointment if the employee receives counseling through the employee assistance program. ~~the~~

(b) His attendance at a wellness fair which has been authorized by the risk management division of the department of administration. ~~the~~

(c) His participation in an official capacity as a member of a committee or board created by statute on which he serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board. ~~the or~~

(d) Up to 8 hours for preparation for hearings regarding his suspension, demotion or dismissal as provided in subsection 1 of NAC 284.656.

(e) His participation as an aggrieved employee or a witness at a hearing of the committee.

Sec. 2. NAC 284.726 is hereby amended to read as follows:

284.726 1. Except as otherwise provided in this subsection, access to materials for an examination and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his designated representative. If the name of the applicant is not disclosed and the information is used for the purposes of paragraph (b) of subsection 1 of NAC 284.204, information relating to the education and experience of an applicant may be made available to any affected applicant, employee, or the designated representative of either.

2. Except as otherwise provided in subsection 3, access to an employee's file of employment containing any of the items listed in paragraphs (e) to (h), inclusive, of subsection 1 of NAC 284.718 is limited to:

- (a) The employee;
- (b) The employee's representative when a signed authorization from the employee is presented or is in his employment file;
- (c) The appointing authority or a designated representative of the agency by which the employee is employed;
- (d) The director of the department of personnel or his designated representative;
- (e) An appointing authority, or his designated representative, who is considering the employee for employment in his agency; ~~and~~
- (f) Persons who are authorized pursuant to any state or federal law or an order of a court ~~and~~;
and
- (g) *The state board of examiners if the board is considering a claim against the State of Nevada filed pursuant to chapter 41 of NRS which involves the employee.*

3. Information concerning the disability of an employee or a member of his immediate family must be kept separate from the employee's file in a locked cabinet. Access to such information is limited to the employee, his current supervisor and the appointing authority.

4. Upon request, the department of personnel will provide the personal mailing address of any employee on file with the department to the state controller's office and the Internal Revenue Service.

5. The director or the appointing authority, or his designated representative, shall authorize the release of any confidential records under his control which are requested by the committee, a

hearings officer, the commission, the Nevada equal rights commission, or a court. If the director or his designated representative determines that the release of any confidential record is not necessary for those purposes, the decision may be appealed.