

**ADOPTED REGULATION OF THE
PERSONNEL COMMISSION**

LCB File No. R059-09

Effective October 27, 2009

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

AUTHORITY: §1, NRS 284.065.

A REGULATION relating to the State Personnel System; adopting by reference the ADA Amendments Act of 2008; and providing other matters properly relating thereto.

Section 1. NAC 284.120 is hereby amended to read as follows:

284.120 1. For the purposes of determining the meaning of “essential functions of a position,” “person with a disability,” “qualified person with a disability” and “reasonable accommodation,” the Department of Personnel hereby adopts by reference and will refer to:

- (a) The Americans with Disabilities Act of 1990 (Public Law 101-336).
- (b) *The ADA Amendments Act of 2008 (Public Law 110-325).*
- (c) The provisions of 29 C.F.R. Part 1630.

~~[(e)]~~ (d) *The Technical Assistance Manual* for the Americans with Disabilities Act.

2. A copy of the materials adopted by reference pursuant to this section may be obtained at no charge from the United States Equal Employment Opportunity Commission Publications Information Center, *by mail at* P.O. Box ~~[12549, Cincinnati, Ohio 45212-0549,]~~ *541, Annapolis Junction, Maryland 20701, by* telephone *at* (800) 669-3362 or TDD (800) 800-3302 ~~[()]~~ *or at the Internet address <http://www.eeoc.gov/publications.html>.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R059-09**

The Personnel Commission adopted regulations which pertain to chapter 284 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notice of workshop, and notices of intent to act upon a regulation were sent by email to persons who were known to have an interest in the subject of proposed personnel regulation changes as well as any person who had specifically requested such notice. These documents were also made available on the website of the Department of Personnel (DOP), <http://dop.nv.gov/>, mailed to all county libraries in Nevada and posted at the following locations:

Department of Personnel Blasdel Building 209 E. Musser St Carson City, NV 89701	Grant Sawyer State Office Bldg. 555 E. Washington Blvd Suite 4401 Las Vegas, NV 89101
Nevada State Library and Archives 100 Stewart St Carson City, NV 89701	Capitol Building Main Floor Carson City, NV 89701
Legislative Building 401 S. Carson St Carson City, NV 89701	Gaming Control Board 1919 College Parkway Carson City, NV 89701

Attached are excerpts from the minutes from the workshop that apply to this regulation.

A public hearing by the Nevada Personnel Commission was held on September 25, 2009. There were no comments received from the public.

The number of persons who:

- (a) Attended each hearing:** September 25, 2009, Personnel Commission meeting (hearing), 49 attendees
- (b) Testified at each hearing:** September 25, 2009, Personnel Commission meeting, 0 testified
- (c) Submitted written comments:** None

2. A description of how comment was solicited from businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were not solicited, as the regulation does not affect businesses.

3. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

No comments opposed to this regulation were received.

4. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects; and
- (b) Both immediate and long-term effects.

This regulation does not have a direct economic effect on either a regulated business or the public.

5. **The estimated cost to the agency for enforcement of the adopted regulation:**

No direct cost is anticipated to the Department of Personnel for the enforcement of this regulation. There will be indirect costs occurred from updating informational guides and providing consultation to agencies and employees.

6. **A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

This regulation serves to adopt by reference federal law, regulations and manual regarding persons with disabilities. The amendment updates the regulation to include the ADA Amendments Act of 2008 and a new manual.

7. **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

This regulation does not include any provisions that are more stringent than any federal regulation.

8. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

No fees are associated with this regulation.

9. **Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

This regulation is specific to State government agencies and has no impact on small business.