

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

LCB File No. R118-10

November 16, 2010

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.