



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
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PERSONNEL COMMISSION

Meeting Notice

DATE: Friday, September 29, 2017

TIME: 9:00 a.m.

LOCATION: Legislative Counsel Bureau
401 S. Carson St.
Room 3138
Carson City, Nevada 89701

Grant Sawyer Building
555 E. Washington Ave.
Room 4401
Las Vegas, Nevada 89101

The sites will be connected by videoconference. The public is invited to attend at either location. As video conferencing gives the Commission, staff and others flexibility to attend meetings in either Northern or Southern Nevada, handouts to the Commission on the day of the meeting might not be transmitted to the distant locations.

Notice: The Personnel Commission may address agenda items out of sequence to accommodate persons appearing before the Commission or to aid the efficiency or effectiveness of the meeting at the Chair's discretion. The Commission may combine two or more agenda items for consideration, and the Commission may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Comments will be limited to three minutes per person and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Commission Chair may elect to allow public comment on a specific agenda item when the item is being considered.

Agenda

FOR POSSIBLE ACTION

I. Call To Order, Welcome, Roll Call, Announcements

II. Public Comment: No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

FOR POSSIBLE ACTION

III. Approval of Minutes of Previous Meetings:

- A. Held June 23, 2017 6-19
- B. Held June 23, 2017, Emergency Regulations 20-23

FOR POSSIBLE ACTION

IV. Discussion and Approval of Addition of Classes or Positions Approved for Pre-employment Screening for Controlled Substances and Revisions to Class Specifications24-46

A. The Department of Public Safety requests the addition of positions to the list approved for pre-employment screening for controlled substances and requests approval of class specification amendments to include pre-employment screening for controlled substances:

1. Classes and positions requested for approval of pre-employment screening for controlled substances:

2.211 Administrative Assistant III, PCN: 3740-1412

12.616 Parole & Probation Specialist III, PCN: 3740-1439, 3740-1440, 3740-1441, 3740-1442

2. Request for approval of class specification change to include pre-employment screening for controlled substances for some positions:

12.619 Parole & Probation Specialist series

B. The Department of Administration requests the addition of positions to the list approved for pre-employment screening for controlled substances to include:

1. Classes and positions requested for approval of pre-employment screening for controlled substances:

6.754 Building Construction Inspector III, PCN: All

6.755 Building Construction Inspector IV, PCN: All

FOR POSSIBLE ACTION

V. Discussion and Approval of Proposed Regulations Changes to Nevada Administrative Code, Chapter 284 47-119

A. LCB File No. R033-17

Sec. 1. Amends Chapter 284 to add Sections 2, 3 and 4.

Sec. 2. NEW Reasonable break times and place to express milk.

Sec. 3. NEW Request for break times and place to express milk.

Sec. 4. NEW Submission of complaint to the Employee-Management Committee.

Sec. 5. NAC 284.0735 "Organizational climate study" defined.

Sec. 6. NAC 284.112 "Working day" defined.

Sec. 7. NAC 284.523 Definitions.

Sec. 8. NAC 284.524 Reporting for work; workweeks and workdays; periods for meals and rest.

Sec. 9. NAC 284.589 Administrative leave with pay.

Sec. 10. NAC 284.658 "Complaint" and "grievance" defined.

- Sec. 11. NAC 284.662 Providing assistance to employee.
- Sec. 12. NAC 284.680 Date of receipt of grievance or complaint.
- Sec. 13. NAC 284.692 Agreement for extension of time to file grievance or complaint, or take required action.
- Sec. 14. NAC 284.6952 Request for resolution conference; appointment of facilitator; effect of request for resolution conference on jurisdiction of Employee-Management Committee.
- Sec. 15. NAC 284.6955 Hearing before Employee-Management Committee: Procedure.
- Sec. 16. NAC 284.6957 Hearing before Employee-Management Committee: Continuance; abeyance.
- Sec. 17. NAC 284.696 Unlawful discrimination.
- Sec. 18. NAC 284.697 When resolution of grievance or complaint becomes binding.
- Sec. 19. Section 1 of LCB File No. R076-15, which was adopted by the Personnel Commission and filed with the Secretary of State on April 4, 2016, is hereby amended to read as follows:

Removal of ineligible grievance or complaint from procedure.

B. LCB File No. R037-17

- Sec. 1. Amends Chapter 284 to add Sections 2, 3 and 4.
- Sec. 2. NEW “Domestic violence” defined.
- Sec. 3. NEW “Family or household member” defined.
- Sec. 4. NEW Accommodation for employee affected by domestic violence.
- Sec. 5. NAC 284.010 Definitions.
- Sec. 6. NAC 284.539 Annual leave: Written request; approval or denial; authorized use.
- Sec. 7. NAC 284.554 Sick leave: Authorized use.
- Sec. 8. NAC 284.578 Leave of absence without pay.
- Sec. 9. NAC 284.5811 Family and medical leave: Maximum amount in 12-month period; eligibility; use.
- Sec. 10. Effective Date This regulation becomes effective on January 1, 2018, or upon filing with the Secretary of State, whichever occurs later.

C. LCB File No. R039-17

- Sec. 1. Section 1 of LCB File No. R100-16, is hereby amended as follows:

Appeal of refusal to examine or certify.

D. Emergency Regulation

NAC 284.325 Preferences for veterans.

FOR POSSIBLE ACTION

VI. Discussion and Approval of Proposed Class Specification Maintenance Review of Classes Recommended for Revision.....120-154

A. Fiscal Management & Staff Services

- 1. Subgroup: Materials Acquisition & Services
 - a. 7.311 Purchasing Technician Series
- 2. Subgroup: Administrative & Budget Analysis
 - a. 7.643 Program Officer Series
- B. Medical, Health & Related Services
 - 1. Subgroup: Laboratory Services
 - a. 10.723 Pharmacy Technician Series
- C. Regulatory & Public Safety
 - 1. Subgroup: Law Enforcement Support Services
 - a. 11.260 Security Officer Series
- D. Social Services & Rehabilitation
 - 1. Subgroup: Employment Security Claims Examination & Placement
 - a. 12.127 ESD Program Specialist Series
 - 2. Subgroup: Rehabilitation
 - a. 12.440 Vocational Evaluator Series

VII. Report of Uncontested Classification Plan Changes Not Requiring Personnel Commission Approval per NRS 284.160.....155-161

The following items were posted for at least 20 working days. No written objections were received by the Administrator before the end of the posting period; therefore the changes automatically went into effect.

Posting: #24-17

- 10.238 Health Program Specialist II
- 10.237 Health Program Specialist I

Posting: #25-17

- 11.564 Safety Supervisor, Elevator – DIR
- 11.538 Safety Specialist, Elevator – DIR
- 11.563 Safety Representative, Elevator – DIR
- 11.529 Safety Supervisor, Boiler – DIR
- 11.537 Safety Specialist, Boiler – DIR
- 11.549 Safety Representative, Boiler – DIR

Posting: #26-17

- 11.519 Safety Supervisor, Railway
- 11.515 Safety Specialist, Railway
- 11.513 Safety Representative, Railway
- 11.540 Safety Specialist, Railway – Tracks
- 11.541 Safety Specialist, Railway – Motive Power
- 11.542 Safety Specialist, Railway – Hazardous Materials
- 11.543 Safety Specialist, Railway – Operating Practices

Posting: #27-17

- 7.670 Fleet Specialist II
- 7.671 Fleet Specialist I

Posting: #28-17

- 7.507 Equal Employment Opportunity Officer

VIII. Discussion and Announcement of Dates for Upcoming Meetings. Next Meeting Scheduled for December 7, 2017. Selection of Following Meeting.

IX. Commission Comments

- X. Public Comment:** No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)
- XI. Adjournment**

Supporting material for this meeting is available at the Division of Human Resource Management, 209 E. Musser Street, Suite 101, Carson City, Nevada, 89701; 555 E. Washington Avenue, Suite 1400, Las Vegas, Nevada, 89101; or on our website [http://hr.nv.gov/Boards/PersonnelCommission/Personnel Commission - Meetings/](http://hr.nv.gov/Boards/PersonnelCommission/Personnel_Commission_-_Meetings/). To obtain a copy of the supporting material, you may contact Carrie Lee at (775) 684-0131 or carrie.lee@admin.nv.gov.

Inquiries regarding the items scheduled for this Commission meeting may be made to Carrie Lee at (775) 684-0131 or carrie.lee@admin.nv.gov.

We are pleased to make reasonable accommodations for individuals who wish to attend this meeting. If special arrangements or audiovisual equipment are necessary, please notify the Division of Human Resource Management in writing at 209 E. Musser Street, Suite 101, Carson City, Nevada, 89701, no less than (5) five working days prior to the meeting.

Persons who wish to receive notice of meetings must subscribe to the Division of Human Resource Management LISTSERV HR Memorandums which can be found on the following webpage: [http://hr.nv.gov/Services/HRM Email Subscription Management/](http://hr.nv.gov/Services/HRM_Email_Subscription_Management/). If you do not wish to subscribe to LISTSERV and wish to receive notice of meetings, you must request to receive meeting notices and renew the request every 6 months thereafter per NRS 241.020(3)(c) which states in part, "A request for notice lapses 6 months after it is made." Please contact Carrie Lee at (775) 684-0131 or carrie.lee@admin.nv.gov to make such requests.

Notice of this meeting has been posted at the following locations:

Carson City

Blasdel Building, 209 East Musser Street
Nevada State Library & Archives Building, 100 North Stewart Street
Nevada State Capitol, 101 North Carson Street

Las Vegas

Grant Sawyer Building, 555 East Washington Street

Internet

Nevada Public Notice website: <http://notice.nv.gov>
Division of Human Resource Management website: www.hr.nv.gov

**STATE OF NEVADA
PERSONNEL COMMISSION**

Held in Carson City at the Gaming Control Board, 1919 College Parkway; and via video conference in Las Vegas at the Grant Sawyer State Building, 555 East Washington Avenue, Room 2450

**MEETING MINUTES
Friday, June 23, 2017
(Subject to Commission Approval)**

COMMISSIONERS PRESENT

IN CARSON CITY: Ms. Katherine Fox, Chairperson
Mr. David Read, Commissioner

COMMISSIONERS PRESENT

IN LAS VEGAS: Mr. David Sanchez, Commissioner
Mr. Andreas Spurlock, Commissioner
Mr. Gary Mauger, Commissioner

STAFF PRESENT IN CARSON CITY:

Mr. Peter Long, Administrator, Division of Human Resource Management (DHRM)
Ms. Shelley Blotter, Deputy Administrator, DHRM
Ms. Dawn Buoncristiani, Deputy Attorney General, Office of the Attorney General
Ms. Carrie Hughes, Personnel Analyst, DHRM
Ms. Carrie Lee, Executive Assistant, DHRM

STAFF PRESENT IN LAS VEGAS:

Ms. Heather Dapice, Supervisory Personnel Analyst, DHRM
Mr. Adrian Foster, Personnel Analyst, DHRM

I. CALL TO ORDER; WELCOME; ROLL CALL; ANNOUNCEMENTS

Chairperson Fox: Opened the meeting at approximately 9:00 a.m. She welcomed everyone and took roll. She announced that at the conclusion of this morning's regular meeting, the Commission will adjourn and then reconvene for a meeting to approve the temporary regulations specific to the Nevada Revised Statutes and bills that were approved by the Governor. A quorum was established.

II. PUBLIC COMMENT

Chairperson Fox: Advised that no vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. She asked if there were any public comments. None were put forth.

III. APPROVAL OF MINUTES OF PREVIOUS MEETING – Action Item

A. Held March 10, 2017

MOTION: Moved to approve the minutes of the March 10, 2017 meeting.

BY: Commissioner Mauger

SECOND: Commissioner Sanchez

VOTE: Motion passed. Commissioner Read abstained, having been absent from the March 10, 2017, meeting.

IV. DISCUSSION AND APPROVAL OF ADDITION OF CLASSES OR POSITIONS APPROVED FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES AND REVISIONS TO CLASS SPECIFICATIONS – Action Item

A. The Department of Agriculture requests the additions of positions to the list approved for pre-employment screening for controlled substances and requests approval of class specification amendments to include pre-employment screening for controlled substances:

1. Classes and positions requested for approval of pre-employment screening for controlled substances:

1.401 Weights and Measures Inspector IV, PCN: 4551-0011, 4551-0022

1.404 Weights and Measures Inspector III, PCN: 4551-0013

1.407 Weights and Measures Inspector II, PCN: 4551-0014, 4551-0015, 4551-0023, 4551-0024, 4551-0025, 4551-0028, 4551-0045, 4551-0047, 4551-0049, 4551-0102, 4551-0105

1.413 Weights and Measures Assistant (Seasonal), PCN: 4551-8911, 4551-8912, 4551-8913

2. Request for approval of class specification changes to include pre-employment screening for controlled substances for some positions:

a. Weights and Measures Inspector Series

b. Weights and Measures Assistant (Seasonal)

B. The Department of Public Safety requests the addition of positions to the list approved for pre-employment screening for controlled substances:

1. Classes and positions requested for approval of pre-employment screening for controlled substances:

2.210 Administrative Assistant IV, PCN: 4701-0106, 4701-0155, 4701-0706, 4701-0805, 4701-0870

7.647 Program Officer II, PCN: 4701-0950

Carrie Hughes: Introduced herself as a Personnel Analyst for the Division of Human Resource Management. She explained that NRS 284.4066 provides for the pre-employment screening for controlled substances of candidates for positions affecting public safety prior to hire. The statute requires an appointing authority to identify the specific positions that affect public safety, subject to the approval of

the Personnel Commission. Additionally, federal courts have indicated that a pre-employment drug screening by public entities may constitute a search within the meaning of the Fourth Amendment and if so, must be justified by a special need that outweighs a reasonable expectation of privacy.

She further explained that the Department of Agriculture has requested to add the requirement of pre-employment drug screening to the Weights and Measures positions listed in Agenda Item IV-A-1; DHRM recommends approval of these positions. The Federal Motor Carrier Safety Administration requires pre-employment screening for controlled substances of these positions, as they operate commercial motor vehicles and are subject to the requirement of a commercial driver's license. She noted that a representative from the Department of Agriculture was present to answer questions.

Chairperson Fox: Asked if there were questions or public comment. There were none.

MOTION: Moved to approve classes and positions requested for approval of pre-employment screening for controlled substances for the Department of Agriculture, specifically Weights and Measures Inspector IV with the appropriate PCNs, Weights and Measures Inspector III with the appropriate PCNs, Weights and Measures Inspector II with the appropriate PCNs and Weights and Measures Assistant, which is a seasonal position, with the appropriate PCNs.

BY: Chairperson Fox

SECOND: Commissioner Read

VOTE: Motion passed unanimously.

Carrie Hughes: Explained that as pre-employment screening was approved for these Weights and Measures positions (Agenda Item IV-A-2), DHRM requests a change to the class specifications for Class Series Weights and Measures Inspector and Weights and Measures Assistant (Seasonal) to reflect the approval of the requirement for pre-employment screening for controlled substances.

Chairperson Fox: Asked if there were questions or public comment; there were none.

MOTION: Moved to approve class specification changes to include pre-employment screening for controlled substances for Weights and Measures Inspector Series and Weights and Measures Assistant (Seasonal).

BY: Chairperson Fox

SECOND: Commissioner Read

VOTE: Motion passed unanimously.

Carrie Hughes: Explained that the Department of Public Safety (DPS) has requested to add the requirement of pre-employment drug screening to the positions listed in Agenda Item IV-B-1. DHRM recommends approval of these positions, as they involve working with, securing and destroying controlled substances and have access to criminal history information. Additionally, Department of Public Safety positions in these classes have previously been approved by the Commission. She noted that a representative from the Department of Public Safety was present to answer questions.

Chairperson Fox: Asked if there were questions or public comment. There were none.

MOTION: Moved to approve Item IV-B-1, pre-employment screening for controlled substances for Administrative Assistant IV and Program Officer II.

BY: Commissioner Mauger

SECOND: Commissioner Sanchez
VOTE: Motion passed unanimously.

V. DISCUSSION AND APPROVAL OF PROPOSED CLASS SPECIFICATION MAINTENANCE REVIEW OF CLASSES RECOMMENDED FOR REVISIONS AND ABOLISHMENT – Action Item

- A. Clerical & Related Services
 - 1. Subgroup: Accounts Maintenance
 - a. 2.300 Accounting Assistant Series
- B. Medical, Health & Related Services
 - 1. Subgroup: Psychology & Social Science
 - a. 10.121 Clinical Program Manager Series

Heather Dapice: Introduced herself as Supervisory Personnel Analyst for the Division of Human Resource Management. She explained she was present to request approval of the recommendation for changes to class specifications for the Accounting Assistant Series. As part of the class specification maintenance process, it is recommended that minor revisions be made to refresh language and maintain consistency with formatting and structure. The changes are identified in red within the handouts provided.

Chairperson Fox: Asked if there were questions or public comment. There were none.

MOTION: Moved to approve Item V-A-1-a, the Clerical & Related Services, Subgroup: Accounts Maintenance and Accounting Assistant Series.
BY: Commissioner Read
SECOND: Chairperson Fox
VOTE: Motion passed unanimously.

Heather Dapice: Explained that as part of the biennial class specification maintenance review process, it is recommended that minor revisions be made to refresh language and to maintain consistency with formatting and structure. The changes are identified in red within the handouts provided.

Chairperson Fox: Asked if there were questions or public comment. There were none.

MOTION: Moved to approve Item V-B, Medical, Health & Related Services, Subgroup: Psychology & Social Science, Clinical Program Manager Series.
BY: Commissioner Mauger
SECOND: Commissioner Sanchez
VOTE: Motion passed unanimously.

VI. UPDATE REGARDING MARCH 10, 2017, PUBLIC COMMENT ADDRESSING ACCOUNTING TECHNICIAN CLASS SPECIFICATION MINIMUM QUALIFICATIONS REVIEW AND COLLEGE CREDITS

Heather Dapice: Stated that she was present to provide the informational update on the Accounting Technician I class, specifically the requirement for six college credits in basic accounting. During the March 10, 2017, Commission meeting, Accounting Assistant III, Denise Bonomo, a State employee since 2011, questioned the requirement for six college credits in basic accounting and requested that years of

experience be substituted in lieu of this requirement. For a historical perspective, since the establishment of the series a college credit requirement has always been included. At its inception, the requirement was 33 units of postsecondary courses for Accountant Technician III, 21 units for Accountant Technician II and 12 units for the Accountant Technician I. In 1998, the Legislative Counsel Bureau concluded its evaluation of the practices used by the State to recruit, hire and promote financial management positions, which included Chief Accountants, Accountants and Accountant Technicians. The resulting audit report indicated the State of Nevada receives and spends billions of dollars in taxes and federal grants. As such, the State needs a highly qualified financial management workforce to keep pace with growth, technological changes and ensure accountability of the public funds.

Ms. Dapice added that the legislative auditor recommended the State strengthen financial management qualifications to ensure candidates had both conceptual knowledge and the technical skills needed. As a result, department personnel conducted an in-depth analysis of the knowledge, skills and abilities required to perform the duties and responsibilities of the financial management positions. With considerable input and guidance from subject matter experts in the financial management field, changes were made to the minimum qualifications. While college coursework was lowered to 18, 12 and six college units, respectively, the experience required became more detailed. Written examinations were also developed and implemented during this time frame.

Ms. Dapice explained that the most recent review of the Accountant Technician series was completed by DHRM and was approved by the Personnel Commission on March 4, 2016. This review utilized 17 subject matter experts from multiple State agencies as well as the Nevada System of Higher Education. The subject matter experts again reiterated the need for applicants to possess college coursework. However, in order to increase the applicant pool at the higher levels in the series, the credits were lowered to nine and six at the Accountant Technician III and II levels, respectively. The subject matter experts agreed that college courses are imperative and while the college credit requirements are at the bare minimum, they should remain as a requirement. She noted that equivalency was included at the Accountant Technician I level to allow for two years as an Accounting Assistant III in Nevada State service to be eligible with the six college credits. Previously this level of work was not automatically a qualifier for the Accountant Technician I level. At this time, and in keeping with the recommendations of the subject matter experts and the Legislative Counsel Bureau audit, removal of the six college credits in basic accounting for the Accountant Technician I is not recommended. Obtaining the requisite credits is in no way impeded by a lack of availability. In the State of Nevada, all System of Higher Education colleges and universities offer these courses year-round, which can be taken online or in a classroom setting. The courses are also offered through online universities. As such, Ms. Bonomo can readily enroll in any accredited college or university to obtain these required courses.

Chairperson Fox: Asked if there were questions.

Commissioner Spurlock: Thanked Ms. Dapice for the significant work completed in the short period of time since the last Commission meeting. He noted there was confusion during the last meeting from the incumbent who had questioned the requirements. He thanked the Department for conducting the research and providing a timely response.

Chairperson Fox: Asked if there were public comments; there were none. She stated that it was important to recognize the research efforts conducted in such a short amount of time. She thanked Ms. Dapice and DHRM for its responsiveness to the request.

