

Chapter 284 of NAC

LCB File No. T017-05

**PROPOSED TEMPORARY REGULATION OF THE
DEPARTMENT OF PERSONNEL**

PRELIMINARY NOTICE OF MEETING AND AGENDA

The items listed below are tentatively scheduled for the Personnel Commission meeting on March 25, 2005, beginning at 9:00 a.m. This meeting will be held at the University of Nevada, Las Vegas, Lied Library Building, 2nd floor, Room 2281, 4505 Maryland Parkway, Las Vegas. A video conference link will be available at Western Nevada Community College, Reynold's Building, Room 102, 2201 W. College Parkway, Carson City.

NOTE: Agenda items may be heard in a different order than listed, at the discretion of the Chair.

- I. Call To Order -9:00 A.M.
- II. *Adoption of Agenda
- III. *Minutes of Previous Meeting
- IV. *Proposed Regulation Changes to Nevada Administrative Code, Chapter 284
 - Sec. 1 NEW "Lack of promotional candidates" defined
 - Sec. 2 NAC 284.063 "Entry level" defined
 - Sec. 3 NAC 284.069 "Journey level" defined
 - Sec. 4 NAC 284.374 Active Lists: Removal and reactivation of names; refusal to consider certain persons
 - Sec. 5 NAC 284.718 Confidential records
- V. *Approval of Proposed Class Specifications
 - A. Chief, Environmental Programs
 - B. Quality Control Specialist series
- VI. *Approval of Occupational Group Study Revised Class Specifications
 - A. Engineering & Allied occupational group
 - 1. Subgroup: Engineering
 - a. Supervisor, Associate Engineer series
 - B. Fiscal Management & Staff Services occupational group
 - 1. Subgroup: Revenue Collections & Management
 - a. Revenue Officer series

2. Subgroup: Actuarial/Research/Grants Analysis
 - a. Insurance/Loss Prevention Specialist
 - b. Statistician series
 - c. Transportation Technician series
 - d. Maintenance Management Coordinator series
 3. Subgroup: Electronic Data Processing
 - a. Computer Information Systems Trainee
 4. Obsolete Classes to be Abolished
 - a. Area Supervisor
 - b. Field Representative
 - c. Field Representative Trainee
 - d. Industrial Organizational Psychologist
 - e. Investment Analyst
 - f. Prison Industries Manager
- C. Regulatory & Public Safety occupational group
1. Subgroup: Police & Law Enforcement, Highway Patrol/Commercial Enforcement
 - a. DPS Colonel
DPS Lt. Colonel
 - b. DPS Major
 - c. DPS Captain
 - d. DPS Lieutenant
 - e. DPS Sergeant
DPS Officer series
 2. Obsolete Classes to be Abolished
 - a. Adult Parole & Probation Unit Manager
 - b. Assistant State Fire Marshal
 - c. Chief, Capitol Police
Capitol Police Sergeant
Capitol Police Officer II
Capitol Police Officer I
 - d. Chief, Investigations Division
 - e. Chief, Public Safety Training
 - f. Deputy Chief, Investigations Division
 - g. Deputy Chief, Parole & Probation
 - h. Hwy Patrol Pilot
 - i. Hwy Patrol Trooper I

- j. Parole & Probation District Administrator III
Parole & Probation District Administrator II
Parole & Probation District Administrator I
- k. Parole & Probation Officer II
Parole & Probation Officer I
- l. Parole & Probation Operations Supervisor

VII. *Individual Classification Appeals

- A. Bruce McDonald, Administrative Assistant III
Community College of Southern Nevada
- B. Josefina Wells, Administrative Assistant III
Community College of Southern Nevada
- C. (6) Compliance Enforcement Investigator III's
John Arana, Warren Bailey, Scott Balder, David Evans, Mark Medina and John Nelson
Secretary of State
- E. Jackie Reese, Chief Investigator Compliance Enforcement
Secretary of State
- D. Francis Arenas, Chief, Enforcement/Registration
Secretary of State

VIII. Special Reports

- IX. Comments by the General Public
- X. Select Date for Next Meeting
- XI. *Adjournment

*Indicates agenda items that will be voted on by the Personnel Commission.

If anyone has questions or wishes to discuss, in further detail, the items scheduled for this Commission meeting, please contact Shelley Blotter at (775) 684-0119.

We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend this meeting. If special arrangements are necessary, please notify the Department of Personnel in writing at 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204, or call Debra Berry at (775) 684-0110 no less than five working days prior to the meeting.

LCB File No. T017-05

**PROPOSED TEMPORARY REGULATION OF THE
DEPARTMENT OF PERSONNEL**

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

Explanation of Proposed Change: This new section, proposed by the Department of Personnel, provides a definition of the commonly used phrase, “lack of promotional candidate.”

*NEW SECTION "Lack of promotional candidate" defined. (NRS 284.065, 284.155, 284.295)
"Lack of promotional candidate" means sufficient applicants for promotion are not normally available. A class may receive this designation when there are historically less than five candidates available within state service.*

Sec. 2. NAC 284.063 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, allows additional classes to be defined as “entry level.”

NAC 284.063 "Entry level" defined. (NRS 284.065) "Entry level" ~~means the lowest class within a class series. Where a trainee level exists, the term includes both the trainee and the next higher level.~~ includes trainee and journey level classes where supervision is not a requirement of the class.

