

**ADOPTED REGULATION OF THE
PERSONNEL COMMISSION**

LCB File No. R118-10

Effective May 5, 2011

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

AUTHORITY: §§1 and 2, NRS 284.384.

A REGULATION relating to state personnel; revising provisions relating to the adjustment of grievances; and providing other matters properly relating thereto.

Section 1. NAC 284.690 is hereby amended to read as follows:

284.690 1. ~~##~~ *Except as otherwise provided in NAC 284.692:*

(a) If the employee has not received satisfactory relief within 10 working days after his grievance is deemed to have been received by the head of the division, he may file his grievance with the highest administrator of the department ~~[. Except as otherwise provided in NAC 284.692,]~~; *and*

(b) Within 10 working days after the employee's grievance is deemed to have been received by the highest administrator of the department, the administrator ~~[may hold a hearing within 10 working days after receiving the employee's grievance.]~~ *or the designee of the administrator shall:*

- (1) Gather information regarding the grievance;*
- (2) Render a decision resolving the grievance, including, without limitation, denying the grievance; and*
- (3) Notify the employee of the resolution.*

2. ~~Except as otherwise provided in NAC 284.692, the highest administrator may render a decision following the hearing or allow the grievance to be forwarded directly to the Committee within 10 working days.~~

~~3.]~~ In rendering a decision concerning a performance evaluation, an administrator shall address the findings of fact to the specific points of disagreement referred to in the grievance of the employee.

~~4.]~~ 3. Within the established time limitations, including any extensions to those time limitations obtained pursuant to NAC 284.692, the highest administrator may appoint a person or committee composed of managers and employees to assist in the finding of facts and recommending a course of action.

Sec. 2. NAC 284.695 is hereby amended to read as follows:

284.695 If an employee ~~has not received satisfactory relief within 10 working days after his receipt of~~ *is not satisfied with* the decision ~~from~~ *rendered by* the highest administrator in the department ~~is~~ *pursuant to NAC 284.690*, he may request consideration of the grievance by the Committee pursuant to its rules. The employee must submit his request to the Committee within 10 working days following his receipt of the decision from the administrator. The request must include all appropriate documentation, a citation of the statutes and regulations pertinent to the grievance, if any, the specific points of disagreement and supporting evidence. The Committee will, within 45 working days after the receipt of the employee's request:

1. Answer the request without a hearing if the case is based upon the Committee's previous decisions or does not fall within its jurisdiction; or

2. Hold a hearing to determine the proper disposition of the request. If a hearing is held, the Committee will:

(a) Except as otherwise provided in paragraph (b), provide at least 21 working days' written notice to all parties concerned.

(b) Provide notice to the employee by:

(1) Sending a written notification by certified mail, return receipt requested, at least 21 working days before the hearing; or

(2) Personally delivering a written notification to the employee at least 5 working days before the hearing, if the Chairman approves of such notice.

(c) Render a decision within 45 days after the closure of the hearing.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE NO. R118-10**

The following statement is submitted for amendments to Nevada Administrative Code (NAC) 284.

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	Grant Sawyer State Office Bldg.
Blasdel Building	555 E. Washington Blvd
209 E. Musser St	Suite 4401
Carson City, NV 89701	Las Vegas, NV 89101
Nevada State Library and Archives	Capitol Building
100 Stewart St	Main Floor
Carson City, NV 89701	Carson City, NV 89701
Legislative Building	Gaming Control Board
401 S. Carson St	1919 College Parkway
Carson City, NV 89701	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 February 18, 2011. There were no comments received from the public regarding this regulation.

2. The number of persons who:

- (a) **Attended each hearing:** February 18, 2011, Personnel Commission meeting (hearing), 26 attendees
- (b) **Testified at each hearing:** February 18, 2011, Personnel Commission meeting, 1 testified
- (c) **Submitted written comments:** None

3. 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.

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

Kareen Masters commented that the Department Head should have the discretion to meet with an employee to discuss his grievance, therefore making it unnecessary to change the language from “may” to “shall.” Renee Travis agreed that not all grievances may require a meeting with the highest authority.

When asked if clarification was needed that the decision to meet with the grievant or deny the grievance had to occur within 10 days, Kareen Masters said that there had been no problems with people misunderstanding the 10 working day timeframe.

Based on workshop comments, the wording of the proposed regulation was changed. The change removes the requirement that the agency administrator meet with the employee, but requires the administrator to gather information about the grievance, render a decision about the grievance, and notify the employee of the decision.

5. 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.

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

There is no additional cost to the agency for enforcement of this regulation.

7. 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.

There are no other state or government agency regulations that the proposed amendment duplicates.

8. 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.

- 9. 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.

- 10. 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 businesses.