VII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES NOT REQUIRING PERSONNEL COMMISSION APPROVAL PER NRS 284.160

The following items were posted for at least 20 working days. No written objections were received by the Administrator before the end of the posting period; therefore the changes automatically went into effect.

Posting: #13-17

- 12.345 Social Work Supervisor II
- 12.352 Social Work Supervisor I
- 12.363 Social Worker III
- 12.361 Social Worker II
- 12.377 Social Worker I

Posting: #14-17

- 12.332 Health Care Coordinator IV – Nurse
- 12.351 Health Care Coordinator IV
- 12.333 Health Care Coordinator III – Nurse
- 12.330 Health Care Coordinator III
- 12.334 Health Care Coordinator II – Nurse
- 12.369 Health Care Coordinator II
- 12.335 Health Care Coordinator I – Nurse
- 12.373 Health Care Coordinator I

Posting: #15-17

- 11.405 Insurance Regulation Liaison

Posting: #16-17

- 7.103 Chief Accountant

Posting: #17-17

- 11.551 Commercial Vehicle Safety Inspector III
- 11.553 Commercial Vehicle Safety Inspector II
- 11.554 Commercial Vehicle Safety Inspector I

Posting: #18-17

- 12.402 Rehabilitation Chief II
- 12.404 Rehabilitation Chief I

Posting: #19-17

- 1.918 Lifeguard II (seasonal)
- 1.919 Lifeguard I (seasonal)

Posting: #20-17

- 7.706 Insurance Actuarial Analyst III
- 7.710 Insurance Actuarial Analyst II
- 7.712 Insurance Actuarial Analyst I

Posting: #21-17

- 10.373 Community Health Nursing Manager

Posting: #22-17

- 10.375 Community Health Nurse IV
- 10.376 Community Health Nurse III
- 10.377 Community Health Nurse II
- 10.378 Community Health Nurse I

Posting: #23-17

- 12.416 Rehabilitation Supervisor

- 12.421 Rehabilitation Counselor III
- 12.427 Rehabilitation Counselor II
- 12.431 Rehabilitation Counselor I

Chairperson Fox: Indicated as the list is included in the agenda, she would not read the list into the record. She asked if there were questions from the Commissioners. There were none.

VIII. REPORT OF 2017 LEGISLATION AFFECTING STATE EMPLOYEES AND DHRM BUDGET

Shelley Blotter: Introduced herself as Deputy Administrator, DHRM. She provided a summary of legislative actions affecting the budget. Funding for DHRM was granted as requested. She was not in possession of the final numbers, however she noted that DHRM had received the amount requested. DHRM was funded for 72 positions, which is three fewer than currently staffed. One of the positions that was eliminated was in Employee & Management Services. The position had previously provided support to Hearing Officers, which is now outsourced to the Hearings Division. The other two positions were related to the elimination of written testing. One individual has found placement in another position. The other was very close to retirement and DHRM is purchasing the remainder, so the employee will receive a full retirement. DHRM requested increased funding for travel for Agency HR Services to allow more outreach to the agencies served (consisting of more than 2,000 employees). DHRM requested to have a contractor teach State employees to become mediators for the Mediation Program. The first year of funding is for Carson City and the second year of funding is for Las Vegas. An additional request was for DHRM staff to attend job fairs in order to increase outreach. Part of the last budget included two additional servers for the creation of new systems for Payroll and employee records.

Commissioner Sanchez: Provided comments regarding the issue of the elimination of written employment testing, noting that the ancient Chinese first developed civil service tests, where individuals would take written tests for positions in the government. As personnel selection evolved globally, it was a well-known adage that in the hiring of individuals from the public sector, that the true score of a job applicant was equal to their observed scores plus error. There has never been any personnel selection method that is without error. The purpose of personnel selection has been to reduce errors in the hiring process as much as possible. He referenced a Society for Industrial and Organizational Psychology (of which he is a member) *White Paper* and quoted it as follows:

“A test can be defined in two different ways. From an assessment standpoint, a test is a standardized series of problems or questions that assess a persons knowledge, skills, abilities or other characteristics. From a legal standpoint in the United States, the Uniform Guidelines on Employee Selection Procedures defines a test as any method used to make an employment decision.”

Commissioner Sanchez listed the reasons for testing: testing leads to savings in the decision making process as the costs of making a wrong decision are high; testing ensures that individuals are treated consistently; and when there are many job applicants, written testing is appropriate. There are a number of tests employed to include biographical data, cognitive ability, integrity, interviews and job knowledge tests, which are typically required in civil service testing, physical agility tests and personality tests. He stated that in his point of view, the elimination of written employment tests compromises the efficacy of the personnel selection method in the State of Nevada. He requested that Adrian Foster, whom he cited as an expert in personnel selection, test validation and test instruction, provide the Commission with his comments regarding the elimination of written testing.

Adrian Foster: Introduced himself as a Personnel Analyst III, DHRM. He shared that his feelings on the lack of testing are consistent with those of Commissioner Sanchez, in that he feels that the elimination of testing will create an additional time burden in reviewing applications. There are several classes of recruitment where testing has been efficient in identifying applicants who may not possess the basic abilities necessary to fill certain positions. The Division of Welfare goes even further, offering an academy approach to testing. He noted that many analysts feel that testing is a vital part of the screening and selection process of applicants. Without such testing, the review process will consist of application evaluation. He noted that testing will continue at the university level as well as DPS, as these departments see the validity in using written testing. He opined that testing provides applicants with a feeling that they have earned their jobs in the public sector. Testing continues in many other jurisdictions as a vital process, which eliminates potential problems associated with assessing the ability of applicants to perform their jobs successfully.

Commissioner Sanchez: Commented that Mr. Foster indicated that written testing has not been eliminated and that it continues to be used by DPS and other agencies; he requested that Mr. Long respond to the concern. **Peter Long:** Stated he was unaware of written testing continuing at the University System, citing one exception where an analyst scheduled a University Police applicant for a written exam and was able to accommodate the applicant as the testing room had not been shut down. DPS will continue to use its own exam for DPS officers and they have a separate and distinct testing system which allows them to collect demographic data which they are required to do based on federal law. To the best of his knowledge, this is the only agency using written exams. DHRM will no longer administer written exams; the testing room has been closed down and funding to administer written exams is gone as of July 1st. Mr. Long does not disagree with Mr. Foster as to the validity of written exams, however he does not believe that simply because other jurisdictions are using them that DHRM also has to. He also does not disagree with Commissioner Sanchez that they are a valid predictor of success in the workplace. There are applicants who do very well at written exams that don't do well in the workplace, and there are people who cannot pass written exams but who could do well in the workplace. In addition, in our current environment, the new generations are not willing to wait for the six, eight or ten weeks it takes to take a written exam and have a list certified by an analyst. Some positions garner between 1,000 and 1,200 applicants. At the maximum, 60 tests can be administered per day, which makes it difficult in a class with high turnover to provide a good list to an agency that is running at 20 to 30 percent vacancy rate in positions. In the interest of trying to provide an agency with good applicants that have met the minimum qualifications and allowing the appointing authority and supervisors of those positions to conduct in-depth interviews to determine the best candidates for the job, this was the decision that was made. He added that he has received virtually no negative feedback from agencies on the change.

Chairperson Fox: Commented that one of the reasons no negative feedback has been received is due to the conundrum the Division is in. This has to do with the fact that there is immense pressure for the Division to perform and to get lists expediently to departments so that they can make selection decisions. She agreed with Commissioner Sanchez that the importance of employment testing and written exam testing for the selection of the best candidates for the position may now be lost. She understands the concerns regarding the limitation of 60 applicants per day able to test. From her perspective, the Division needs the ability to test a large number applicants in a large testing room. At Las Vegas Metro, that department used to be able to test 2,000 police officer applicants in one setting. She shares Commissioner Sanchez' concerns that written testing is an important component to the entire selection process. Minimum qualifications provide the basis that the applicant meets the minimum qualifications, and there are further selection instruments in place that narrow that larger applicant group to the group most qualified. She stated she understands the dilemma upon the State in terms of the demand that they be very expedient in getting lists to departments. She would like the Commission to have an update within the

next year as to how the elimination of written exams has improved or not improved the quality of applicants for State service.

Commissioner Spurlock: Was curious as to why DPS or fire jobs would still be testing and surmised that the reason is because for certain jobs, the desire is to have a low entry or no barrier to entry. In such cases, a solid written test is desirable to determine general aptitude to learn. This would apply to firefighters and law enforcement, where no experience is required. He pointed out that in his experience this was frustrating at times. For example, high school graduates with no experience would be welcomed to apply as a firefighter. There might also be an individual who had spent six years fighting fires on an aircraft carrier, yet this individual would be given no advantage over other applicants. General aptitude testing was not necessarily the best testing for such positions. There are other times when a general aptitude test would be good, if done well and efficiently. He agreed with Commissioner Sanchez' comments. He recently taught an internal training class with the City on how to write test questions and answers. After the training, he did not receive the feedback expected from recruiting personnel. Recruiting personnel appreciated the information, however they were not enthusiastic about reviewing a test in a file from ten years ago, examining it and revising it to make it better. He noted that sometimes there is too much focus on efficiency, which leads to losing sight of the important goal of finding the best candidates. Finding candidates will not always be achieved through aptitude testing, however, there are areas where it is still helpful. He acknowledged that likely not much can be done to reverse the decision, especially if it was a budget-based decision. He did not think it bodes well long term.

Commissioner Sanchez: Commented that the ancient Chinese would have 10,000 individuals to be tested in the Great Hall of Beijing. In response to Mr. Long's comment regarding some individuals who do not test well, he pointed out that there are some individuals who do not take interviews well, either. This does not mean that oral exams should end. In terms of large numbers of candidates and the limitation of 60 per day, there are a number of public agencies that have restricted the number of applications. Instead of having 10,000 applications coming in, they might say that the first 100 applications will be considered at this time.

Shelley Blotter: Stated that at one time she was the supervisor of the unit that developed exams. State classes are very generic and the exams are extremely generic and not job specific to a particular position; job specific exams tailored to the actual duties are a more accurate prediction of who may be successful. Some exam questions have nothing to do with the jobs that were being filled. This was also part of the consideration, in that the exams were not necessarily an adequate predictor of success. The other thing to note is that rating of training and experience continue. A software program called TapDance is used to evaluate an applicant's skills and can be incorporated with a job interview. Supervisors receive instructions through online training in developing interviews that are job specific and a good predictor of performance. Along with skills testing, there are some safety nets in place.

Peter Long: Agreed with everything that all of the Commissioners have said on the topic and does not want to be seen as being disrespectful to these comments. He assured Commissioners that this will be tracked closely to determine whether there is improvement in turnaround and filling positions. There will also be attention to the evaluation levels of employees who fill positions. He is not ruling out the possibility of a request for reinstatement of written testing in the future, while acknowledging that it would not be easy in light of the budget process.

IX. ACKNOWLEDGEMENT OF COMMISSIONER READ'S SERVICE TO THE PERSONNEL COMMISSION

Chairperson Fox: Commented that she was sad to have this item before the Commission. She and Commissioner Read joined the Commission at about the same time. One of Commissioner Read's contributions was improvement to the hearing officer process. Commissioner Read was committed to a number of strategies to reduce the time so that employees could be informed more timely about their appeal of an employment decision. His work also included an accountability component of holding hearing officers external to the State to timeliness. She thanked Commissioner Read for this and for an overall perspective that he brought to classification appeals, specifically providing a business sense of the nature of what an employee does, the value of that work and how it interacts with management and the department or agency. She presented Commissioner Read with a plaque from the Governor and read the inscription into the record:

"Certificate of recognition presented to David Read in recognition of more than 16 years of dedicated service to the Personnel Commission of the State of Nevada. As Governor of the Great State of Nevada, I thank you for your commitment to service and wish you all the best for a happy and fulfilling retirement."

She noted that the plaque includes Commissioner Read's Commission status from December 13, 2001, to July 2, 2017.

Commissioner Sanchez: Told Commissioner Read that he has always enjoyed Commissioner Read's remarks, hates to see him go, and that he has always been a very stable, reliable influence on the Commission. He will be missed.

Commissioner Spurlock: Noted that while the two had never met in person, he respects Commissioner Read greatly. Commissioner Read always has great insights, and he wishes they had gotten a chance to know each other better.

Commissioner Mauger: Stated that although he and Commissioner Read had not known each other long, he admired Commissioner Read's experience and appreciated his stable presence on the Commission.

Peter Long: Noted that he started with the Department of Personnel after coming from another agency in 1997 and did not have the opportunity to come to Personnel Commission meetings until about 2001. The two of them "grew up together" on the Commission. Commissioner Read's input has been invaluable, particularly his outside perspective versus the Division's technical viewpoint. This input has kept the Division in line over the years in how it classifies positions and writes regulations. He feels very fortunate in that the current Commission is one of the best since he began with the Division. He is sorry to see Commissioner Read go, but wishes him the best in the future.

Commissioner Read: Thanked everyone for their comments; leaving the Commission is bittersweet. His health is good, however he is 76 years old. This has been a wonderful experience for him. He has learned that a happy employee with a good attitude is a great asset. An employee that is in the wrong position or doing something they don't like can be a cancer in any organization. He encouraged everyone in State service to get to know new employees and understand where they are coming from. Money is not the major motivating factor for things. Happiness is a motivating factor. To be happy, you have to have someone to love, good work to do and something to hope for. Being the outsider on the Commission and

not always understanding the internal operations, sometimes common sense can go a long way in trying to understand the employee. An employee in a wrong position is hurt by being kept in that position and not being let go. They have skills and talents suited to a different position. Attitude is what determines every employee's service. What is their attitude to their job? How do they feel about what they do? How important is it to them? Every employee in the State of Nevada has an important job. At times it is not understood how important this is. Serving on the Commission has been a tremendous experience. He thanked Commissioner Sanchez and Chairperson Fox. He acknowledged that he did not get to know Commissioner Spurlock or Commissioner Mauger very well, however he commented that Commissioner Spurlock is a fantastic addition to the Commission. He also thanked Governor Brian Sandoval.

Chairperson Fox: Thanked Commissioner Read for his lovely words. She acknowledged the Commission discussed the budget piece in Item VIII, but did not address the bills that affect State employees. She would like to revisit the item, recognizing no action will be taken.

Shelley Blotter: Stated that Commissioners were provided with a copy of the bills affecting State employees and reviewed the highlights. AB113 is in regard to break times and location for nursing mothers. Under the Affordable Care Act, the State had already been providing places and times for nursing mothers. It has now become State law and is being incorporated into State statutes; DHRM is also recommending regulations. What is different under the State law is that it establishes a complaint process which ultimately ends up before the Employee-Management Committee. Ms. Blotter explained AB192 is regarding the temporary appointment of certified persons with disabilities. Existing law had the opportunity for individuals receiving services through Vocational Rehabilitation to get on lists for State jobs if they weren't already a State employee or if they were a State employee under certain circumstances where they would be at risk of losing their job. Agencies are required to consider these candidates for a position, opening opportunities for individuals with disabilities. The key component is that they must be able perform the essential functions of the job. It will be incumbent upon agencies to ensure that their essential functions are up to date. AB276 is the prohibition against discrimination if employees talk about wages in the work environment. That is not an issue for the Division, because wages are a matter of public record for State employees.

Commissioner Sanchez: Asked for a briefing on AB309. **Shelley Blotter:** Explained that AB309 is regarding veterans. Previously, certain individuals would receive either five or ten preference points if they also met the minimum qualifications; they could only use the points one time. In the new language, the actual points are higher and a larger pool of applicants is eligible to receive them. She asked Peter Long to assist by elaborating. **Peter Long:** Added that the bill was sponsored by Assemblywoman Cohen after the ICVA (Interagency Council on Veterans Affairs) had been working to come up with ways that the State could assist veterans. It was Governor Sandoval's intent that Nevada be the most veteran-friendly state in the nation. The bill allows a veteran or a veteran's widow to use points on an exam. An employee who is a veteran is allowed to continue to be awarded these points. It also allows any veteran with a service-related disability to be guaranteed an interview if they qualify for a position. The bill states that an agency must interview 22 percent of veterans in relation to the number of other applicants on an interview list. The significance of the number 22 is that it is the number of veterans nationwide that commit suicide every day. The bill also requires certain reporting on veterans.

Commissioner Sanchez: Noted that after World War II, veteran's credits were provided in an effort to bring returning veterans back into the workforce, especially in the public sector. He was the recipient of ten points, which is how he started his career in the County of Los Angeles. However, it has been traditional that most public agencies have set up time periods for which veteran's credit would be given. For example, during the time a veteran served during the Vietnam War, they would receive ten points.

Other examples include the Korean War and Desert Storm. There were periods of time that many public agencies would make these designations. He asked whether there were such designated periods of time in which veterans would qualify, or whether this is open to anyone with an honorable discharge. **Peter Long:** Explained there are no service limitations as to when someone would have had to have served. He added that he believes that as long as the veteran receives a discharge other than dishonorable, they are eligible for the points.

Shelley Blotter: Addressed AB467. This bill requires that five members become the quorum for the Commission. All five members would have to be present in order to conduct business or take any action. It also establishes alternates for the Commissioners, who must be in the same category as the Commissioners who were originally appointed. Previously, it would take a majority of the five Commissioners to adopt a regulation and a majority of the quorum for any other action. This now requires a majority of the full Commission of five members in order to take any action. This bill goes into effect on July 1st.

Chairperson Fox: Asked for clarification and noted that a quorum could change based upon the number of Commissioners present at a meeting. For example, to establish a quorum, three Commissioners must be present. If there are only three, then two would have to vote in the affirmative for the motion to pass. Under the new law, the majority, meaning at least three Commissioners, would have to vote in the affirmative. She questioned whether this meant that all five Commissioners had to be present at the meeting or that if there are only three Commissioners present, there must be a unanimous vote with all three in the affirmative. **Shelley Blotter:** Explained that all five Commissioners would have to be present. This is a situation in which the alternate would come in. From planning purposes, she and Peter Long have discussed what would be the most reasonable number of alternates to attend in the event a Commissioner is unable to attend at the last moment. There may be alternates attending on a regular basis for a couple of reasons. One is so they become familiar with the business of the Commission. Second, this ensures that a meeting can be conducted in the case of an absence.

Commissioner Sanchez: Stated that he assumes that there will have to be a development of procedures for implementing the alternative requirement, including the selection of alternates, payment, training and other issues. He asked whether this process has begun. **Peter Long:** Confirmed that he and Ms. Blotter are working together on this with an intent to put the elements in writing. It is the intent that alternates are paid for any meetings they attend and training will be provided. Items to be determined include how many should attend and has been narrowed down to at least three, and maybe all five. **Shelley Blotter:** Noted that these positions are appointed by the Governor, and DHRM assists in encouraging people to apply.

Commissioner Sanchez: Asked Ms. Blotter about the best method for contact, noting that she previously indicated that any recommendations from Commissioners on potential appointees should be forwarded to her. **Shelley Blotter:** Welcomed Commissioners to call her on her office phone or contact her by email. She will in turn disburse the information to all Commissioners. **Peter Long:** Added that Ms. Blotter will be sending out an announcement to SHRM [Society for Human Resource Management] that Commissioners are being sought. The information is also posted on the Division's website as well as the Governor's website under Boards and Commissions.

Commissioner Spurlock: Addressed Ms. Blotter, noting that Commissioners make every effort to make the meetings and be reliable. He stated that going forward there will be significance to whether a Commission cancels one day before a meeting versus one month before a meeting. He invited her to provide the Commission with feedback going forward. He also noted that with the addition of alternates, it seems that meetings will be well covered. He asked that she let the Commissioners know whether

requests for cancellations will need to be a given number of days before a scheduled meeting. **Shelley Blotter:** Commented that the Commissioners' presence at meetings is always valued. She asked that any cancellations be noticed as soon as possible. It was conveyed to legislators that problems with attendance have not been experienced with the Commission. However, for the sake of prudence, the alternates will be briefed as well. This is also a training tool and serves to ensure that a replacement is prepared in the event that a Commissioner is unable to attend a meeting. She noted that it is a super mandate that the Commission meets every three months.

Commissioner Sanchez: Asked for Ms. Blotter's email address, which she provided as sblotter@admin.nv.gov.

Shelley Blotter: Discussed AB517 and SB368. Between the two bills, State employees will receive a three percent cost of living increase on both July 1, 2017, and July 1, 2018. Ms. Blotter addressed SB478, which involves employee rights during an investigation. The law now requires that once an agency becomes aware of or should have become aware of an action by an employee that could result in their suspension, demotion or termination and they determine an investigation is warranted, that they would notify that employee within 30 days that an investigation will be commenced. The investigation must be completed within 90 days unless an extension is granted as allowed by another statute and regulation; two extensions may be approved, one from the Division Administrator and one by the Governor. There is a limited time in which the result must be provided. The law now requires that if an employee appeals to a hearing officer regarding their suspension, demotion or termination that upon request, they may receive a copy of all investigative reports, documents, recordings or other investigatory material needed to prepare their case. The agency must provide the material within five days.