Sec. 3. NAC 284.069 is hereby amended to read as follows:

Explanation of Proposed Change: This section, proposed by the Department of Personnel, aligns the definition with current practice.

NAC 284.069 "Journey level" defined. (NRS 284.065) "Journey level" means the level of performance within an occupational specialty that requires ~~independent action, analysis and interpretation.~~ a degree of knowledge and proficiency sufficient to perform independently with little or no additional training.

Sec. 4. NAC 284.374 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, removes the name of an otherwise qualified applicant from an open competitive or promotional list if they decline an interview three times. If a subsequent recruitment opens for the same class within a 3-year period, the applicant may request to have his name place on this list provided he still meets the minimum qualifications. The purpose of this amendment is to expedite the recruitment process and allow those individuals that are truly interested in employment to be considered.

NAC 284.374 Active lists: Removal and reactivation of names; refusal to consider certain persons. (NRS 284.065, 284.155, 284.250, 284.295)

1. The names of eligible persons will be removed from the active lists for any of the following causes:
 - (a) Appointment after certification to fill a full-time permanent position in the class for which the examination was given.
 - (b) Expiration of the term of eligibility.
 - (c) Separation of a person who is eligible for promotion from the state service.
 - (d) Failure by an eligible person to respond within the required time to an inquiry of availability.
 - (e) A statement by the eligible person that he is not willing to accept any type of appointment from the eligible list.
 - (f) Any of the causes listed in NRS 284.240 pursuant to which the Director may refuse to examine or certify an eligible person, failure to disclose convictions as required by NAC 284.321 or, if the employee has been laid off, reemployment pursuant to subsection 5 of NAC 284.630.
 - (g) Declining an interview three times from an open or promotional recruitment.*
2. An appointing authority need not consider an eligible person more than three times from a recruitment. Consideration of an applicant for other than full-time permanent positions must not be counted for the purposes of this subsection.
3. An appointing authority may refuse to consider an eligible person who has been subject to a suspension, demotion or termination as a result of an upheld or uncontested disciplinary action in the preceding 12 months. The 12-month period begins on the effective date of the uncontested action or, if it is contested, on the date the hearing officer issues his final decision upholding a suspension, demotion or termination. If an employee is removed from consideration pursuant to this subsection, the appointing authority must notify the employee of that fact in writing before interviewing the next candidate or making its selection. The employee has 3 working days after being notified that he has been removed from consideration pursuant to this subsection to notify the appointing authority of any discrepancy in the information in his personnel file which led to the removal of the employee from consideration. The appointing authority may not make its selection:
 - (a) If the employee does not notify the appointing authority of a discrepancy, until after the end of the period pursuant to which the employee may notify the appointing authority of a discrepancy; or appointing authority determines whether the removal of the employee from consideration pursuant to this subsection was appropriate.

4. An appointing authority shall refuse to consider an eligible person whose appointment to a position will violate NRS 281.210, NAC 284.375 or a policy approved by the Commission pursuant to NAC 284.375.

5. An eligible person whose name has been removed from an active list may request that his name be reactivated by stating his reasons for the request. If the Department of Personnel determines that the reasons are justified, and the person's term of eligibility has not otherwise expired, his name may be reactivated.

Sec. 5. NAC 284.718 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, clarifies that interview materials are confidential and access is not allowed.

NAC 284.718 Confidential records. (NRS 284.065,284.155,284.407)

1. The following types of information, which are maintained by the Department of Personnel or the personnel office of an agency, are confidential:

(a) Information relating to salaries paid in other than governmental employment which is furnished to the Department of Personnel on the condition that the source remain confidential;

(b) Any document which is used by the Department of Personnel or an agency in negotiations with employees or their representatives which has not been made public by mutual agreement;

(c) The rating and remarks concerning an applicant by the individual members of the board or assessors of a center for assessment;

(d) Materials used in examinations, including suggested answers for oral examinations;

(e) Records and files maintained by the Employee Assistance Program;

(f) Reports by employers, appointing authorities or law enforcement officials concerning the hiring, promotion or background of applicants, eligible persons or employees;

(g) The class title and agency of an employee whose name is excluded from the official roster, as provided in subsection 3 of NAC 284.714, when an inquiry concerning the employee is received;

(h) Any information contained on a person's application or relating to his status as an eligible person; and

(i) Information in the file or record of employment of a current or former employee which relates to his:

(1) Performance;

(2) Conduct, including any disciplinary actions taken against him;

(3) Race, ethnic identity or affiliation, sex, disability or date of birth;

(4) Home telephone number; or

(5) Social security number.

(j) Any document which is used by the Department of Personnel or an agency in the interview process including interview questions, instruments used for rating candidates, and rater notes.

2. If the employee has requested that his personal mailing address be listed as confidential, his file must be so designated and list his business address.

3. The name of any beneficiary of an employee contained in the payroll document must not be released to anyone unless:

- (a) The employee dies; or
- (b) The employee signs a release.

4. Any records in the possession of the Committee on Catastrophic Leave created pursuant to NRS 284.3627 that reveal the health, medical condition or disability of a current or former employee or a member of his immediate family are confidential.

5. Any notes, records, recordings or findings of an investigation conducted by the Department of Personnel relating to sexual harassment or discrimination, or both, and any findings of such an investigation that are provided to an appointing authority are confidential.