Chairperson Fox: Commented that there is an important distinction between an administrative internal investigation versus a criminal investigation. **Shelley Blotter:** Agreed and clarified that this refers to internal administrative investigations.

Peter Long: Stated that AB384, also referred to as "Ban the Box" goes into effect on October 1st. The Division will no longer be collecting criminal conviction information from applicants. Such information may not be considered initially and can only be considered after the employer is prepared to make a job offer or after a conditional job offer.

Chairperson Fox: Asked for clarification by posing a hypothetical scenario. In a case where an applicant is applying for DPS Officer I having been previously convicted of a felony, she asked whether the applicant can continue the application process until a conditional job offer has been made. **Peter Long:** Explained that the response to this scenario is no. Certain positions are exempt from the carve-out, including public safety positions. The Division will not be collecting the information, however the agency can collect it immediately upon determination that they may be interested in an applicant.

Commissioner Spurlock: Noted that law enforcement typically has exemptions for such situations. He posed another hypothetical scenario in which a bookkeeper candidate previously embezzled a significant amount of money. He asked whether this bookkeeper's candidacy would be tagged in advance as being sensitive, citing that a candidate with a financial crime conviction would not be eligible. Other such scenarios would include safety sensitivity as well as working with children. **Peter Long:** Stated that these are all good questions which came up during the hearings. The bottom line carve-out is for police and firefighters. Other exceptions include cases where applicants are barred from certain duties under federal law. This could apply to DMV and Welfare issues as well as positions that have voter registration responsibilities. The Division will not be collecting the information, but this does not mean that agencies

could not ask prior to the interview. Specific to the embezzlement example, his understanding of the intent of the bill is that there are many details the agency is required to consider such as age of the offender at the time of the offense and the time since the offense has occurred, as well as a list of other considerations. At the point where an agency is prepared to offer the job, it is anticipated that the agency would work with its deputy attorney general to determine whether rescinding the conditional job offer based on the embezzlement would be justifiable.

Commissioner Spurlock: Addressed Shelley Blotter, directing her attention to the very last entry on the last page of the bill summary regarding SCR6; he is uncertain what SCR stands for. He also indicated as he works in the area of compensation, he offered assistance to the Department of Administration for any secondary or advisory help in reviewing employee data. **Peter Long:** Appreciated Commissioner Spurlock's offer, and explained that SCR stands for Senate Concurrent Resolution. SCR6 directs the Legislative Commission to appoint a committee of which the Administrator of DHRM is a non-voting member. They will probably look to the Division to provide information on how to collect salaries and how to determine whether the salaries are appropriate. He is more than willing to receive the advice of experts such as Commissioner Spurlock.

X. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS

Chairperson Fox: Announced the next meeting date is scheduled for September 29th; she will be in Las Vegas to chair the meeting. The dilemma is that this potentially leaves a new Commissioner alone. The subsequent meeting date is scheduled for December 8th and she asked for Commissioner input; this presented a conflict for at least one Commissioner. Chairperson Fox suggested alternative dates, including December 1st or December 15th. **Peter Long:** Stated we may have an alternate by then, and are concerned that by pushing the meeting date farther into December staff may be unavailable due to using leave before the end of the year. **Shelley Blotter:** Noted that there is no requirement that the meeting be held only on a Friday and that the Commission was free to consider other days of the week. There was consensus that the December meeting will be held on December 7th, with the understanding that the Division will require time to locate a meeting room.

XI. COMMISSION COMMENTS

Chairperson Fox: Invited comments from Commissioners. There were no comments given.

XII. PUBLIC COMMENT

Chairperson Fox: Advised no vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. She asked if there were any public comments.

Peter Long: Thanked Commissioner Read for his service. In addition, he thanked Ann Avitia, one of the employees that due to elimination of written testing will be retiring with 27½ years of State service.

Chairperson Fox: Asked whether Ms. Avitia was present. **Peter Long:** Replied that she is in the Las Vegas office. **Chairperson Fox:** Requested that Heather Dapice ensure that Ms. Avitia is informed of Peter Long and the Commissioner's comments, thanking her for her service to the State.

XIII. ADJOURNMENT

Chairperson Fox: Adjourned the meeting.

**STATE OF NEVADA
PERSONNEL COMMISSION**

Held in Carson City at the Gaming Control Board, 1919 College Parkway; and via video conference in Las Vegas at the Grant Sawyer State Building, 555 East Washington Avenue, Room 2450, upon adjournment of the 9:00 a.m. Regular Meeting

**MEETING MINUTES
Friday, June 23, 2017
(Subject to Commission Approval)**

COMMISSIONERS PRESENT

IN CARSON CITY: Ms. Katherine Fox, Chairperson
Mr. David Read, Commissioner

COMMISSIONERS PRESENT

IN LAS VEGAS: Mr. David Sanchez, Commissioner
Mr. Andreas Spurlock, Commissioner
Mr. Gary Mauger, Commissioner

STAFF PRESENT IN CARSON CITY:

Mr. Peter Long, Administrator, Division of Human Resource Management (DHRM)
Ms. Shelley Blotter, Deputy Administrator, DHRM
Ms. Dawn Buoncristiani, Deputy Attorney General, Office of the Attorney General
Ms. Carrie Hughes, Personnel Analyst, DHRM
Ms. Carrie Lee, Executive Assistant, DHRM

**STAFF PRESENT IN
LAS VEGAS:**

Ms. Heather Dapice, Supervisory Personnel Analyst, DHRM
Mr. Adrian Foster, Personnel Analyst, DHRM

I. CALL TO ORDER; WELCOME; ROLL CALL; ANNOUNCEMENTS

Chairperson Fox: Opened the meeting at approximately 10:34 a.m. A quorum was established.

II. PUBLIC COMMENT

Chairperson Fox: Advised that no vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. She asked if there were any public comments. There were none.

III. DISCUSSION AND APPROVAL OR DENIAL OF PROPOSED EMERGENCY REGULATION CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284 – Action Item

- Sec. 1. NEW Reasonable break times and place to express milk.
- Sec. 2. NEW Request for break times and place to express milk.
- Sec. 3. NEW “Complaint” defined.
- Sec. 4. NEW Submission of complaint to Employee-Management Committee.
- Sec. 5. NAC 284.0735 “Organizational climate study” defined.
- Sec. 6. NAC 284.112 “Working day” defined.
- Sec. 7. NAC 284.589 Administrative leave with pay.
- Sec. 8. Section 1 of LCB File No. R076-15 Removal of ineligible grievance or complaint from procedure.
- Sec. 9. NAC 284.662 Providing assistance to employee.
- Sec. 10. NAC 284.680 Date of receipt of grievance or complaint.
- Sec. 11. NAC 284.692 Agreement for extension of time to file grievance or complaint, or take required action.
- Sec. 12. NAC 284.6952 Request for resolution conference; appointment of facilitator; effect of request for resolution conference on jurisdiction of Employee-Management Committee.
- Sec. 13. NAC 284.6955 Hearing before Employee-Management Committee: Procedure.
- Sec. 14. NAC 284.6957 Hearing before Employee-Management Committee: Continuance.
- Sec. 15. NAC 284.696 Unlawful discrimination.
- Sec. 16. NAC 284.697 When resolution of grievance or complaint becomes binding.

Carrie Hughes: Introduced herself as a Personnel Analyst for the Division of Human Resource Management (DHRM or Division) and explained DHRM is proposing emergency new sections and amendments. The new and amended regulations address the provisions of Assembly Bill 113

of the 2017 Legislative Session which was signed into law by the Governor on June 1, 2017, and become effective July 1, 2017. DHRM is proposing the new sections and amendments as Emergency Regulations, as it allows the regulations to be adopted quickly and with few procedural requirements as the permanent regulation process would delay the implementation of the statutory changes the regulations reflect. However, as emergency regulations are effective for only 120 days, it is DHRM's intention to bring these regulations back to the Commission as permanent new sections and amendments at the September 29th meeting.

Section 1 provides an employee with a child of under 1 year of age with reasonable break times and a place to express breast milk. It also provides that an employee may use leave or flex her schedule if she determines her rest periods are not sufficient to express breast milk.

Section 2 requires agencies to develop a procedure for requesting reasonable break times and a place to express milk. It also encourages communication between an agency and the employee regarding the employee's needs and also establishes when an employee's request for break time, and/or a private place to express milk, is deemed to be received.

Section 4 provides employees a means to address an agency's lack of response, or unsatisfactory response, to a request for a reasonable break time and/or a place to express milk by requesting a complaint to be heard by the Employee-Management Committee (Committee). Additionally, an employee who alleges retaliation for the use of break times or a place to express milk, as well as for taking any action to ensure compliance with these requirements, may file a complaint with the Employee-Management Committee. The section further outlines how and when a complaint shall be submitted to the Committee and the Committee's responsibilities and priorities in scheduling a hearing to address the complaint.

Section 3 establishes "complaint" as a defined term in regulation. Section 5 adds "complaint" to the list of types of communication that may be considered in an organizational climate study. Section 6 applies the definition of working day in NAC 284.112 to the complaint process. Section 7 provides an employee with administrative leave for appearing as a complainant at a hearing of the Employee-Management Committee.

Ms. Hughes continued, in sections 8, 9, 10, 11, 12, 13, 14 and 16, the complaint process is inserted into existing provisions of the grievance process. Section 11 also removes the requirement that a request for an extension of time to file or edit any step in the process be made on a form prescribed by the Division allowing for requests to be submitted by email.

Section 12 clarifies that if either party to a grievance or a complaint requests a resolution conference, both parties must participate. It also provides that the Division will attempt to schedule a requested resolution conference to a complaint prior to a scheduled hearing. Section 13 allows for a complaint to be held in abeyance if good cause is shown. In Section 15, the word "complaint" is replaced with the word "charge," as "complaint" will now become a defined term.

Chairperson Fox: Asked if there were any questions. There were none. She asked if there were any Public Comments regarding the item. There were none.

MOTION: Moved for the approval of Emergency Regulations to Nevada Administrative Code Chapter 284 that specifically provide changes for the NRS that goes into law July 1st related to break times and places to express breast milk.

BY: Chairperson Fox
SECOND: Commissioner Read
VOTE: Motion passed unanimously.

IV. COMMISSION COMMENTS

Chairperson Fox: Asked if there were any comments from the Commission. There were none.

V. PUBLIC COMMENT

Chairperson Fox: Advised no vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. She asked if there were any public comments. There were none.

VI. ADJOURNMENT

Chairperson Fox: Adjourned the meeting.

Personnel Commission Meeting
September 29, 2017

FOR INFORMATION ONLY

Attached is a list of classes and positions which have previously been approved for pre-employment testing. This list has been provided for you to use as a reference when determining which classes and/or positions the Commission may wish to approve at this meeting.

STATE OF NEVADA
CLASSES APPROVED FOR PRE-EMPLOYMENT DRUG TESTING
CHANGES EFFECTIVE JUNE 23, 2017

(All positions in each class have been approved for pre-employment drug testing, unless otherwise noted (*) for a specific agency(s) and/or position(s). Classes in ***bold/italics*** are new to the list.)

<u>CLASS/ TITLE CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
<i>1.401</i>	<i>WEIGHTS AND MEASURES INSPECTOR IV*</i>	<i>AGR - PCNS 4551-0011, 4551-0022</i>
<i>1.404</i>	<i>WEIGHTS AND MEASURES INSPECTOR III*</i>	<i>AGR - PCN 4551-0013</i>
<i>1.407</i>	<i>WEIGHTS AND MEASURES INSPECTOR II*</i>	<i>AGR - PCNS 4551-0014, 4551-0015, 4551-0023, 4551-0024, 4551-0025, 4551-0028, 4551-0045, 4551-0047, 4551-0049, 4551-0102, 4551-0105</i>
<i>1.413</i>	<i>WEIGHTS AND MEASURES ASSISTANT (SEASONAL)*</i>	<i>AGR - PCNS 4551-8911, 4551-8912, 4551-8913</i>
1.608	FIELD ASSISTANT II (PARC)	
1.737	BIOLOGIST I*	AGR - PCN 4600-0025
1.770	WILDLIFE AREA SUPERVISOR II	
1.771	WILDLIFE AREA SUPERVISOR I	
1.772	FISH HATCHERY SUPERVISOR II	
1.774	FISH HATCHERY SUPERVISOR I	
1.776	FISH HATCHERY TECHNICIAN III	
1.778	FISH HATCHERY TECHNICIAN II	
1.780	FISH HATCHERY TECHNICIAN I	
1.785	WILDLIFE AREA TECHNICIAN III	
1.786	WILDLIFE AREA TECHNICIAN II	
1.787	WILDLIFE AREA TECHNICIAN I	
1.811	FORESTER III	
1.812	FIRE MANAGEMENT OFFICER II	
1.813	FORESTER II	
1.814	FIRE MANAGEMENT OFFICER I	
1.816	BATTALION CHIEF	
1.817	CONSERVATION CREW SUPERVISOR III	
1.818	FORESTER I	
1.819	FIREFIGHTER II	
1.820	CONSERVATION CREW SUPERVISOR II	
1.822	FIRE CONTROL DISPATCHER III	
1.823	SEASONAL FIRE CONTROL DISPATCHER II*	DCNR-FORESTRY DIVISION - ALL PCNS
1.824	SEASONAL FIRE CONTROL DISPATCHER I*	DCNR-FORESTRY DIVISION - ALL PCNS
1.825	CONSERVATION CREW SUPERVISOR I	
1.826	FIRE CONTROL DISPATCHER II	
1.827	FIRE CONTROL DISPATCHER I	
1.828	SEASONAL FIREFIGHTER III*	DCNR-FORESTRY DIVISION - ALL PCNS
1.829	SEASONAL FIREFIGHTER II*	DCNR-FORESTRY DIVISION - ALL PCNS
1.831	SEASONAL FIREFIGHTER I*	DCNR-FORESTRY DIVISION - ALL PCNS
1.835	HELITACK SUPERVISOR	
1.850	FIRE CAPTAIN	
1.852	FIREFIGHTER I	
1.907	PARKS REGIONAL MANAGER (NON-COMMISSIONED)	
1.912	PARK INTERPRETER	
1.918	LIFEGUARD II	
1.919	LIFEGUARD I	
1.921	PARK RANGER III (NON-COMMISSIONED)	
1.922	PARK RANGER II (NON-COMMISSIONED)	
1.923	PARK RANGER I (NON-COMMISSIONED)	
1.967	PARK SUPERVISOR III (NON-COMMISSIONED)	
1.968	PARK SUPERVISOR II (NON-COMMISSIONED)	
1.969	PARK SUPERVISOR I (NON-COMMISSIONED)	
2.124	MAIL SERVICE SUPERVISOR*	BCN - ALL PCNS

<u>CLASS/ TITLE CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
2.126	MAIL SERVICE TECHNICIAN*	BCN - ALL PCNS
2.127	MAIL SERVICE CLERK I*	BCN - ALL PCNS
2.129	MAIL SERVICE CLERK II*	BCN - ALL PCNS
2.153	LEGAL SECRETARY II*	TAXI - PCN 0038
2.210	ADMINISTRATIVE ASSISTANT IV*	DPS - PCNS 3743-0106, 3743-33, 4701-0106, 4701-0155, 4701-0706, 4701-0805, 4701-0870 , 4709-42, 4709-70, 4709-71, 4709-72, 4709-73, 4709-206, 4709-625, 4709-645, 4709-665, 4709-1004, 4709-1006, 4709-1007, 4709-1009, 4709-8004, 4709-8018, 4709-8031, 4709-8038, 4709-8039, 4709-8040, 4709-8041, 4709-8042, 4709-8043, 4709-9013, 4713-0706, 4713-155, 4713-805; TAXI - PCN 0023
2.211	ADMINISTRATIVE ASSISTANT III*	DMV - PCNS RE7015, WF7047; DPS - PCNS 3743-0028, 3743-5, 3743-15, 3743-17, 3743-32, 3743-34, 3743-60, 3743-61, 3743-62, 3743-64, 3743-65, 3743-1011, 3743-1014, 3743-1017, 3743-1020, 3744-10, 3744-13, 3744-16, 3744-19, 4702-51, 4702-147, 4702-315, 4702-328, 4702-648, 4702-705, 4702-871, 4702-11033, 4702-11034, 4709-36, 4709-37, 4709-58, 4709-620, 4709-630, 4709-8005, 4709-8007, 4709-8010, 4709-8011, 4709-8016, 4709-8017, 4709-8019, 4709-8020, 4709-8021, 4709-9001, 4709-9002, 4709-9011, 4709-9012; TAXI - PCNS 0011, 0061
2.212	ADMINISTRATIVE ASSISTANT II*	DPS - PCNS 3743-1021, 4702-32, 4709-2, 4709-8044, 4709-8045, 4709-8046, 4709-8048, 4709-9003, 4709-9004, 4709-9005, 4709-9006, 4709-9007, 4709-9008, 4709-9009, 4709-9010, 4709-16, 4709-17, 4709-18, 4709-25, 4709-26, 4709-34, 4709-57, 4709-62, 4709-204, 4709-205, 4709-605, 4709-660, 4709-8006, 4709-8008, 4709-8009, 4713-0870; TAXI - PCNS 0003, 0013, 0020, 0043, 0046, 0066, 0074, 0075, 0092, 0095
2.301	ACCOUNTING ASSISTANT III*	DPS - PCNS 3743-16, 4709-38, 4709-8022
2.303	ACCOUNTING ASSISTANT II*	DPS - PCN 4709-15
2.819	SUPPLY TECHNICIAN III*	PURCHASING - PCN 0027
2.824	SUPPLY TECHNICIAN II*	PURCHASING - PCN 0029; BCN - ALL PCNS
2.827	SUPPLY ASSISTANT*	BCN - ALL PCNS
2.836	SUPPLY TECHNICIAN I*	BCN - ALL PCNS
3.203	FOOD SERVICE COOK/SUPERVISOR II*	BCN - ALL PCNS
3.206	FOOD SERVICE COOK/SUPERVISOR I*	BCN - ALL PCNS
3.213	FOOD SERVICE WORKER II*	BCN - ALL PCNS
3.218	FOOD SERVICE WORKER I*	BCN - ALL PCNS
3.505	DRIVER - SHUTTLE BUS	
3.506	DRIVER - VAN/AUTOMOBILE	
3.520	FAMILY SUPPORT WORKER III*	BCN - ALL PCNS
3.521	FAMILY SUPPORT WORKER II*	BCN - ALL PCNS
3.524	FAMILY SUPPORT WORKER I*	BCN - ALL PCNS
5.103	PRINCIPAL	
5.104	VICE PRINCIPAL	
5.106	ACADEMIC TEACHER	
5.112	VOCATIONAL EDUCATION INSTRUCTOR	
5.174	CHILD CARE WORKER II*	BCN - ALL PCNS
5.175	CHILD CARE WORKER I*	BCN - ALL PCNS
6.209	SUPERVISOR III, ASSOCIATE ENGINEER*	NDOT - PCNS 017009, 017046, 018-037, ALL PCNS BEGINNING W/ 930

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6.211	SUPERVISOR II, ASSOCIATE ENGINEER*	NDOT - PCNS 027006, 028006, 255001, ALL PCNS BEGINNING W/ 930
6.215	SUPERVISOR I, ASSOCIATE ENGINEER*	NDOT -PCNS 017021, 017034, 017048, 028008, ALL PCNS BEGINNING W/ 930
6.223	ADMINISTRATOR I, PROFESSIONAL ENGINEER*	NDOT - PCN 301012
6.224	MANAGER I, PROFESSIONAL ENGINEER*	NDOT - ALL PCNS BEGINNING W/ 930
6.228	STAFF II, ASSOCIATE ENGINEER*	NDOT - PCNS 018024, 018025, 018036, 018037, 018046, 018047
6.229	STAFF I, ASSOCIATE ENGINEER*	NDOT - PCNS 020014, 034001, 255002, 080001, 080002, 080005, 080006, 080007, 080010
6.305	ENGINEERING TECHNICIAN V*	NDOT - PCN 028015
6.308	ENGINEER TECHNICIAN IV*	NDOT - PCN 027023, ALL PCNS BEGINNING W/ 930
6.313	ENGINEERING TECHNICIAN III*	NDOT - PCNS 017037, 017038, 017039, 017040, 017041, 017042, 017050, 017051, 017052, 027019, 027022, 028010, 028011, 028013, 028016, 028021, 028022, 028030, 101342, 255003, ALL PCNS BEGINNING W/ 930
6.355	ARCHITECTURAL DRAFTER IV*	BCN - ALL PCNS
6.358	ARCHITECTURAL DRAFTER III*	BCN - ALL PCNS
6.750	CONSTRUCTION PROJECT COORDINATOR III*	BCN - ALL PCNS
6.751	PROJECT MANAGER III*	BCN - ALL PCNS
6.754	BUILDING CONSTRUCTION INSPECTOR III*	BCN - ALL PCNS
6.758	CONSTRUCTION PROJECT COORDINATOR II*	BCN - ALL PCNS
6.762	PROJECT MANAGER II*	BCN - ALL PCNS
6.763	PROJECT MANAGER I*	BCN - ALL PCNS
6.966	DEVELOPMENT TECHNICIAN IV*	BCN - ALL PCNS
6.978	DEVELOPMENT TECHNICIAN III*	BCN - ALL PCNS
6.979	DEVELOPMENT TECHNICIAN II*	BCN - ALL PCNS
6.980	DEVELOPMENT TECHNICIAN I*	BCN - ALL PCNS
6.981	ELECTRONICS TECHNICIAN II*	BCN, NDOC - ALL PCNS
6.987	ELECTRONICS TECHNICIAN III*	BCN, NDOC - ALL PCNS
6.988	ELECTRONICS TECHNICIAN I*	BCN, NDOC - ALL PCNS
7.141	ACCOUNTANT TECHNICIAN II*	DPS - PCNS 0030, 4709-1010
7.143	ACCOUNTANT TECHNICIAN I*	DPS - PCN 4702-30
7.154	AUDITOR II*	DHHS PBH - PCNS 0031, 0033, 0041
7.217	ADMINISTRATIVE SERVICES OFFICER II*	DPS - PCN 4709-23
7.218	ADMINISTRATIVE SERVICES OFFICER I*	DPS - PCN 3743-6
7.519	TRAINING OFFICER I*	NDOT - ALL PCNS
7.524	TRAINING OFFICER II*	DPS - NHP - HAZARDOUS MATERIALS - PCN 5
7.624	MANAGEMENT ANALYST III*	DPS - PCNS 4709-3, 4709-200
7.625	MANAGEMENT ANALYST II*	DPS - PCN 4709-39; TAXI - PCNS 0002, 0078
7.637	MANAGEMENT ANALYST I*	DPS - PCNS 3743-9, 3743-79, 4709-40
7.643	PROGRAM OFFICER III*	DHHS PBH - PCN 0038; DPS - PCN 4702-0086
7.647	PROGRAM OFFICER II*	BCN - PCN 41234; DMV - PCN CC4019; DPS- PCNS 3743-1022, 4701-0950 , 4709-19, 4709-24, 4709-35, 4709-8003, 4709-8012
7.649	PROGRAM OFFICER I*	DPS - PCN 3744-82, 4702-322, 4709-8030, 4709-8036, 4709-8037; FIRE MARSHAL - PCNS 4, 106; NDOC - PCNS 3710-0064, 3710-0202; BCN - PCNS 41672, 41673
7.653	PUBLIC SERVICE INTERN II*	NDOT - ALL PCNS BEGINNING W/ 940
7.655	BUSINESS PROCESS ANALYST III*	DPS - PCN 4709-8023
7.656	BUSINESS PROCESS ANALYST II*	DPS - PCNS 4702-0046, 4709-8024, 4709-8025
7.665	PUBLIC SERVICE INTERN I*	MIN - PCNS 09015, 09016, 09017, 09018, 09019, 09020, 09022, 09023
7.713	TRANSPORTATION TECHNICIAN III*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
7.714	TRANSPORTATION TECHNICIAN IV*	NDOT - ALL PCNS BEGINNING W/ 805 & 813

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7.715	TRANSPORTATION TECHNICIAN II*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
7.722	TRAFFIC CENTER TECHNICIAN SUPERVISOR	
7.724	TRAFFIC CENTER TECHNICIAN II	
7.725	TRAFFIC CENTER TECHNICIAN I	
7.726	TRAFFIC CENTER TECHNICIAN TRAINEE	
7.745	STATISTICIAN II*	DPS - PCN 4709-21
7.901	CHIEF IT MANAGER*	DPS - PCN 0005; NDOT - PCN 016060
7.902	IT MANAGER III*	DPS - PCNS 0127, 4709-0207
7.904	IT MANAGER I*	DPS - PCN 0020; NDOT - PCN 016065; BCN UNR - PCN 42286
7.921	IT PROFESSIONAL IV*	DPS - PCNS 0010, 0025, 0036, 0040, 0045, 0100, 0111, 0125, 4709-8032; NDOT - PCNS 016061, 016063
7.925	IT PROFESSIONAL III*	DPS - PCNS 0055, 0070, 0105, 0112, 0115, 0120, 0128, 0130, 0135, 0145, 4709-0150, 4709-8033; NDOT - PCNS 016062, 016064, 91001, 92001, 93002; BCN UNR - ALL FACILITIES SERVICES PCNS
7.926	IT PROFESSIONAL II*	DPS - PCNS 0015, 0050, 0110, 0200, 0201, 0202, 0251, 0260, 0450 0677, 0681, 0129; NDOT - PCNS 91005, 92002, 93001, 93003, 95001, 96001, 92003, 93005, 94003; BCN UNR - ALL FACILITIES SERVICES PCNS
7.928	IT TECHNICIAN VI*	DPS - PCNS 0026, 0204, 0205
7.929	IT PROFESSIONAL I*	DPS - PCN 0090; BCN UNR - ALL FACILITIES SERVICES PCNS
7.935	IT TECHNICIAN IV*	DPS - PCNS 0065, 0075, 0080, 0085, 0095, 0096
7.943	IT TECHNICIAN TRAINEE*	DPS - ALL PCNS
7.951	IT PROFESSIONAL TRAINEE*	DPS - ALL PCNS; BCN UNR - ALL FACILITIES SERVICES PCNS
9.103	HIGHWAY MAINTENANCE MANAGER	
9.106	HIGHWAY MAINTENANCE SUPERVISOR II	
9.115	HIGHWAY MAINTENANCE SUPERVISOR I	
9.117	HIGHWAY MAINTENANCE WORKER IV	
9.120	HIGHWAY MAINTENANCE WORKER III	
9.127	HIGHWAY MAINTENANCE WORKER II	
9.130	HIGHWAY MAINTENANCE WORKER I	
9.137	HIGHWAY CONSTRUCTION AID	
9.200	SPECIAL EQUIPMENT OPERATOR III	
9.201	EQUIPMENT OPERATION INSTRUCTOR	
9.203	SPECIAL EQUIPMENT OPERATOR II	
9.204	GROUPS EQUIPMENT OPERATOR I*	BCN - ALL PCNS
9.205	SEASONAL FORESTRY EQUIPMENT OPERATOR	
9.208	DRIVER WAREHOUSE WORKER TRAINEE*	NDOC - ALL PCNS
9.209	GROUPS EQUIPMENT OPERATOR II*	BCN - ALL PCNS
9.210	DRIVER WAREHOUSE WORKER I	
9.211	DRIVER WAREHOUSE WORKER II	
9.212	DRIVER WAREHOUSE SUPERVISOR	
9.315	HIGHWAY EQUIPMENT MECHANIC SPVR I	
9.317	HIGHWAY EQUIPMENT MECHANIC III	
9.318	HIGHWAY EQUIPMENT MECHANIC II	
9.321	HIGHWAY EQUIPMENT MECHANIC I	
9.322	EQUIPMENT MECHANIC IV*	BCN, DCNR-FORESTRY DIVISION - ALL PCNS
9.323	EQUIPMENT MECHANIC III*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOW - ALL PCNS
9.326	EQUIPMENT MECHANIC-IN-TRAINING IV*	BCN, NDOT - ALL PCNS
9.327	AUTO BODY WORKER*	NDOT - ALL PCNS
9.328	EQUIPMENT MECHANIC-IN-TRAINING III*	BCN, NDOT - ALL PCNS

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9.330	EQUIPMENT MECHANIC-IN-TRAINING II*	BCN, NDOT - ALL PCNS
9.331	EQUIPMENT MECHANIC II*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOT, NDOW - ALL PCNS
9.332	EQUIPMENT MECHANIC-IN-TRAINING I*	BCN, NDOT - ALL PCNS
9.333	EQUIPMENT MECHANIC I*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOT, NDOW - ALL PCNS
9.334	FLEET SERVICE WORKER IV*	BCN, NDOT - ALL PCNS
9.335	FLEET SERVICE WORKER III*	BCN, NDOT - ALL PCNS
9.336	FLEET SERVICE WORKER II*	BCN, NDOT - ALL PCNS
9.337	FLEET SERVICE WORKER I*	BCN, NDOT - ALL PCNS
9.353	AVIATION SERVICES OFFICER	
9.354	CHIEF PILOT	
9.355	PILOT II	
9.356	PILOT III	
9.357	AIRCRAFT MAINTENANCE SPECIALIST	
9.359	PILOT I	
9.404	HVACR SPECIALIST IV*	BCN - ALL PCNS
9.408	HVACR SPECIALIST II*	BCN, NDOC - ALL PCNS
9.413	HVACR SPECIALIST III*	BCN, NDOC - ALL PCNS
9.417	WELDER I*	BCN, NDOC, NDOT - ALL PCNS
9.418	LOCKSMITH I*	BCN, NDOC - ALL PCNS
9.420	HEAT PLANT SPECIALIST II*	BCN, NDOC - ALL PCNS
9.421	HVACR SPECIALIST I*	BCN, NDOC, NDOT - ALL PCNS
9.422	HEAT PLANT SPECIALIST IV*	BCN, NDOC - ALL PCNS
9.423	CARPENTER I*	BCN, NDOC, NDOT - ALL PCNS
9.424	CARPENTER II*	BCN, NDOC - ALL PCNS
9.425	HEAT PLANT SPECIALIST III*	BCN, NDOC - ALL PCNS
9.426	ELECTRICIAN I*	BCN, NDOC, NDOT - ALL PCNS
9.428	HEAT PLANT SPECIALIST I*	BCN, NDOC - ALL PCNS
9.429	PAINTER I*	BCN - ALL PCNS
9.430	WELDER II*	BCN, NDOC, NDOT - ALL PCNS
9.431	LOCKSMITH II*	BCN, NDOC - ALL PCN'S
9.432	PLUMBER I*	BCN, NDOC - ALL PCNS
9.434	EVENTS CENTER TECHNICIAN II*	BCN - ALL LAWLOR EVENTS CENTER PCNS
9.437	EVENTS CENTER TECHNICIAN I*	BCN - ALL LAWLOR EVENTS CENTER PCNS
9.439	CARPENTER III*	BCN - ALL PCNS
9.441	MAINTENANCE REPAIR SPECIALIST I*	BCN, NDOC, NDOT, NDOW, NSVH - ALL PCNS
9.445	MAINTENANCE REPAIR SPECIALIST II*	BCN, NDOC, NDOW - ALL PCNS
9.447	ELECTRICIAN II*	BCN, NDOC, NDOT - ALL PCNS
9.448	ELECTRICIAN III*	BCN, NDOC, NDOT - ALL PCNS
9.459	PAINTER II*	BCN - ALL PCN'S
9.460	PAINTER III*	BCN - ALL PCNS
9.462	PLUMBER II*	BCN, NDOC - ALL PCNS
9.463	PLUMBER III*	BCN - ALL PCNS
9.465	CRAFT WORKER-IN-TRAINING IV*	BCN - ALL PCNS
9.466	CRAFT WORKER-IN-TRAINING III*	BCN - ALL PCNS
9.467	CRAFT WORKER-IN-TRAINING II*	BCN - ALL PCNS
9.468	CRAFT WORKER-IN-TRAINING I*	BCN - ALL PCNS
9.470	THEATER TECHNICIAN I*	BCN - ALL PCNS
9.471	THEATER TECHNICIAN II*	BCN - ALL PCNS
9.481	MAINTENANCE REPAIR AID IV*	BCN - ALL PCNS
9.482	MAINTENANCE REPAIR AID III*	BCN - ALL PCNS
9.483	MAINTENANCE REPAIR AID II*	BCN - ALL PCNS
9.484	MAINTENANCE REPAIR AID I*	BCN - ALL PCNS
9.485	MAINTENANCE REPAIR WORKER IV*	BCN, NDOC - ALL PCNS
9.486	MAINTENANCE REPAIR WORKER III*	BCN, NDOC - ALL PCNS
9.487	MAINTENANCE REPAIR WORKER II*	BCN, NDOC, NSVH - ALL PCNS

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9.488	MAINTENANCE REPAIR WORKER I*	BCN, NDOC, NSVH - ALL PCNS
9.496	WASTEWATER TREATMENT OPERATOR II*	NDOC - ALL PCNS
9.497	WASTEWATER TREATMENT OPERATOR I*	NDOC - ALL PCNS
9.514	RANCH MANAGER*	BCN UNR - PCN 41154
9.534	RESEARCH AID II*	BCN - ALL WOLF PACK MEATS PCNS
9.555	RESEARCH AID I*	BCN - ALL WOLF PACK MEATS PCNS
9.580	RESEARCH TECHNICIAN*	BCN - ALL WOLF PACK MEATS PCNS
9.603	FACILITY MANAGER*	BCN, NDOC - ALL PCNS
9.606	FACILITY SUPERVISOR III*	BCN, NDOC - ALL PCNS
9.609	FACILITY SUPERVISOR II*	BCN, NDOC - ALL PCNS, NDOT - PCN 302001
9.610	GROUND SUPERVISOR III*	BCN - ALL PCNS
9.612	FACILITY SUPERVISOR I*	BCN, NDOC - ALL PCNS
9.616	CUSTODIAL SUPERVISOR IV*	BCN - ALL PCNS
9.617	CUSTODIAL SUPERVISOR III*	BCN - ALL PCNS
9.620	GROUND SUPERVISOR II*	BCN - ALL PCNS
9.623	CUSTODIAL SUPERVISOR II*	BCN - ALL PCNS
9.625	CUSTODIAL SUPERVISOR I*	BCN - ALL PCNS
9.627	GROUND SUPERVISOR I*	BCN - ALL PCNS
9.630	GROUND MAINTENANCE WORKER V*	BCN - ALL PCNS
9.631	CUSTODIAL WORKER II*	BCN - ALL PCNS
9.633	GROUND MAINTENANCE WORKER IV*	BCN - ALL PCNS
9.634	CUSTODIAL WORKER I*	BCN - ALL PCNS
9.635	GROUND MAINTENANCE WORKER III*	BCN - ALL PCNS
9.637	FACILITY ATTENDANT*	BCN - ALL PCNS
9.639	GROUND MAINTENANCE WORKER II*	BCN - ALL PCNS
9.641	GROUND MAINTENANCE WORKER I*	BCN - ALL PCNS
10.124	PSYCHOLOGIST IV*	NDOC - ALL PCNS
10.126	PSYCHOLOGIST III*	NDOC - ALL PCNS
10.132	PSYCHOLOGIST II*	NDOC - ALL PCNS
10.139	MENTAL HEALTH COUNSELOR II*	NDOC - ALL PCNS
10.141	MENTAL HEALTH COUNSELOR I*	NDOC - ALL PCNS
10.143	PSYCHOLOGIST I*	NDOC - ALL PCNS
10.144	CLINICAL SOCIAL WORKER II*	NDOC - ALL PCNS
10.146	TREATMENT HOME SUPERVISOR	
10.148	TREATMENT HOME PROVIDER	
10.150	CLINICAL SOCIAL WORKER I*	NDOC - ALL PCNS
10.151	CLINICAL SOCIAL WORKER III*	NDOC - ALL PCNS
10.179	PSYCHOMETRIST *	NDOC - ALL PCNS
10.217	HEALTH PROGRAM MANAGER II*	DHHS PBH - PCN 0037
10.229	MID-LEVEL MEDICAL PRACTITIONER*	DHHS, NDOC - ALL PCNS
10.244	QUALITY ASSURANCE SPECIALIST I*	NSVH - ALL PCNS
10.260	DENTAL CLINIC SUPERVISOR*	UNLV - ALL PCNS
10.262	DENTAL ASSISTANT III*	NDOC, UNLV - ALL PCNS
10.263	DENTAL ASSISTANT II*	NDOC, UNLV - ALL PCNS
10.264	DENTAL ASSISTANT I*	NDOC, UNLV - ALL PCNS
10.300	DIRECTOR, NURSING SERVICES II*	DHHS, NDOC - ALL PCNS, NSVH - ALL PCNS
10.301	DIRECTOR, NURSING SERVICES I*	DHHS, NDOC - ALL PCNS
10.305	PSYCHIATRIC NURSE III*	DHHS, NDOC - ALL PCNS
10.306	PSYCHIATRIC NURSE IV*	DHHS, NDOC - ALL PCNS
10.307	PSYCHIATRIC NURSE II*	DHHS, NDOC - ALL PCNS
10.309	PSYCHIATRIC NURSE I*	DHHS, NDOC - ALL PCNS
10.310	CHIEF OF NURSING SERVICES*	NDOC - ALL PCNS
10.316	CORRECTIONAL NURSE III*	NDOC - ALL PCNS
10.318	CORRECTIONAL NURSE II*	DHHS, NDOC - ALL PCNS
10.319	CORRECTIONAL NURSE I*	DHHS, NDOC - ALL PCNS
10.338	MENTAL HEALTH TECHNICIAN IV*	DHHS - ALL PCNS
10.339	DEVELOPMENTAL SUPPORT TECH IV*	DHHS - ALL PCNS

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10.346	MENTAL HEALTH TECHNICIAN III*	DHHS - ALL PCNS
10.347	DEVELOPMENTAL SUPPORT TECH III*	DHHS - ALL PCNS
10.352	REGISTERED NURSE V*	NSVH - ALL PCNS
10.354	REGISTERED NURSE IV*	NSVH - ALL PCNS
10.355	REGISTERED NURSE III*	NSVH - ALL PCNS
10.356	MENTAL HEALTH TECHNICIAN II*	DHHS - ALL PCNS
10.357	DEVELOPMENTAL SUPPORT TECH II*	DHHS - ALL PCNS
10.358	NURSE I*	DHHS, NDOC, NSVH - ALL PCNS
10.359	REGISTERED NURSE II*	NSVH - ALL PCNS
10.360	LICENSED PRACTICAL NURSE II*	DHHS, NDOC, NSVH - ALL PCNS
10.364	LICENSED PRACTICAL NURSE III*	DHHS, NDOC - ALL PCNS
10.365	LICENSED PRACTICAL NURSE I*	DHHS, NDOC - ALL PCNS
10.366	MENTAL HEALTH TECHNICIAN I*	DHHS - ALL PCNS
10.367	DEVELOPMENTAL SUPPORT TECH I*	DHHS - ALL PCNS
10.369	CERTIFIED NURSING ASSISTANT*	NDOC, NSVH - ALL PCNS
10.375	COMMUNITY HEALTH NURSE IV*	DHHS - ALL PCNS
10.376	COMMUNITY HEALTH NURSE III*	DHHS - ALL PCNS
10.377	COMMUNITY HEALTH NURSE II*	DHHS - ALL PCNS
10.378	COMMUNITY HEALTH NURSE I*	DHHS - ALL PCNS
10.536	ENVIRONMENTAL SCIENTIST II*	NDOT - PCNS 018012, 018013
10.540	MEDICAL MARIJUANA PROGRAM SUPERVISOR	
10.541	MEDICAL MARIJUANA PROGRAM INSPECTOR II	
10.542	MEDICAL MARIJUANA PROGRAM INSPECTOR I	
10.545	ENVIRONMENTAL SCIENTIST IV*	NDOT - PCN 018011
10.707	CHEMIST V*	BCN - ALL PCNS
10.708	CHEMIST IV*	BCN - ALL PCNS
10.710	MICROBIOLOGIST V*	BCN - ALL PCNS
10.711	MICROBIOLOGIST IV*	BCN - ALL PCNS
10.712	CHEMIST III*	BCN - ALL PCNS
10.713	CHEMIST II*	BCN - ALL PCNS
10.715	MICROBIOLOGIST III*	BCN - ALL PCNS
10.717	MICROBIOLOGIST II*	BCN - ALL PCNS
10.721	MICROBIOLOGIST I*	BCN - ALL PCNS
10.724	CHEMIST I*	BCN - ALL PCNS
10.723	PHARMACY TECHNICIAN II*	DHHS, NDOC - ALL PCNS
10.726	LABORATORY TECHNICIAN II*	BCN - ALL PCNS
10.728	PHARMACY TECHNICIAN I*	DHHS, NDOC - ALL PCNS
10.729	LABORATORY ASSISTANT II*	BCN - ALL PCNS
10.733	LABORATORY TECHNICIAN I*	BCN - ALL PCNS
10.736	LABORATORY ASSISTANT I*	BCN - ALL PCNS
10.769	STAFF RESEARCH ASSOCIATE IV*	BCN - ALL PCNS
10.770	STAFF RESEARCH ASSOCIATE III*	BCN - ALL PCNS
10.771	STAFF RESEARCH ASSOCIATE II*	BCN - ALL PCNS
10.772	STAFF RESEARCH ASSOCIATE I*	BCN - ALL PCNS
11.117	PUBLIC SAFETY DISPATCHER VI	
11.118	PUBLIC SAFETY DISPATCHER V	
11.120	PUBLIC SAFETY DISPATCHER IV	
11.122	PUBLIC SAFETY DISPATCHER III	
11.124	PUBLIC SAFETY DISPATCHER II	
11.126	PUBLIC SAFETY DISPATCHER I	
11.128	N.C.J.I.S. PROGRAM SPECIALIST SUPERVISOR*	DPS - PCNS 4709-13, 4709-14
11.129	N.C.J.I.S. PROGRAM SPECIALIST*	DPS - PCNS 4709-41, 4709-63, 4709-74, 4709-600, 4709-615, 4709-650, 4709-680, 4709-1005
11.130	N.C.J.I.S. PROGRAM SPECIALIST TRAINEE	
11.132	MANAGER, CRIMINAL JUSTICE RECORDS*	DPS - ALL PCNS
11.133	FINGERPRINT/RECORDS EXAMINER III*	DPS - PCNS 4709-201, 4709-8015

<u>CLASS/ TITLE CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
11.134	FINGERPRINT/RECORDS EXAMINER II*	DPS - PCNS 4709-6, 4709-7, 4709-33, 4709-59, 4709-61, 4709-202, 4709-590, 4709-8014
11.135	FINGERPRINT/RECORDS EXAMINER I	
11.144	FINGERPRINT/RECORDS SUPERVISOR*	DPS - PCNS 4709-4, 4709-5
11.239	MILITARY SECURITY OFFICER V	
11.240	MILITARY SECURITY OFFICER IV	
11.241	MILITARY SECURITY OFFICER III	
11.242	MILITARY SECURITY OFFICER II	
11.243	MILITARY SECURITY OFFICER I	
11.260	SECURITY OFFICER SUPERVISOR*	BCN, NSVH - ALL PCNS
11.263	SECURITY OFFICER*	BCN, MILITARY, NSVH - ALL PCNS
11.354	SUPERVISORY COMPLIANCE INVESTIGATOR*	DMV - PCN WF8508
11.358	COMPLIANCE INVESTIGATOR II*	DMV - PCNS RE8018, RE8025, RE8026, RE8028
11.363	COMPLIANCE/AUDIT INVESTIGATOR III*	B&I-INSURANCE DIV - PCN 0072; SOS - PCNS 0030, 0031, 0035, 0062, 0063, 0066
11.365	COMPLIANCE/AUDIT INVESTIGATOR II*	B&I-INSURANCE DIV - ALL PCNS; SOS - PCNS 0022, 0028, 0068
11.424	DMV SERVICES TECHNICIAN III*	DMV - PCNS RE5324, RE5328
11.506	FIRE & LIFE SAFETY INSPECTOR I	
11.510	FIRE & LIFE SAFETY INSPECTOR II	
11.513	SAFETY REPRESENTATIVE, RAILWAY	
11.515	SAFETY SPECIALIST, RAILWAY	
11.550	TAXICAB VEHICLE INSPECTOR I	
11.552	TAXICAB VEHICLE INSPECTOR II	
11.560	MANUFACTURED HOUSING INSPECTOR II	
11.561	MANUFACTURED HOUSING INSPECTOR I	
11.565	AGENCY LOSS CONTROL COORDINATOR*	NDOT - PCN 078002
12.466	SUBSTANCE ABUSE COUNSELOR III	
12.469	SUBSTANCE ABUSE COUNSELOR II	
12.470	SUBSTANCE ABUSE COUNSELOR I	
12.501	WARDEN	
12.510	CORRECTIONAL MANAGER	
12.517	CORRECTIONAL ASSISTANT*	NDOC - ALL PCNS
12.523	ASSISTANT SUPERINTENDENT, YOUTH FACILITY	
12.532	HEAD GROUP SUPERVISOR	
12.534	ASSISTANT HEAD GROUP SUPERVISOR	
12.535	GROUP SUPERVISOR IV	
12.537	GROUP SUPERVISOR III	
12.538	GROUP SUPERVISOR II	
12.541	GROUP SUPERVISOR I	
12.553	ASSOCIATE WARDEN	
12.556	CORRECTIONAL CASEWORK SPECIALIST III	
12.559	CORRECTIONAL CASEWORK SPECIALIST II	
12.565	CORRECTIONAL CASEWORK SPECIALIST I	
12.571	CORRECTIONAL CASEWORK SPECIALIST TR	
13.101	AGRICULTURE ENFORCEMENT OFFICER III	
13.102	AGRICULTURE ENFORCEMENT OFFICER II	
13.103	AGRICULTURE ENFORCEMENT OFFICER I	
13.111	DEPUTY BRAND INSPECTOR (COMMISSIONED)	
13.115	STAFF GAME WARDEN	
13.121	GAME WARDEN IV	
13.122	GAME WARDEN III	
13.123	GAME WARDEN II	
13.124	GAME WARDEN I	
13.131	PARKS REGIONAL MANAGER (COMMISSIONED)	
13.135	PARK SUPERVISOR III (COMMISSIONED)	
13.136	PARK SUPERVISOR II (COMMISSIONED)	

CLASS/ TITLE CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
13.137	PARK SUPERVISOR I (COMMISSIONED)	
13.141	PARK RANGER III (COMMISSIONED)	
13.142	PARK RANGER II (COMMISSIONED)	
13.143	PARK RANGER I (COMMISSIONED)	
13.202	DPS MAJOR	
13.203	DPS CAPTAIN	
13.204	DPS LIEUTENANT	
13.205	DPS SERGEANT	
13.206	DPS OFFICER II	
13.207	DPS OFFICER I	
13.215	UNIVERSITY POLICE LIEUTENANT	
13.217	UNIVERSITY POLICE DETECTIVE	
13.221	UNIVERSITY POLICE SERGEANT	
13.222	UNIVERSITY POLICE OFFICER II	
13.223	UNIVERSITY POLICE OFFICER I	
13.234	SENIOR LAW ENFORCEMENT SPECIALIST	
13.241	SUPERVISORY CRIMINAL INVESTIGATOR II	
13.242	SUPERVISORY CRIMINAL INVESTIGATOR I	
13.243	CRIMINAL INVESTIGATOR III	
13.244	CRIMINAL INVESTIGATOR II	
13.245	CRIMINAL INVESTIGATOR I	
13.246	AG DEPUTY CHIEF INVESTIGATOR*	AG - ALL PCNS
13.247	AG CRIMINAL INVESTIGATOR, SUPERVISOR*	AG - ALL PCNS
13.248	AG CRIMINAL INVESTIGATOR II*	AG - ALL PCNS
13.249	AG CRIMINAL INVESTIGATOR I*	AG - ALL PCNS
13.251	CHIEF INVESTIGATOR, COMPLIANCE/ ENFORCEMENT	
13.255	SUPERVISORY COMPLIANCE/ENFORCEMENT	
13.256	COMPLIANCE/ENFORCEMENT INVESTIGATOR III	
13.257	COMPLIANCE/ENFORCEMENT INVESTIGATOR II	
13.258	COMPLIANCE/ENFORCEMENT INVESTIGATOR I	
13.263	UNIT MANAGER, YOUTH PAROLE BUREAU	
13.265	YOUTH PAROLE COUNSELOR III	
13.266	YOUTH PAROLE COUNSELOR II	
13.267	YOUTH PAROLE COUNSELOR I	
13.301	INSPECTOR GENERAL	
13.309	CORRECTIONAL CAPTAIN	
13.310	CORRECTIONAL LIEUTENANT	
13.311	CORRECTIONAL SERGEANT	
13.312	SENIOR CORRECTIONAL OFFICER	
13.313	CORRECTIONAL OFFICER	
13.314	CORRECTIONAL OFFICER TRAINEE	
13.321	FORENSIC SPECIALIST IV	
13.322	FORENSIC SPECIALIST III	
13.323	FORENSIC SPECIALIST II	
13.324	FORENSIC SPECIALIST I	
U3720	DIVISION ADMINISTRATOR, RECORDS &	DPS - PCN 4709-1
U3916	PROGRAM MANAGER, OIL/GAS/GEOTHERMAL	MIN - PCN 0002
U3918	DEPUTY ADMINISTRATOR, MINERALS	MIN - PCN 0006
U3919	CHIEF FOR DANGEROUS MINES	MIN - PCN 0007
U3930	CHIEF FOR MINE REGULATION	MIN - PCN 0009
U3932	FIELD SPECIALIST, MINERALS	MIN - PCNS 0011, 0021, 0031
U4102	BUREAU CHIEF, YOUTH PAROLE	
U4103	DIVISION ADMINISTRATOR, TAXICAB AUTHORITY	
U4141	DEPUTY DIVISION ADMINISTRATOR, TAXICAB	
U4706	ADMINISTRATOR, MINERALS	MIN - PCN 0001
U9010	CHIEF, NEVADA HIGHWAY PATROL	
U9033	DEPUTY DIRECTOR, INDUSTRIAL PROGRAMS	

CLASS/ TITLE CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
U9034	DEPUTY DIRECTOR, OPERATIONS SOUTH	
U9041	CHIEF GAME WARDEN	
U9074	PHARMACIST 1*	DHHS, NDOC - ALL PCNS
U9075	PHARMACIST 2*	DHHS - ALL EXCEPT PCN 3243-0014; NDOC - ALL PCNS
U9076	PHARMACIST 3*	DHHS, NDOC - ALL PCNS
U9085	SENIOR INSTITUTIONAL DENTIST (RANGE A)*	NDOC - ALL PCNS
U9086	SENIOR INSTITUTIONAL DENTIST (RANGE B)*	NDOC - ALL PCNS
U9087	SENIOR PHYSICIAN (RANGE C)*	DHHS, NDOC - ALL PCNS
U9088	SENIOR PSYCHIATRIST (RANGE C)*	DHHS, NDOC - ALL PCNS

LEGEND	
AG	Office of the Attorney General
AGR	Department of Agriculture
BCN	(Nevada System of Higher Education) Business Center North
BCN UNR	(Nevada System of Higher Education) Business Center North, University of Nevada Reno
B&I	Department of Business & Industry
DCNR	Department of Conservation & Natural Resources
DHHS	Department of Health & Human Services
DHHS PBH	Department of Health & Human Services, Division of Public & Behavioral Health
DMV	Department of Motor Vehicles
DPS	Department of Public Safety
ESD	Department of Employment, Training & Rehabilitation, Employment Security Division
MIN	Commission on Mineral Resources, Division of Minerals
NHP	Department of Public Safety, Nevada Highway Patrol
NDOC	Department of Corrections
NDOT	Department of Transportation
NDOW	Department of Wildlife
NSVH	Office of Veterans Services, Nevada State Veterans Home
SOS	Secretary of State
TAXI	Department of Business & Industry, Nevada Taxicab Authority
UNLV	(Nevada System of Higher Education) University of Nevada Las Vegas

FOR DISCUSSION AND POSSIBLE ACTION

NRS 284.4066 provides for the pre-employment testing for controlled substances of applicants for positions affecting public safety. This law requires the appointing authority to identify the specific positions that affect public safety, subject to the approval of the Personnel Commission.

The Department of Public Safety (DPS) has requested the following positions be added to the classes/positions approved for pre-employment screening for controlled substances for the provided reason(s):

AGENCY	CLASS/ TITLE CODE	TITLE	POSITION CONTROL NUMBER	REASON FOR ADDITION
DPS	2.211	Administrative Assistant III	3740-1412	Works within transitional housing facility with in-person interactions with inmates
DPS	12.616	Parole & Probation Specialist III	3740-1439, 3740-1440, 3740-1441, 3740-1442	Works within correctional facilities with in-person interactions with inmates

The above positions are new and the following information and recommendations are based upon DPS’ representation of the anticipated duties of the positions.

The above positions are part of a program which has the purpose of helping “support the efforts to successfully re-introduce offenders into our communities” and their work locations will be in correctional and transitional housing facilities. The Parole & Probation Specialist III positions’ duties will involve daily interactions with inmates. The Administrative Assistant III position will have repeated contact and interaction with inmates in the course of the position’s administrative duties. Additionally, the Parole & Probation Specialist III positions’ access to inmates has been represented as similar to Correctional Casework Specialists who have been approved for pre-employment screening for controlled substances.

Staff recommends the approval of the requested positions.

Additionally, the class specification for class series Parole & Probation Specialists has been changed to reflect the addition of the requirement for pre-employment screening for controlled substances for approved positions.

DPS has indicated that a representative will be available to answer Commissioners’ questions.



DIRECTOR'S OFFICE

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MEMORANDUM

Date: July 27, 2017

To: Shelley Blotter, Deputy Administrator
Division of Human Resource Management

Through: Carrie Hughes, Personnel Analyst III
Division of Human Resource Management

From: Mavis Affo, Human Resource Manager
Department of Public Safety *MA*

Subject: Pre-Employment Drug-Testing Request – P&P Re-Entry Program Positions

The Department of Public Safety is requesting that four (4) Parole and Probation Specialist III positions and an Administrative Assistant III position be added to the list of positions approved for pre-employment drug screening for controlled substances.

The 2017 Legislature granted the Division of Parole and Probation the positions identified below to help support the efforts to successfully re-introduce offenders into our communities. The positions included in the Re-Entry Program are as follows:

1. Parole and Probation Specialist III, B/A 3740, PCN 1439 – Southern Desert Correctional Center, Indian Springs
2. Parole and Probation Specialist III, B/A 3740, PCN 1440 – High Desert State Prison, Indian Springs
3. Parole and Probation Specialist III, B/A 3740, PCN 1441 – Lovelock Correctional Center
4. Parole and Probation Specialist III, B/A 3740, PCN 1442 – Ely State Prison
5. Administrative Assistant III, B/A 3740, PCN 1412 – Casa Grande Transitional Housing Facility, Las Vegas

These positions are assigned to work within correctional facilities, where they will have in-person and telephone interactions with inmates and parolees on a daily basis. The Parole and Probation Specialists will meet with offenders to arrange pre-release, transitional housing, rehabilitation and employment functions.

The Administrative Assistant III position will perform administrative support duties to assist the assigned officers and Parole and Probation Specialists as needed to achieve the program goals.

As these positions are located within correctional facilities, it is important for candidates for these positions to undergo pre-employment drug screening to help identify potential substance abuse issues. Further, the Parole and Probation Specialist positions will have interactions with inmates/offenders that are similar to the Correctional Casework Specialist positions, which have been approved for pre-employment screening for controlled substances.

In addition, these positions will have more day-to-day interactions with offenders than a typical employee assigned to work within the Division's administrative offices. With such frequent interactions with offenders, there is potential to form bonds or establish relationships with the offenders, which could lead to corruption. As such, failure to screen candidates for substance abuse issues could result in criminal acts if the employees bring contraband into the correctional facilities. Subsequently, the Department and ultimately the State could be exposed to legal liabilities. Therefore, we respectfully request that these positions be approved for pre-employment screening for controlled substances.

If you have any questions, please call me at 775-684-4703.

Thank you.



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
PAROLE & PROBATION SUPERVISOR	36	B	12.619
PAROLE & PROBATION SPECIALIST IV	35	B	12.618
PAROLE & PROBATION SPECIALIST III	33	B	12.616
PAROLE & PROBATION SPECIALIST II	31	E	12.614
PAROLE & PROBATION SPECIALIST I	29	E	12.615

SERIES CONCEPT

Parole & Probation Specialists perform technical duties in administrative functions and units, which do not require peace officer status. Duties include casework services, investigations, tracking and monitoring assigned parolees and probationers, pre-sentence investigations, determination of restitution and supervision fees, and referral services for the assigned unit. Positions in this series obtain and verify information; prepare and process case files and recommend appropriate action; and monitor offender activities. Incumbents are not Peace Officer's Standards and Training (P.O.S.T.) certified and do not perform law enforcement functions such as conducting field inspections of offenders' worksite or residence, conducting surveillance, searches and arrests, or transporting prisoners to court or detention facilities.

Process documentation associated with the release of offenders being paroled, in residential confinement, in drug court supervision, and residing in a state other than Nevada; review files received from the court/parole board for required signatures, pre-release plan, criminal history, parole eligibility dates, and the terms and conditions of parole/probation.

Research the criminal and personal history of the offender including the facts surrounding the current offense, special conditions of release involving restitution, drug and alcohol treatment and testing, counseling and/or community service; obtain reporting instructions and transfer offender files to the appropriate location; notify victims prior to release of offenders or of special circumstances as requested; contact law enforcement agencies that have placed a hold on the offender and arrange for parole to the agency's custody; contact service providers such as residential and inpatient programs and arrange for program participation upon release from custody.

Monitor offenders through written correspondence and the telephone; contact family, friends, neighbors, employers, treatment counselors and other law enforcement agencies to ensure the parolee or probationer is in compliance with stipulated agreements; establish and monitor compliance with payment plans and renegotiate payments if offender falls in arrears; track actions taken by the court/parole board; prepare various reports regarding violations of probation or parole, progress or discharge, and monthly case load status; advise and direct offenders to comply with the terms of parole and/or probation.

Develop and maintain case files for each offender containing legal documents regarding criminal history, probation and parole agreements, monthly reports, correspondence and records which chronologically list contacts with the offender; compile information, present recommendations, and submit various reports and documents to the court/parole board for review and action after obtaining supervisory approval; audit case files in compliance with agency standards; prepare statistical reports detailing case activity to conform with agency requirements.

Monitor and track hearing dates; provide documentation for hearings; make appearances at hearings and provide testimony as necessary; obtain hearing results and follow up on court/parole board directives, actions, and recommendations.

Perform related duties as assigned.

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CLASS CONCEPTS

Parole & Probation Supervisor: Under general direction, incumbents plan, organize, coordinate and supervise the day-to-day activities of a large staff of Parole & Probation Specialist III's and IV's. Incumbents may be required to write pre-sentence investigation reports, but the primary focus at this level is to review the work of lower level Parole & Probation Specialists.

Supervise assigned staff in daily work; review completed pre-sentence investigative reports for quality, accuracy, consistency and timeliness; establish work performance standards; evaluate performance; initiate disciplinary action as required; determine the training needs of staff, and provide training and guidance for staff development; approve over-time, leave requests, time-sheets and personnel documentation for assigned staff; assign caseloads based on established criteria.

Assist higher-level management staff with the preparation of reports and statistical analyses and participate in the development of the work unit's budget.

Implement federal, State and agency regulations, policies, procedures and guidelines related to program operations; recommend changes to established policies, procedures, and guidelines; provide assigned staff with explanations, clarifications and interpretations of policies and procedures.

This class is distinguished from the Parole & Probation Specialist IV class by full supervisory responsibility for a large staff of Parole & Probation Specialist III's and IV's, which may also include Parole & Probation Specialist II's.

Parole & Probation Specialist IV: Incumbents at this level are assigned to a Court Services Unit staffed with a large number of Parole & Probation Specialists. Incumbents spend the preponderance of time working on the most complex and high profile cases and reports. High profile cases are defined by the agency as those involving severe or heinous crimes, extensive media coverage, pardons investigations, cases with a large number of victims, and/or large restitution cases. In addition, incumbents train and provide guidance to lower level specialists in the Court Services Unit; and review and approve the work of others during peak workload periods and in the absence of the supervisor; track, monitor and evaluate the progress of trainees and provide input to the supervisor regarding trainees' performance.

Parole & Probation Specialist III: Incumbents at this level either:

- 1) Work in the Court Services Unit and assist offenders in completing the pre-sentence interview questionnaire, check offender's criminal history, write comprehensive reports to the court regarding the offender's crime, and make recommendations regarding the offender. Incumbents represent the agency in court, provide testimony regarding the recommendation, and respond to questions from the judge. The scope of responsibility includes completing the pre-sentence report and recommendation and representing the agency in a court of law; or
- 2) Perform as lead-worker in the Pre-Release Unit, Interstate Compact Unit, Fugitive Apprehension Unit, or similar work unit staffed with a large number of Parole & Probation Specialists. Incumbents spend the preponderance of time on complex cases; train and provide guidance to lower level specialists; prepare statistical reports; and review and approve the work of others during peak workload periods and in the absence of the supervisor.
- 3) In the Re-Entry Unit, incumbents are physically located within a Correctional facility and/or Correctional facilities. In addition to being able to perform the duties described in the series concept, incumbents meet personally with inmates to assist in formulating viable release plans; review reports to identify which parole-eligible inmates are lacking parole plans and then formulate same; coordinate with Department of

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CLASS CONCEPTS (cont'd)

Parole & Probation Specialist III: (cont'd)

- 3) Corrections staff to schedule inmates for re-entry meetings; participate in program analysis and provide feedback to supervisor for improvement and added efficiency; respond to and initiate contact with public and private service providers, community organizations and groups to assist Division in maintenance of a list of programs and services available to parolees; provide documented feedback and status to supervisor relating to programs, referrals, interagency cooperation and relationships to ensure and improve program development; develop and maintain case files; and provide analytical, narrative and statistical reports regarding activities as required.

Parole & Probation Specialist II: Incumbents at this level either:

- 1) Work in the Pre-Release Unit, Interstate Compact Unit, or similar work unit in which positions perform duties that do not require P.O.S.T. certification. In the Pre-Release Unit, incumbents track and monitor a case load of parolees/probationers who are currently incarcerated, process all documentation associated with the release of offenders being paroled, and for inmates allowed to reside in Nevada communities under residential confinement or drug court supervision. Incumbents may have face-to-face contact with offenders. In the Interstate Compact Unit, incumbents track and monitor offenders and process all documentation associated with offenders who have requested permission to reside in a state other than Nevada during their term of parole/probation. Incumbents may have telephone or face-to-face contact with the offenders. In these units, incumbents make decisions subject to supervisory review; however, they work independently and must use judgment and initiative to apply general guidelines and regulations to specific situations; or
- 2) Continue to work as a trainee and acquire additional skills and experience in performing duties in the Court Services Unit. Progression to the next level may occur upon successful completion of the probationary period, meeting the minimum qualifications, and with the recommendation of the appointing authority.

Parole & Probation Specialist I: Under the direct supervision of an assigned supervisor, incumbents acquire skills and experience in performing duties outlined in the series concept. This is the entry level in the series, and progression to the next level may occur upon successful completion of the probationary period, meeting the minimum qualifications, and with the recommendation of the appointing authority.

MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENT:

- * A valid driver's license is required at the time of appointment and as a condition of continuing employment.
- * *Pursuant to NRS 284.4066, some positions in this series have been identified as affecting public safety. Persons offered employment in these positions must submit to a pre-employment screening for controlled substances. These positions will be identified at the time of recruitment.*

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MINIMUM QUALIFICATIONS (cont'd)

PAROLE & PROBATION SUPERVISOR

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university with major course work in criminal justice, social or behavioral sciences, public or business administration, or related field and two years of advanced level or lead professional experience performing casework services and pre-sentence investigations, interviewing offenders in order to write comprehensive reports to the court regarding the offenders' crime, making recommendations in court, and preparing and presenting reports for a court of law; **OR** graduation from high school or equivalent and four years of professional experience as described above; **OR** two years of experience as a Parole & Probation Specialist IV in Nevada State service; **OR** an equivalent combination of education and experience as described above. (*See Special Requirements*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: applicable laws, rules, regulations, policies and procedures relating to parole and probation; principles, methods, techniques and trends in parole and probation casework; purpose, format and content of pre-sentence investigation reports. **General knowledge of:** basic methods and techniques of supervision and training. **Ability to:** plan, organize and direct the work of others; communicate effectively both orally and in writing; use technology, computer systems and applications; secure the cooperation of individuals and agencies; assist in preparing statistical and analytical reports; *and all knowledge, skills and abilities at the lower levels.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Detailed knowledge of: State of Nevada laws, rules, regulations, policies and procedures relating to parole, probation and other related institutions. **Working knowledge of:** functions and procedures of courts involved with the work of the agency. **Ability to:** train, supervise and evaluate the performance of assigned staff; work collaboratively within and across organizational boundaries to achieve common goals; identify customer expectations and respond appropriately to their needs.

PAROLE & PROBATION SPECIALIST IV

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university with major course work in criminal justice, social or behavioral sciences, public or business administration, or related field and two years of professional experience performing casework services and pre-sentence investigations, interviewing offenders in order to write comprehensive reports to the court regarding the offenders' crime, making recommendations in court, and preparing and presenting reports for a court of law; **OR** graduation from high school or equivalent and four years of professional experience as described above; **OR** one year of experience as a Parole & Probation Specialist III in Nevada State service; **OR** an equivalent combination of education and experience as described above. (*See Special Requirements*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Detailed knowledge of: criminal and administrative law and criminal procedures; case load management techniques; methods and techniques of interviewing. **Working knowledge of:** goals and objectives of the unit to which assigned; professional courtroom demeanor and etiquette. **Ability to:** present high profile and complex cases in a court of law; provide necessary guidance and training to lower level staff; review required reports and forms to detect discrepancies and ensure compliance with established policy and procedures and State statutes; assist the supervisor in reviewing and approving comprehensive reports prepared by others; *and all knowledge, skills and abilities at the lower levels.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Detailed knowledge of: proper handling of complex and high profile cases; training techniques. **Working knowledge of:** division mission, goals and objectives. **Ability to:** effectively direct activities of lower level

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MINIMUM QUALIFICATIONS (cont'd)

PAROLE & PROBATION SPECIALIST IV (cont'd)

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):(cont'd) staff; coordinate staff case assignments and prioritize tasks; articulate to the supervisor the abilities of staff being trained; detect problems or issues during training; act as the liaison between the supervisor and staff member being trained; work with the supervisor in reviewing, analyzing, and providing input regarding lower level staff.

PAROLE & PROBATION SPECIALIST III

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university with major course work in criminal justice, social or behavioral sciences, public or business administration, or related field and one year of experience making eligibility determinations, researching and verifying information, maintaining case records, and performing casework services in a law enforcement, social or behavioral services environment; **OR** graduation from high school or equivalent and three years of making eligibility determinations, researching and verifying information, maintaining case records, and performing casework services in a law enforcement, social or behavioral services environment; **OR** one year of experience as a Parole & Probation Specialist II in Nevada State service; **OR** an equivalent combination of education and experience as described above. (*See Special Requirements*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: techniques used to conduct extensive research into client or offender criminal, employment and/or income history; English composition skills sufficient to prepare comprehensive reports and recommendations; correct English usage, grammar, spelling and punctuation. **General knowledge of:** appropriate courtroom behavior. **Ability to:** prepare comprehensive investigative reports and recommendations; represent the agency in a pre-hearing or judicial environment; provide chronological exhibits and testimony in court; provide guidance and train new and lower level staff; *and all knowledge, skills and abilities required at the lower levels.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Working knowledge of: division policies and procedures as applied to the assignment; interstate compact process. **Ability to:** recommend appropriate sentences assigned to offenders including alternative recommendations; understand, interpret and apply policies and procedures required of the program assignment; objectively investigate and review information in accordance with federal regulations and State laws; make appropriate recommendations within established policies and procedures; independently determine the nature of investigations; understand technical terms, abbreviations and phrases used in law enforcement and legal records; read and evaluate law enforcement documents to determine the appropriate course of action; write and verbally defend professional judgments and recommendations presented in court.

PAROLE & PROBATION SPECIALIST II

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university with major coursework in criminal justice, social or behavioral sciences, public or business administration, or a related field; **OR** graduation from high school or equivalent education and two years of experience interviewing and providing guidance, explaining rules, regulations and eligibility criteria equivalent to an Administrative Assistant III in Nevada State service. One year of the experience must have included working with clients or individuals in a law enforcement, social or behavioral services environment; **OR** one year of experience as a Parole & Probation Specialist I in Nevada State service; **OR** an equivalent combination of education and experience as described above. (*See Special Requirements*)

PAROLE & PROBATION SUPERVISOR	36	B	12.619
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PAROLE & PROBATION SPECIALIST III	33	B	12.616
PAROLE & PROBATION SPECIALIST II	31	E	12.614
PAROLE & PROBATION SPECIALIST I	29	E	12.615

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MINIMUM QUALIFICATIONS (cont'd)

PAROLE & PROBATION SPECIALIST II (cont'd)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: techniques used to maintain detailed information concerning cases; methods and techniques of interviewing, advising and providing guidance to others; confidentiality rules and regulations; functions and purpose of the parole and probation system. **General knowledge of:** criminal and administrative law and criminal procedure; legal procedures sufficient to prepare relevant documentation and testimony for a court or the Parole Board; functions and jurisdiction of law enforcement agencies, related criminal justice and service entities. **Ability to:** apply casework principles and practices; read, interpret and evaluate client history from records and information system files; act decisively on administrative actions by recording and transmitting information in an authoritative and professional manner; read, interpret and evaluate various criminal statutes; evaluate financial information and make appropriate recommendations as required; calculate payments, arrearages, compile statistical data; read and understand violations of parole and probation agreements, directives, court and parole board orders, and act in accordance with prescribed policies and procedures; provide testimony before hearing boards, effectively communicate court and/or Parole Board orders, and division policies and procedures; prepare a variety of forms and reports according to established policies and procedures; *and all knowledge, skills and abilities required at the lower level.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Working knowledge of: department and division policy, procedure, and directives related to the assignment; Nevada criminal justice system including court processes and systems; computer systems and programs used by the division. **Ability to:** effectively manage assigned workload with minimal supervision; carry out multiple tasks and assignments in a timely manner; make appropriate casework decisions.

PAROLE & PROBATION SPECIALIST I

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and one year of experience interviewing and providing guidance, explaining rules, regulations and eligibility criteria equivalent to an Administrative Assistant III in Nevada State service; **OR** an equivalent combination of education and experience as described above. (*See Special Requirements*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: methods and techniques of interviewing, advising and providing guidance to others; techniques used to maintain detailed information; methods and techniques used to research and confirm information from a variety of sources. **General knowledge of:** criminal justice system; confidentiality rules and regulations. **Ability to:** write and prepare concise, logical, and grammatically correct reports and written materials; read, interpret, apply, and explain rules and regulations to others; communicate effectively both orally and in writing; interview individuals to obtain and verify information; secure facts by personal contacts and researching/verifying records; establish and maintain effective working relationships; maintain records and files including recording and retaining information in chronological order; use modern office equipment including computers and applicable software; make decisions within established limits of authority; evaluate historical data and current information in order to reach logical conclusions.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

(These are identical to the Entry Level Knowledge, Skills and Abilities required for Parole & Probation Specialist II.)

PAROLE & PROBATION SUPERVISOR	36	B	12.619
PAROLE & PROBATION SPECIALIST IV	35	B	12.618
PAROLE & PROBATION SPECIALIST III	33	B	12.616
PAROLE & PROBATION SPECIALIST II	31	E	12.614
PAROLE & PROBATION SPECIALIST I	29	E	12.615

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This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>12.619</u>	<u>12.618</u>	<u>12.616</u>	<u>12.614</u>	<u>12.615</u>
ESTABLISHED:	5/5/09UC	5/6/02UC	5/6/02UC	7/1/01P 4/27/01PC	7/1/01P 4/27/01PC
REVISED:				5/6/02UC	5/6/02UC
REVISED:		7/5/02UC	7/5/02UC	7/5/02UC	7/5/02UC
REVISED:		6/20/06UC	6/20/06UC	6/20/06UC	6/20/06UC
REVISED:		5/5/09UC	5/5/09UC	5/5/09UC	5/5/09UC
REVISED:	10/21/15RNC	10/21/15RNC	10/21/15RNC	10/21/15UC	10/21/15RNC
REVISED:	9/15/17UC	9/15/17UC	9/15/17UC	9/15/17UC	9/15/17UC
REVISED:	9/29/17PC	9/29/17PC	9/29/17PC	9/29/17PC	9/29/17PC

FOR DISCUSSION AND POSSIBLE ACTION

NRS 284.4066 provides for the pre-employment testing for controlled substances of applicants for positions affecting public safety. This law requires the appointing authority to identify the specific positions that affect public safety, subject to the approval of the Personnel Commission.

The Department of Administration, Public Works Division (SPWD) has requested the following positions be added to the classes/positions approved for pre-employment screening for controlled substances for the provided reason(s):

AGENCY	CLASS/ TITLE CODE	TITLE	POSITION CONTROL NUMBER	REASON FOR ADDITION
SPWD	6.754	Building Construction Inspector III	All	Works in active construction zones and responsibility for safety of structures' occupants
SPWD	6.755	Building Construction Inspector IV	All	Works in active construction zones and responsibility for safety of structures' occupants

Building Construction Inspectors perform duties in active construction areas and are responsible, in part, for ensuring compliance with federal and State safety requirements. Building Construction Inspectors' responsibility to ensure compliance with safety requirements impacts the safety of current and future occupants and users. The class specification for these classes indicates that Building Construction Inspector III positions are assigned to major projects such as State correctional and National Guard facilities. Additionally, the Building Construction Inspector III position at the Nevada System of Higher Education, Business Center North has previously been approved for pre-employment screening for controlled substances.

Staff recommends the approval of the requested positions.

SPWD has indicated that a representative will be available to answer Commissioners' questions.

Brian Sandoval
Governor



Patrick Cates
Director

Gustavo "Gus" Nunez
Administrator

Carson City Offices:
Public Works Section
515 East Musser Street, Suite 102
Carson City, Nevada 89701-4263
(775) 684-4141 | Fax (775) 684-4142

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Public Works Division

Las Vegas Offices:
Public Works Section
2300 McLeod Street
Las Vegas, Nevada 89104-4314
(702) 486-5115 | Fax (702) 486-5094

Buildings & Grounds Section
515 East Musser Street, Suite 102
Carson City, Nevada 89701-4263
(775) 684-1800 | Fax (775) 684-1821

Buildings & Grounds Section
2300 McLeod Street
Las Vegas, Nevada 89104-4314
(702) 486-4300 | Fax (702) 486-4308

MEMORANDUM

Date: June 2, 2017
To: Shelley Blotter, Deputy Division Administrator
Division of Human Resource Management
From: Kathleen Kirkland, Personnel Officer III 
Agency HR Services
Subject: PRE-EMPLOYMENT TESTING FOR CONTROLLED SUBSTANCES – ITEM
FOR PERSONNEL COMMISSION AGENDA

The Department of Administration, State Public Works Division is requesting that the following positions be added to the list of positions required to undergo pre-employment screening for controlled substances.

<u>Class Code</u>	<u>Class Title</u>	<u>PCN</u>
06.754	Building Construction Inspector III	All
06.755	Building Construction Inspector IV	All

All Building Construction Inspector positions within the State Public Works Division are required to work in dangerous areas. The inspections that the Building Construction Inspectors perform are protecting the life and safety of the occupants of the building and facilities.

An agency representative will be present at the Personnel Commission meeting to answer any questions. If you require additional information, please contact me at (775) 684-0209.

Cc: Carrie Hughes, Division of Human Resource Management

Personnel Commission Meeting
September 29, 2017

FOR INFORMATION ONLY

Attached are several items included for your information and consideration with regard to the proposed regulations. Assembly Bill 113 and Senate Bill 361 from the 2017 Legislative Session have been included, as they are the basis of a number of regulations proposed for permanent adoption. The minutes of the July 11th regulation workshop and the Small Business Impact Statement have also been provided, as they are related to all regulations proposed for permanent adoption.

Assembly Bill 309 of the 2017 Legislative Session has also been included, as it is the basis for the regulation proposed to be adopted on an emergency basis.

CHAPTER.....

AN ACT relating to public health; requiring certain employers to provide reasonable break times and a place for an employee who is a nursing mother to express breast milk; prohibiting an employer from retaliating against an employee for certain actions relating to this requirement; authorizing a public employee who is aggrieved by an employer’s failure to comply with this requirement or for retaliation by the employer to file a complaint; requiring the Local Government Employee-Management Relations Board to provide for an expedited review of such complaints by local government employees; exempting certain small employers and contractors from this requirement; authorizing the Labor Commissioner to enforce the requirement against a private employer; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires employers to provide their employees with meal and rest periods, with certain exceptions. (NRS 608.019) Existing law also authorizes the Labor Commissioner to prosecute violations of this requirement and makes violation of this requirement a misdemeanor, subject to a civil penalty of \$5,000 per violation. (NRS 608.180, 608.195) Existing federal law also requires an employer to provide reasonable break time and a private place for employees to express breast milk for a nursing child for 1 year after the child’s birth. (29 U.S.C. § 207(r))

Sections 2 and 5 of this bill require each public and private employer in this State, other than the Department of Corrections, certain small employers and certain licensed contractors, to provide a reasonable break time and a clean, private place for an employee who is a nursing mother to express breast milk. This break time may be provided with or without compensation, except that **section 5** requires the break time to be compensated if such break time is otherwise required to be compensated pursuant to a collective bargaining agreement between a private employer and an employee organization. Additionally, **sections 2 and 5** prohibit employers from retaliating against an employee who: (1) takes such break time or uses the designated place to express breast milk; or (2) takes any action to enforce this requirement. If a public or private employer would face an undue hardship relating to these requirements, **sections 2 and 5** authorize the employer to meet with the employee to discuss potential alternatives. If no agreement is reached on such an alternative, **sections 2 and 5** authorize the employer to require the employee to accept a reasonable alternative selected by the employer. **Section 2** also authorizes a public employee to file a complaint against his or her public employer for certain violations of **sections 2, 4 and 5** of this bill and require the Local Government Employee-Management Relations Board to create an expedited procedure to resolve such a complaint. **Section 5** exempts a private employer from the requirements of **section 5** if the employer: (1) has fewer than 50 employees and complying with the requirements would cause an undue hardship; or (2) is a licensed contractor and the employee is performing work at a construction jobsite that is at least 3 miles from the regular place of business of the employer. **Section 6**



of this bill authorizes the Labor Commissioner to enforce these requirements against private employers. Finally, **section 7** of this bill makes a private employer who violates these requirements guilty of a misdemeanor, subject to a civil penalty of \$5,000 per violation.

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

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 2 and 5, a public body shall provide an employee who is the mother of a child under 1 year of age with:

(a) Reasonable break time, with or without compensation, for the employee to express breast milk as needed; and

(b) A place, other than a bathroom, that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others where the employee may express breast milk.

2. If the public body determines that complying with the provisions of subsection 1 will cause an undue hardship considering the size, financial resources, nature and structure of the public body, the public body may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the public body may require the employee to accept a reasonable alternative selected by the public body and the employee may appeal the decision by filing a complaint in the manner set forth in subsection 4.

3. An officer or agent of a public body shall not retaliate, or direct or encourage another person to retaliate, against an employee of the public body because the employee has:

(a) Taken break time or used the space provided pursuant to subsection 1 or 2 to express breast milk; or

(b) Taken any action to require the public body to comply with the requirements of this section, including, without limitation, filing a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing to enforce the provisions of this section.

4. An employee who is aggrieved by the failure of a public body to comply with the provisions of this section may:



(a) If the employee is employed by the Executive Department of State Government and is not an employee of an entity described in NRS 284.013, file a complaint with the Employee-Management Committee in accordance with the procedures provided pursuant to NRS 284.384;

(b) If the employee is employed by the Legislative Department of State Government, file a complaint with the Director of the Legislative Counsel Bureau;

(c) If the employee is employed by the Judicial Department of State Government, file a complaint with the Court Administrator; and

(d) If the employee is employed by a political subdivision of this State or any public or quasi-public corporation organized under the laws of this State, file a complaint with the Local Government Employee-Management Relations Board in the manner set forth in section 3.3 of this act.

5. The requirements of this section do not apply to the Department of Corrections. The Department is encouraged to comply with the provisions of this section to the extent practicable.

6. As used in this section, "public body" means:

(a) The State of Nevada, or any agency, instrumentality or corporation thereof;

(b) The Nevada System of Higher Education; or

(c) Any political subdivision of this State or any public or quasi-public corporation organized under the laws of this State, including, without limitation, counties, cities, unincorporated towns, school districts, charter schools, hospital districts, irrigation districts and other special districts.

Sec. 3. NRS 284.384 is hereby amended to read as follows:

284.384 1. The Commission shall adopt regulations which provide for the adjustment of grievances for which a hearing is not provided by federal law or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 **H and complaints filed pursuant to section 2 of this act.** Any grievance for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 , **or any complaint filed pursuant to section 2 of this act,** is subject to adjustment pursuant to this section.

2. The regulations must provide procedures for:

(a) Consideration and adjustment of the grievance **or complaint** within the agency in which it arose.

(b) Submission to the Employee-Management Committee for a final decision if the employee is still dissatisfied with the resolution of the dispute.



(c) If requested by an employee or agency, the use of a resolution conference to resolve a grievance **H or complaint.**

3. The regulations must include provisions for:

(a) Submitting each proposed resolution of a dispute which has a fiscal effect to the Budget Division of the Office of Finance for a determination by that Division whether the resolution is feasible on the basis of its fiscal effects; and

(b) Making the resolution binding.

4. Any grievance **or complaint** which is subject to adjustment pursuant to this section may be appealed to the Employee-Management Committee for a final decision. Except as otherwise provided in subsection 3, a final decision of the Committee is binding. The Committee or an employee may petition a court of competent jurisdiction for enforcement of the Committee's binding decisions.

5. The employee may represent himself or herself at any hearing regarding a grievance **or complaint** which is subject to adjustment pursuant to this section or be represented by an attorney or other person of the employee's own choosing.

6. As used in this section, "grievance" means an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.

Sec. 3.3. Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall provide for an expedited review of a complaint filed by an employee pursuant to subsection 4 of section 2 of this act. To facilitate such a review, the Board shall:

1. Create and make available a form to be used by an employee to file a complaint;

2. Authorize the Commissioner to resolve such a complaint without referring the matter to the Board;

3. Establish an expedited timeline for issuing a decision; and

4. Take any other action necessary to ensure the complaint is reviewed in a timely manner.

Sec. 3.7. NRS 288.110 is hereby amended to read as follows:
288.110 1. The Board may make rules governing:

(a) Proceedings before it;

(b) Procedures for fact-finding;

(c) The recognition of employee organizations; and



(d) The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by any local government employer, local government employee or employee organization. Except as otherwise provided in this subsection and NRS 288.280, *and section 3.3 of this act*, the Board shall conduct a hearing within 180 days after it decides to hear a complaint. If a complaint alleges a violation of paragraph (e) of subsection 1 of NRS 288.270 or paragraph (b) of subsection 2 of that section, the Board shall conduct a hearing not later than 45 days after it decides to hear the complaint, unless the parties agree to waive this requirement. The Board, after a hearing, if it finds that the complaint is well taken, may order any person to refrain from the action complained of or to restore to the party aggrieved any benefit of which the party has been deprived by that action. ~~The~~ *Except when an expedited hearing is conducted pursuant to section 3.3 of this act, the* Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or

(b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

Sec. 4. NRS 288.270 is hereby amended to read as follows:

288.270 1. It is a prohibited practice for a local government employer or its designated representative willfully to:

(a) Interfere, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Dominate, interfere or assist in the formation or administration of any employee organization.

(c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any employee organization.



(d) Discharge or otherwise discriminate against any employee because the employee has signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter, or because the employee has formed, joined or chosen to be represented by any employee organization.

(e) Refuse to bargain collectively in good faith with the exclusive representative as required in NRS 288.150. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(f) Discriminate because of race, color, religion, sex, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(g) Fail to provide the information required by NRS 288.180.

(h) Fail to comply with the requirements of section 2 of this act.

2. It is a prohibited practice for a local government employee or for an employee organization or its designated agent willfully to:

(a) Interfere with, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Refuse to bargain collectively in good faith with the local government employer, if it is an exclusive representative, as required in NRS 288.150. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(c) Discriminate because of race, color, religion, sex, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(d) Fail to provide the information required by NRS 288.180.

Sec. 5. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 3, 5 and 6, each employer shall provide an employee who is the mother of a child under 1 year of age with:

(a) Reasonable break time, with or without compensation, for the employee to express breast milk as needed; and

(b) A place, other than a bathroom, that is reasonably free from dirt or pollution, which is protected from the view of others and free from intrusion by others where the employee may express breast milk.

2. If break time is required to be compensated pursuant to a collective bargaining agreement entered into by an employer and an employee organization, any break time taken pursuant to



subsection 1 by an employee which is covered by the collective bargaining agreement must be compensated.

3. If an employer determines that complying with the provisions of subsection 1 will cause an undue hardship considering the size, financial resources, nature and structure of the business of the employer, the employer may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the employer may require the employee to accept a reasonable alternative selected by the employer.

4. An employer shall not retaliate, or direct or encourage another person to retaliate, against any employee because that employee has:

(a) Taken break time or used the space provided pursuant to subsection 1 or 3 to express breast milk; or

(b) Taken any action to require the employer to comply with the requirements of this section, including, without limitation, filing a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing to enforce the provisions of this section.

5. An employer who employs fewer than 50 employees is not subject to the requirements of this section if these requirements would impose an undue hardship on the employer, considering the size, financial resources, nature and structure of the business of the employer.

6. An employer who is a contractor licensed pursuant to chapter 624 of NRS is not subject to the requirements of this section with regard to an employee who is performing work at a construction jobsite that is located at least 3 miles from the regular place of business of the employer.

Sec. 6. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, *and section 5 of this act* to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;

2. The Deputy Labor Commissioner, as provided in NRS 607.050;

3. The Attorney General, as provided in NRS 607.160 or 607.220; or

4. The special counsel, as provided in NRS 607.065,

↪ shall prosecute the action for enforcement according to law.



Sec. 7. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, *and section 5 of this act*, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each such violation.

Sec. 8. (Deleted by amendment.)

Sec. 9. This act becomes effective on July 1, 2017.



CHAPTER.....

AN ACT relating to domestic violence; providing under certain circumstances for hours of leave if an employee is a victim of an act which constitutes domestic violence; prohibiting the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation from disqualifying certain persons from receiving unemployment benefits under certain circumstances; prohibiting employers from conditioning employment in certain circumstances; revising the list of persons against whom domestic violence may be committed; revising provisions that exclude certain misdemeanor offenses related to domestic violence from provisions that limit the time of day that an arrest for a misdemeanor may be made; increasing the penalty for a battery which constitutes domestic violence in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain unlawful acts which constitute domestic violence when committed against certain specified persons. (NRS 33.018) **Section 1** of this bill requires an employer to provide certain hours of leave to an employee who has been employed by the employer for at least 90 days and who is a victim of an act which constitutes domestic violence, or such an employee whose family or household member is a victim of an act which constitutes domestic violence and the employee is not the alleged perpetrator. **Section 1** specifically requires that such an employee is entitled to 160 hours of leave during a 12-month period. Such leave: (1) may be paid or unpaid; (2) must be used within the 12 months immediately following the date on which the act which constitutes domestic violence occurred; (3) may be used consecutively or intermittently; and (4) under certain circumstances, must be deducted from leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq. **Section 1** authorizes an employee to use the leave for purposes related to a person who is a victim of an act which constitutes domestic violence. **Section 1** additionally requires an employer to maintain a record of the use of the hours of leave for each employee for a 2-year period and to make those records available for inspection by the Labor Commissioner. Finally, **section 1** requires the Labor Commissioner to prepare a bulletin setting forth the right to these benefits and requires employers to post the bulletin in the workplace.

Section 4 of this bill prohibits the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation from disqualifying a person from receiving unemployment compensation benefits if: (1) the person left employment to protect himself or herself, or his or her family or household member, from an act which constitutes domestic violence; and (2) the



person actively engaged in an effort to preserve employment. **Section 4** also authorizes the Administrator to request evidence from the person to support a claim for benefits.

Section 6 of this bill requires an employer to provide reasonable accommodations which will not create an undue hardship for an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence.

Section 7 of this bill prohibits an employer from conditioning the employment of an employee or prospective employee or taking certain employment actions because: (1) the employee is a victim of an act which constitutes domestic violence; (2) the employee's family or household member is a victim of an act which constitutes domestic violence; or (3) of other circumstances related to being a victim of an act which constitutes domestic violence.

Section 7.5 of this bill revises the list of persons against whom domestic violence may be committed to remove certain persons with whom the person is or was actually residing. **Section 8.3** of this bill makes a conforming change.

Existing law establishes the acts which constitute domestic violence, including committing a battery against a person with whom the aggressor has a certain relationship. (NRS 33.018) Under existing law, a person who is convicted of a third or subsequent offense of battery which constitutes domestic violence within 7 years is guilty of a category C felony. Additionally, if a person is convicted of a battery which constitutes domestic violence that is committed by strangulation, the person is guilty of a category C felony. (NRS 200.485) **Section 9** of this bill makes it a category B felony punishable by a minimum term of imprisonment of 2 years and a maximum term of 15 years, and a fine of not less than \$2,000 but not more than \$5,000, to commit a battery which constitutes domestic violence if the person has previously been convicted of: (1) a felony in this State for committing battery which constitutes domestic violence; or (2) a violation of the law of any other jurisdiction that prohibits conduct that is the same or similar to a felony in this State for committing a battery which constitutes domestic violence.

Existing law limits the time of day that an arrest for a misdemeanor may be made. Under existing law, a battery that constitutes domestic violence is excluded from such time limits and under certain circumstances such an arrest must be made. (NRS 171.136, 171.137) **Section 8.7** of this bill makes conforming changes by deleting the reference to battery that constitutes domestic violence and instead providing that an arrest for battery committed upon certain persons, including a person with whom the person to be arrested is or was actually residing, may be made at any time of day if the circumstances prescribed by existing law for mandatory arrest for such an offense are met.

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

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee who has been employed by an employer for at least 90 days and who is a victim of an act which constitutes domestic violence, or whose family or household member is a



victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator, is entitled to not more than 160 hours of leave in one 12-month period. Hours of leave provided pursuant to this subsection:

(a) May be paid or unpaid by the employer;

(b) Must be used within the 12 months immediately following the date on which the act which constitutes domestic violence occurred;

(c) May be used consecutively or intermittently; and

(d) If used for a reason for which leave may also be taken pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., must be deducted from the amount of leave the employee is entitled to take pursuant to this section and from the amount of leave the employee is entitled to take pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

2. An employee may use the hours of leave pursuant to subsection 1 as follows:

(a) An employee may use the hours of leave only:

(1) For the diagnosis, care or treatment of a health condition related to an act which constitutes domestic violence committed against the employee or family or household member of the employee;

(2) To obtain counseling or assistance related to an act which constitutes domestic violence committed against the employee or family or household member of the employee;

(3) To participate in any court proceedings related to an act which constitutes domestic violence committed against the employee or family or household member of the employee; or

(4) To establish a safety plan, including, without limitation, any action to increase the safety of the employee or the family or household member of the employee from a future act which constitutes domestic violence.

(b) After taking any hours of leave upon the occurrence of the act which constitutes domestic violence, an employee shall give not less than 48 hours' advance notice to his or her employer of the need to use additional hours of leave for any purpose listed in paragraph (a).

3. An employer shall not:

(a) Deny an employee the right to use hours of leave in accordance with the conditions of this section;

(b) Require an employee to find a replacement worker as a condition of using hours of leave; or

(c) Retaliate against an employee for using hours of leave.



4. *The employer of an employee who takes hours of leave pursuant to this section may require the employee to provide to the employer documentation that confirms or supports the reason the employee provided for requesting leave. Such documentation may include, without limitation, a police report, a copy of an application for an order for protection, an affidavit from an organization which provides services to victims of domestic violence or documentation from a physician. Any documentation provided to an employer pursuant to this subsection is confidential and must be retained by the employer in a manner consistent with the requirements of the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.*

5. *The Labor Commissioner shall prepare a bulletin which clearly sets forth the right to the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.*

6. *An employer shall maintain a record of the hours of leave taken pursuant to this section for each employee for a 2-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner. The employer shall exclude the names of the employees from the records, unless a request for a record is for the purpose of an investigation.*

7. *The provisions of this section do not:*

(a) *Limit or abridge any other rights, remedies or procedures available under the law.*

(b) *Negate any other rights, remedies or procedures available to an aggrieved party.*

(c) *Prohibit, preempt or discourage any contract or other agreement that provides a more generous leave benefit or paid leave benefit.*

8. *As used in this section:*

(a) *“Domestic violence” has the meaning ascribed to it in NRS 33.018.*

(b) *“Family or household member” means a:*

- (1) *Spouse;*
- (2) *Domestic partner;*
- (3) *Minor child; or*



(4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence.

Sec. 2. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, *and section 1 of this act* to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;

2. The Deputy Labor Commissioner, as provided in NRS 607.050;

3. The Attorney General, as provided in NRS 607.160 or 607.220; or

4. The special counsel, as provided in NRS 607.065,

↪ shall prosecute the action for enforcement according to law.

Sec. 3. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, *and section 1 of this act*, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each such violation.

Sec. 4. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall not deny any otherwise eligible person benefits if the Administrator finds that:

(a) The person left employment to protect himself or herself, or a family or household member, from an act which constitutes domestic violence; and

(b) The person actively engaged in an effort to preserve employment.

2. The Administrator may request the person to furnish evidence satisfactory to support the person's claim for benefits.

3. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" means a:

(1) Spouse;

(2) Domestic partner;

(3) Minor child; or



(4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence.

Sec. 5. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. 1. *An employer must make reasonable accommodations which will not create an undue hardship for an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence. The employer may provide such accommodations, including, without limitation, as:*

- (a) A transfer or reassignment;*
- (b) A modified schedule;*
- (c) A new telephone number for work; or*
- (d) Any other reasonable accommodations which will not create an undue hardship deemed necessary to ensure the safety of the employee, the workplace, the employer or other employees.*

2. An employer may require an employee to provide to the employer documentation that confirms or supports the reason the employee requires the reasonable accommodations.

3. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" has the meaning ascribed to it in section 4 of this act.

Sec. 7. 1. *It is unlawful for any employer in this State to discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, an employee because:*

(a) The employee requested to use hours of leave pursuant to section 1 of this act;

(b) The employee participated as a witness or interested party in court proceedings related to an act which constitutes domestic violence which triggered the use of leave pursuant to section 1 of this act.

(c) The employee requested an accommodation pursuant to section 6 of this act; or

(d) An act which constitutes domestic violence was committed against the employee in the workplace of the employee.

2. As used in this section, "domestic violence" has the meaning ascribed to it in NRS 33.018.



Sec. 7.5. NRS 33.018 is hereby amended to read as follows:

33.018 1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, ~~any other person with whom the person is or was actually residing,~~ any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

- (a) A battery.
- (b) An assault.
- (c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.
- (d) A sexual assault.
- (e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:
 - (1) Stalking.
 - (2) Arson.
 - (3) Trespassing.
 - (4) Larceny.
 - (5) Destruction of private property.
 - (6) Carrying a concealed weapon without a permit.
 - (7) Injuring or killing an animal.
- (f) A false imprisonment.
- (g) Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 8. (Deleted by amendment.)

Sec. 8.3. NRS 171.1225 is hereby amended to read as follows:

171.1225 1. When investigating an act of domestic violence, a peace officer shall:

- (a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all



reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.

(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:

(1) My name is Officer (naming the investigating officer). Nevada law requires me to inform you of the following information.

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related by blood or marriage, ~~{a person with whom you are or were actually residing,}~~ a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.

(3) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.

(4) The law provides that you may seek a court order for the protection of you, your minor children or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.

(5) An order for protection may require the person who committed or threatened the act of domestic violence against you to:

(I) Stop threatening, harassing or injuring you or your children;

(II) Move out of your residence;

(III) Stay away from your place of employment;

(IV) Stay away from the school attended by your children;

(V) Stay away from any place you or your children regularly go;

(VI) Avoid or limit all communication with you or your children;



(VII) Stop physically injuring, threatening to injure or taking possession of any animal that is owned or kept by you or your children, either directly or through an agent; and

(VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.

(6) A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to:

(I) Pay the rent or mortgage due on the place in which you live;

(II) Pay the amount of money necessary for the support of your children;

(III) Pay part or all of the costs incurred by you in obtaining the order for protection; and

(IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.

(7) To get an order for protection, go to room number (state the room number of the office at the court) at the court, which is located at (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.

(8) If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, the person may be arrested and, if:

(I) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(II) The person has previously violated a temporary or extended order for protection; or

(III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110,

↳ the person will not be admitted to bail sooner than 12 hours after arrest.

(9) You may obtain emergency assistance or shelter by contacting your local program against domestic violence at (state name, address and telephone number of local program) or you may call, without charge to you, the



Statewide Program Against Domestic Violence at
(state toll-free telephone number of Statewide Program).

2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.

3. As used in this section:

(a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, ~~a person with whom he or she is or was actually residing,~~ a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(VII) Injuring or killing an animal.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 8.7. NRS 171.136 is hereby amended to read as follows:

171.136 1. If the offense charged is a felony or gross misdemeanor, the arrest may be made on any day, and at any time of day or night.



2. If it is a misdemeanor, the arrest cannot be made between the hours of 7 p.m. and 7 a.m., except:

(a) Upon the direction of a magistrate, endorsed upon the warrant;

(b) When the offense is committed in the presence of the arresting officer;

(c) When the person is found and the arrest is made in a public place or a place that is open to the public and:

(1) There is a warrant of arrest against the person; and

(2) The misdemeanor is discovered because there was probable cause for the arresting officer to stop, detain or arrest the person for another alleged violation or offense;

(d) When the offense is committed in the presence of a private person and the person makes an arrest immediately after the offense is committed;

(e) When ~~{the offense charged is battery that constitutes domestic violence pursuant to NRS 33.018 and}~~ the arrest is made in the manner provided in NRS 171.137;

(f) When the offense charged is a violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive;

(g) When the person is already in custody as a result of another lawful arrest; or

(h) When the person voluntarily surrenders himself or herself in response to an outstanding warrant of arrest.

Sec. 9. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or **3 or** NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.



(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

↳ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third ~~and any subsequent~~ offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to **subsection 3 or** NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than \$15,000.

3. **Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:**

(a) A battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a felony pursuant to paragraph (c) of subsection 1 or subsection 2; or

(b) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a),

↳ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$2,000 but more than \$5,000.

4. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program



for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➔ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

~~4. An~~

5. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. **An offense which is listed in paragraph (a) or (b) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions.** The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

~~5. 6.~~ In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

~~6. 7.~~ In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

~~7. 8.~~ If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency



for the costs of any services provided, to the extent of the convicted person's ability to pay.

~~18~~ **9.** If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

~~19~~ **10.** As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 10. NRS 432B.640 is hereby amended to read as follows:

432B.640 1. Upon receiving a referral from a court pursuant to subsection ~~7~~ **8** of NRS 200.485, an agency which provides child welfare services may, as appropriate, conduct an assessment to determine whether a psychological evaluation or counseling is needed by a child.

2. If an agency which provides child welfare services conducts an assessment pursuant to subsection 1 and determines that a psychological evaluation or counseling would benefit the child, the agency may, with the approval of the parent or legal guardian of the child:

(a) Conduct the evaluation or counseling; or

(b) Refer the child to a person that has entered into an agreement with the agency to provide those services.

Sec. 11. This act becomes effective;

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.



Comments Received at Regulation Workshop on July 11, 2017
for
LCB File No. R033-17
LCB File No. R037-17
LCB File No. R039-14

LCB File No. R033-17

***The following regulations were presented at the workshop. In the Item V-A-1 section of your materials, you will find additional regulations that were proposed by the Legislative Counsel Bureau during the review process in LCB File R033-17.**

NEW	Reasonable break times and place to express milk.
NEW	Request for break times and place to express milk.
NEW	“Complaint” defined.
NEW	Submission of complaint to Employee-Management Committee.
284.0735	“Organizational climate study” defined.
284.112	“Working day” defined.
284.589	Administrative leave with pay.
Section 1 of LCB File No. R076-15	Removal of ineligible grievance or complaint from procedure.
284.662	Providing assistance to employee.
284.680	Date of receipt of grievance or complaint.
284.692	Agreement for extension of time to file grievance or complaint, or take required action.
284.6952	Request for resolution conference; appointment of facilitator; effect of request for resolution conference on jurisdiction of Employee-Management Committee.
284.6955	Hearing before the Employee-Management Committee: Procedure.
284.6957	Hearing before the Employee-Management Committee: Continuance.
284.696	Unlawful discrimination.
284.697	When resolution of grievance or complaint becomes binding.

Shelley Blotter: Explained the process and invited attendees to provide their comments.

Carrie Hughes: Explained that DHRM is proposing new sections and amendments to Nevada Administrative Code Chapter 284 to address the provisions of Assembly Bill 113 of the 2017 Legislative Session, which provide an employee who is a nursing mother, reasonable break times and a place to express breast milk. Assembly Bill 113 was signed into law by the Governor on June 1st and became effective on July 1st, 2017. The new sections and amendments are currently effective as emergency regulations. As emergency regulations are only effective for 120 days, they are now being proposed as permanent regulations. The new section titled, “Reasonable break times and place to express milk,” provides an employee with a child under one year of age with reasonable break times and a place (other than a bathroom), to express milk. It also provides that the employee may take additional break time, if necessary, to express breast milk. The regulation allows an agency to determine whether an employee would need to use leave or flex

her schedule, if she determines that her rest periods are not sufficient to express breast milk.

Shelley Blotter: Invited comments.

Kathleen Kirkland: Commented that 1(a) of the new regulation provides for a number of variables, noting that an agency requirement for an employee to use their leave for break times to express milk would be unfair. She cited an example during her time working in the NSLA building where a breast feeding employee had to travel from the Secretary of State office to the NSLA to express milk, noting that it was unfair that she utilize leave time for the purpose of this travel. She requested that this section be removed from the regulation, noting the importance of flexibility.

Shelley Blotter: Responded that the comment was appreciated and that the Division could work with this.

Kathleen Kirkland: Stated her assumption that agencies will develop their own policies. She noted that the regulation refers to dirt and pollution, while omitting any reference to electrical outlets.

Trinese Causey: Spoke from Las Vegas, noting the importance of the regulation, particularly in regard to accommodating nursing mothers during break times. The 15 minutes typically allotted for morning and afternoon breaks is not adequate to complete the breast milk expression process from setup to completion. It is of great importance for an employee to be able to modify her break times and schedule, in order to provide adequate time for the process and return to work.

Shelley Blotter: Responded that the Division endeavors to be as flexible as possible in terms of the types of leave that can be utilized. Depending upon whether the employee has a flexible work week agreement, she may be able to flex her time, rather than having to take leave time.

Carrie Hughes: Explained that the new section titled “Requests for break times and place to express milk,” requires agencies to develop a procedure for requesting reasonable break times and a place to express milk. Developing a procedure does not necessarily require an agency to immediately set up a place for expressing milk, unless the organization currently has an employee who needs space to express milk. Agency procedures should include a point of contact for employees, expedited approval process and could include guidelines regarding whether leave and/or flex time would be appropriate for needed additional break time. It encourages early communication between the agency and employee regarding the employee’s needs by clarifying that this discussion need not wait until an employee returns to work following the birth of her child. It also establishes when an employee’s request for break times and/or a private place to express breast milk is deemed to be received by an agency.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Stated that the new section titled “Complaint,' defined” establishes “complaint,” as a defined term in regulation. Regulations to follow during this workshop will address the complaint process.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Explained that the new section titled, “Submission of complaint to Employee-Management Committee,” provides that an employee may file a complaint with the Employee-Management Committee relating to requests for breaks and/or a place other than a bathroom to express milk. Additionally, an employee who alleges retaliation for the use of break times or a place to express milk as well as for taking any action to ensure compliance with these requirements may file a complaint with the Employee-Management Committee. An employee has 10 working days to file a complaint following 1) receipt of an agency’s response, 2) an agency’s 8 working days to respond to a request, or 3) the date of alleged retaliation. Male gender pronouns were included in the regulation to clarify that a male employee could file a complaint under these provisions in response to retaliation for having taken action to ensure compliance with these provisions. The section further outlines how and when a complaint shall be submitted to the Committee. Due to the language in the bill and the need for an employee who is nursing to receive a quick response, the time periods in the complaint process have been made as short as possible, allowing for statutory requirements. Additionally, complaints have been given priority over grievances in placement on an Employee-Management Committee’s agenda. Based upon input from legal counsel, all employees, including unclassified, are eligible to file a complaint. However, filing of a grievance will continue to be limited to classified employees.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Addressed the amendment to NAC 284.0735, noting that it adds “complaint” to the types of communication that may be considered in an organizational climate study.

Shelley Blotter: Invited comments. There were none. She clarified that the regulations to be addressed next are predominately for the purpose of making them consistent with other provisions and do not represent substantial changes.

Carrie Hughes: Stated that the amendment to NAC 284.112, applies the definition of “working day” to the complaint process.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Explained that the amendment to NAC 284.589, provides an employee with administrative leave for appearing as a complainant at a hearing of the Employee-Management Committee.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Stated that the amendment to Section 1 of LCB File No. R076-15 provides the Division with the authority to remove a complaint from submission to the Employee-Management Committee, if it deems that the complaint is not eligible for the process.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Noted that in NAC 284.662, the right to representation and assistance from the Division and an employee's agency's human resources have been extended to employees who file a complaint. Additionally, employees who file a complaint and those who assist or testify regarding a complaint are provided protection against discrimination.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Explained that NAC 284.680 describes when a complaint is deemed to have been received by the Division. Due to distinct differences between the grievance and complaint procedures, the complaint may not be submitted in NEATS.

Shelley Blotter: Commented that a standalone form has been developed and is available on the DHRM website. Agency policy should direct employees to the form, if needed. She invited comments. None were received.

Carrie Hughes: Stated that the amendment to NAC 284.692 removes the requirement that a request for an extension of time to file or any step in the grievance process may be made on a form prescribed by the Division, allowing for requests to be submitted via email. The Division is interested in comments on whether the form should be retained for optional use. Additionally, the amendment clarifies that grievance or complaint extensions must be authorized by both the agency and the employee.

Shelley Blotter: Noted that the Division is requesting input as it relates to the form, which was developed to document an extension of time request from the employee or management. Many times, this communication takes place via email. The Division is willing to drop the required use of the form in lieu of an email, which could be attached in NEATS in place of the form. The Division seeks input on the desire to change the regulation to allow for this informal communication. And if so, whether the form should remain as an optional tool or be eliminated altogether. Further input is requested on the proposal for the extension of time for complaints. Current options are to put the time extension in abeyance, but not to extend the time.

Amy Taylor: Recommended that the form remain as part of the process and that an email can be used in lieu of the form. However, it is notable that emails are often forgotten or overlooked. An established form is a good reminder for supervisors and managers.

Melody Duley: Appreciates the flexibility of utilizing email and would not object to the form remaining as an option. She added that she was unclear as to the intent of the continuance and abeyance.

Shelley Blotter: Clarified that there will be more information on the continuance and abeyance during the upcoming presentation of additional regulations. She invited additional comments. There were none.

Carrie Hughes: Explained that the amendment to NAC 284.6952 clarifies that if either party to a grievance or complaint requests a resolution conference, both parties must participate. It also

provides that the Division will attempt to schedule a requested resolution conference related to a complaint prior to the scheduled hearing. However, due to the need for an expedited response, if a resolution conference cannot be set prior to the scheduled hearing, a resolution conference will not be held. Upon the Committee's request, the Division will provide the Employee-Management Committee the reason for the failure to schedule a resolution conference.

Shelley Blotter: Invited comments.

Kathleen Kirkland: Stressed the importance of the resolution conference, adding that it should be held before going to the Committee. **Shelley Blotter:** Asked for clarification on whether the resolution conference should take precedence over obtaining the accommodation for nursing mothers. **Kathleen Kirkland:** Confirmed that it should take precedence as an important component to the communication process, specifically in having a neutral party assist with the resolution. **Dave Badger:** Introduced himself as being from the Department of Motor Vehicles. He asked for an example of proposed time frames. **Michelle Garton:** Explained that there is a required 21 working day notification to the parties that they will be scheduled for the EMC. This provides for receipt of the complaint, followed by processing and notification. The Division allows itself seven days for this process. The 21-day notification is in addition to this period for a total period of 28 days. In terms of scheduling the resolution conference, if a resolution conference is unable to be scheduled in that time frame, an explanation would be provided to the Employee-Management Committee.

Cadence Matijevich: Introduced herself as being from the Office of the Secretary of State. She asked whether the term "neutral facilitator," which appears in Subsection 2, is defined elsewhere in regulation. **Shelley Blotter:** Said that DHRM provides the neutral facilitator. In the instance that the case involved a DHRM employee, the facilitator would be someone other than a DHRM employee. If the case involved an employee from the Office of the Secretary of State, the facilitator would be a neutral party provided by DHRM. Referring back to the comments by Dave Badger, the ability to express milk is diminished the longer the period of time that an employee is unable to express milk. The intent was to prevent prolonging the decision making process. She invited further questions. **Kathleen Kirkland:** Said her hope was that it would not need to get to this point. Being an HR representative, she would encourage the holding of a meeting right away. **Shelley Blotter:** Pointed out that if these conversations are taking place and there is a need for a neutral party, such meeting does not need to be called a resolution conference and that DHRM would be happy to provide this assistance at any point. She envisions that potential policies would state that requests would go to the agency's human resources office for review and that if it cannot be resolved, it goes to the Employee-Management Committee right away.

Carrie Hughes: Stated that NAC 284.6955 outlines the required documentation and procedures of an Employee-Management Committee hearing. In this amendment, the complaint process adopts the existing provisions used for grievances.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Explained that the amendment to NAC 284.6957 allows for a complaint to be

held in abeyance, if good cause is shown. However, due to the need for an expedited response, the language does not currently allow for a continuance for a complaint. The Division is interested in whether there is a need for continuances to be allowed for complaints. **Shelley Blotter:** Stated that the Division did not build in a provision to extend out the conversations, however it can be put in abeyance. For example, if the employee is still out and has not yet returned from leave, the conversation may need to be postponed. She clarified that that the Division encourages the conversations to take place even while the employee is still on leave. This is why the regulation advises the agency to go ahead and contact the employee on leave. **Michelle Garton:** Suggested clarification of the terms “continuance” and “abeyance.” Abeyance refers to an instance where a grievance is submitted to step four while another type of investigation is also occurring and one or more individuals is unavailable. The chair of the Committee may allow the grievance to go into abeyance, which puts the grievance on hold. A continuance is different, in that it would only be requested after the grievance has been scheduled for a meeting. Continuances relate more to scheduling issues, rather than requests to place the matter on hold.

Shelley Blotter: Invited further comments or recommendations as to whether complaints should be allowed to be continued or simply placed in abeyance as needed. **Cadence Matijevich:** Pointed out that that as it relates to new mothers, unforeseen circumstances may arise. A process for either the employee or employer for flexibility and that four working days is reasonable.

Carrie Hughes: Stated that the amendment to NAC 284.696 is a technical adjustment as the word “complaint,” is replaced with "charge," as “complaint” will now become a defined term.

Shelley Blotter: Requested that Ms. Hughes present the next amendment.

Carrie Hughes: Explained that NAC 284.697 outlines when a resolution to a complaint becomes binding by adopting the existing provisions currently used for grievances.

Shelley Blotter: Invited comments on the last two sections regarding this topic.

Amy Taylor: Concurred with the changes.

Shelley Blotter: Invited overall comments on the amendments covered thus far. There were no comments.

LCB File No. R037-17

***The following regulations were presented at the workshop. In the Item V-B-1 section of your materials, you will find additional regulations that were proposed by the Legislative Counsel Bureau during the review process in LCB File R037-17.**

NEW	Accommodation for employee affected by domestic violence.
284.539	Annual leave: Written request; approval or denial; authorized use. NAC
284.554	Sick leave: Authorized use.
284.578	Leave of absence without pay.

Carrie Hughes: Stated that the DHRM is proposing a new section and amendments to Nevada Administrative Code Chapter 284 to address the provisions of Senate Bill 361 of the 2017 Legislative Session. This provides new employment benefits and requirements relating to domestic abuse. Senate Bill 361 was signed into law by the Governor on June 8th and becomes effective on January 1st, 2018. The new section titled “Accommodation for employee affected by domestic violence” will require agencies to provide accommodations, such as relocations of work space or duty location, modification of a work schedule or a new work phone number to an employee who is a victim of an act of domestic violence or whose family or household member is a victim of domestic violence, unless an accommodation would pose an undue hardship. The definition of domestic violence in NRS 33.018 was adopted by reference in the Senate Bill. It is the Division’s intent to include the text of the statute in the *Rules for State Personnel Administration* publication for reference. The definition of family or household member from Senate Bill 361 has been incorporated into this new section as well as the following three amendments. The chart explaining first degree of consanguinity or affinity is available on the State’s Commission on Ethics’ website. Only adult persons not otherwise listed in the definition of family or household member have to be residing with the employee at the time of the act of domestic violence for an employee to be entitled to an accommodation, unless it is an undue hardship, or leave. Additionally, the new section clarifies that the accommodation of relocation is not a transfer as defined in regulation. The Division is interested in the agencies’ belief as to whether it is necessary to clarify that accommodations only need to be provided if an employee indicates an actual need for an accommodation.

Shelley Blotter: Invited comments. **Amy Taylor:** Introduced herself as a representative from DHRM. She recommended that it state an employee would request an accommodation. This follows other guidelines, regulations and policies and would make the process less confusing. She stressed the importance of avoiding assumptions. **Cadence Matijeich:** Agreed.

Carrie Hughes: Explained that Senate Bill 361 provides that an employee who has 90 days of employment with an employer will be entitled to not more than 160 hours of leave in one 12 month period, if an employee is a victim of an act of domestic violence or his or her family or household member is a victim of domestic violence. It is the Division’s intent to include the text of the bill in the *Rules for State Personnel Administration* for reference. Senate Bill 361 outlines what leave events related to an act of domestic violence an employee will be able to take leave for. The bill lists diagnosis, care or treatment of a related health condition, to obtain counseling or assistance related to the act of domestic violence, to participate in any related court proceeding and to establish a safety plan. The amendment to NAC 284.539 will allow an employee to take annual leave up to a combined maximum, potentially including sick leave and leave without pay of 160 hours in a 12-month period. The statutory requirement that an employee would have to have six months of employment with the State to be able to use annual leave would apply, as other leave types are available if an employee is not eligible for annual leave. The Division is interested in whether agencies believe there is a need for specific payroll codes for these types of leaves related to domestic violence.

Shelley Blotter: Noted that at this point, existing payroll codes can be used. Her concern is whether or not agencies will be able to look back to see if the person has met the 160 hours. **Melody Duley:** Supports a payroll code or some mechanism to provide an indication that the

hours are to be considered part of the 160. **Shelley Blotter:** Added that they could also be part of FMLA and she anticipates that codes specific to this would be needed as well. **Cadence Matijevich:** Asked whether there is a designation for when the 12-month period starts and stops. **Carrie Hughes:** Stated that this is addressed in the bill. The bill states the period is from the act of domestic violence. **Cadence Matijevich:** Suggested the possibility of revising the language to tie it back to the date of the incident for the sake of clarity. **Kathleen Kirkland:** Asked for clarification in a scenario where an employee goes on FMLA and whether they are allowed an additional 160 hours. **Carrie Hughes:** Explained that Senate Bill 361 addressed FMLA. It states that if the time is used for a reason for which leave may also be taken for FMLA, it must be deducted from the amount of leave the employee is entitled to take pursuant to this section and from the amount of leave the employee is entitled to take pursuant to the Family Medical Leave Act. **Shelley Blotter:** Summarized the bill does not add an additional benefit. She requested further comments. There were none.

Carrie Hughes: Stated that NAC 284.554 will allow an employee to take sick leave up to a combined maximum, potentially including annual leave and leave without pay of 160 hours in a 12-month period, if an employee is a victim of an act of domestic violence or his or her family or household member is a victim of domestic violence. Due to the 120 hour maximum for family sick leave in NAC 284.558, new leave codes specific to this domestic violence provision could clarify that the 120 hour maximum for family sick does not apply when an employee is taking leave pursuant to this provision. The Division is interest in receiving agency comments.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Explained that NAC 284.578 will allow an employee to take leave without pay up to a combined maximum, potentially including annual and sick leave of 160 hours in a 12-month period, if an employee is a victim of an act of domestic violence or his or her family or household member is a victim of domestic violence. Additionally, the amendment to NAC 284.578 includes technical adjustments to clarify that the phrases “leave of absence without pay” and “leave without pay” are referencing the same type of leave.

Shelley Blotter: Invited comments. There were none.

LCB File No. R039-17

Section 1 of Appeal of refusal to examine or certify.
LCB File No. R100-16

Michelle Garton: Addressed the amendment to Section 1 of LCB File No. R100-16. This is a relatively new regulation, which has not yet been codified by the Legislative Council Bureau, so the Division is still using the LCB file number. This amendment is not based on the Legislative Session, however the changes are necessary at this time to reflect the process that is actually currently being followed. After the regulation was adopted, it was realized that the Division could make the language clearer to reflect how the process is actually working. If an individual wishes to appeal the refusal to examine or certify, he or she must first request a review by the recruitment supervisor with DHRM. If the person is not satisfied with the decision of the

supervisor, he or she may request a statement from the Administrator. If the individual is still not satisfied, they may appeal the Administrator's decision to the Personnel Commission. A 30 calendar day time frame is applied to each step in this process.

Shelley Blotter: Invited comments. There were none.



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
209 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | www.hr.nv.gov | Fax: (775) 684-0122

August 30, 2017

Regulation Small Business Impact Statement

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 284. Additionally, NRS 284.013 provides limitations to which employees of the Executive Branch are covered by NRS 284. NRS 284.065 authorizes the Personnel Commission to adopt regulations to carry out the provisions of this chapter.

Due to the limitations of the Nevada State Constitution and NRS 284, the Division of Human Resource Management staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. These regulations only impact employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business and that the information contained in this statement was prepared properly and is accurate.

Peter Long
Peter Long, Administrator

August 30, 2017
Date

Assembly Bill No. 309—Assemblymen Cohen, Miller, Yeager, Watkins, Frierson; Benitez-Thompson, Fumo, Jauregui, Monroe-Moreno, Sprinkle and Swank

Joint Sponsors: Senators Spearman and Parks

CHAPTER.....

AN ACT relating to state employment; imposing additional duties on the Administrator of the Division of Human Resource Management of the Department of Administration and certain state agencies relating to veterans and certain widows and widowers; revising provisions governing the preference provided to veterans and certain other persons relating to employment in the classified service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Administration to provide an annual report of the total number of veterans employed by each agency in the State to the Interagency Council on Veterans Affairs, which includes the Director of the Department of Veterans Services as one of its members. (NRS 417.0191, 417.0194)

Section 3 of this bill requires the Administrator of the Division of Human Resource Management of the Department of Administration to submit to: (1) the Director of the Department of Veterans Services and make available to the public a monthly report listing the names of all veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who are employed in the classified or unclassified service of the State; and (2) the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature a quarterly report on the number of veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who were hired in the classified or unclassified service of the State during the quarter. **Section 6** of this bill makes a conforming change to the annual report. Finally, **section 3** requires the Administrator to ensure that the percentage of officers and employees in such state employment that are veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, is proportional to the percentage of veterans and, to the extent the information is available, such widows and widowers, who reside in this State and are in the labor force.

Existing law requires, with certain exceptions, state agencies in the Executive Department of the State Government to periodically report to the Administrator of the Division of Human Resource Management any appointment, transfer, separation, suspension, reinstatement or any reduction or other change to a position in the public service. (NRS 284.121) **Section 4** of this bill requires that such a report include whether the affected appointee or employee is a veteran or, to the extent the information is available, a widow or widower of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

Under existing law, the State is required, in establishing lists of persons eligible for appointment or promotion to positions in the classified service, to add 10 points to the passing grade on a competitive examination of a veteran with a disability and



5 points to a passing grade on such an examination of a veteran who does not have a disability or a widow or widower of a veteran. Existing law authorizes the application of such preference points to any open competitive examination in the classified service, but only to one promotional examination. (NRS 284.260)

Section 5 of this bill provides that 10 preference points must be added to the passing grade of all veterans and to the passing grade of widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States. **Section 5** also provides that a person who qualifies under more than one category for preference points cannot combine all those points but is entitled to receive points for only one qualifying category that is most beneficial to the person. Finally, **section 5** removes the restriction on applying such preference points to more than one promotional examination.

Existing law requires, with certain exceptions, a state agency in the Executive Department of the State Government to give notice to the Administrator of the Division of Human Resource Management of its intention to fill certain vacant positions in the classified service. After receipt of such notice, the Administrator is required to certify from the list of eligible persons, appropriate to the grade and class in which the position is classified, the names of the persons with the highest scores and, if so certified, the appointing state agency may interview those persons for the position. (NRS 284.265) **Section 5.5** of this bill requires the Administrator to certify additionally for the position the name of any veteran with a service-connected disability who is also on the list of eligible persons and, if so certified, the appointing state agency must interview the veteran for the position.

Under existing law, certain vacant positions in the classified service are not filled by using the foregoing procedure. (Chapter 284 of NRS; chapter 284 of NAC) With regard to such positions, **section 5.5** requires the appointing state agency to interview for the position each veteran with a service-connected disability who is a qualified applicant for the position. Additionally, if there are veterans without a service-connected disability who are qualified applicants for the position, **section 5.5** requires the appointing state agency to interview for the position a number of such veterans that is equal to at least 22 percent of the total number of qualified applicants interviewed for the position or, if there is not a sufficient number to reach that percentage, interview for the position each such veteran who is a qualified applicant for the position.

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

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 284.015 is hereby amended to read as follows:
284.015 As used in this chapter, unless the context otherwise requires:

1. “Administrator” means the Administrator of the Division.
2. “Commission” means the Personnel Commission.
3. “Disability,” includes, but is not limited to, physical disability, intellectual disability and mental or emotional disorder.
4. “Division” means the Division of Human Resource Management of the Department of Administration.



5. "Essential functions" has the meaning ascribed to it in 29 C.F.R. § 1630.2.

6. "Public service" means positions providing service for any office, department, board, commission, bureau, agency or institution in the Executive Department of the State Government operating by authority of the Constitution or law, and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources.

7. *"Veteran" has the meaning ascribed to it in NRS 417.005.*

8. *"Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843 and includes a veteran who is deemed to be a veteran with a service-connected disability pursuant to section 1 of Senate Bill No. 191 of this session.*

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 284.105 is hereby amended to read as follows:

284.105 1. The Administrator shall direct and supervise all administrative and technical activities of the Division.

2. In addition to the duties imposed upon the Administrator elsewhere in this chapter, the Administrator shall:

(a) Apply and carry out the provisions of this chapter and the regulations adopted pursuant to it.

(b) Establish objectives for the Division in terms which are specific, measurable and conducive to reliable evaluation, and develop a plan for accomplishing those objectives.

(c) Establish a system of appropriate policies for each function within the Division.

(d) Attend all meetings of the Commission.

(e) Advise the Commission with respect to the preparation and adoption of regulations to carry out the provisions of this chapter.

(f) Report to the Governor and the Commission upon all matters concerning the administration of the Administrator's office and request the advice of the Commission on matters concerning the policies of the Division, but the Administrator is responsible for the conduct of the Division and its administrative functions unless otherwise provided by law.

(g) Establish and maintain a roster of all employees in the public service. The roster must set forth, as to each employee:

(1) The class title of the position held.

(2) The salary or pay.

(3) Any change in class title, pay or status.

(4) Other pertinent data.



(h) Submit to the Director of the Department of Veterans Services and make available to the public a monthly report which lists the names of all veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who are employed in the classified or unclassified service of the State.

(i) Submit to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature a report for each calendar quarter on the total combined number of veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who were hired in the classified or unclassified service of the State during the quarter.

(j) Ensure, to the extent practicable, that the combined total percentage of officers and employees in public service who are veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, is proportional to the combined total percentage of veterans and, to the extent the information is available, such widows and widowers, who reside in this State and are in the labor force.

(k) In cooperation with appointing authorities and others, foster and develop programs for improving the effectiveness and morale of employees, including training and procedures for hearing and adjusting grievances.

~~(l)~~ *(l)* Encourage and exercise leadership in the development of effective personnel administration within the several departments in the public service, and make available the facilities and services of the Division and its employees to this end.

~~(m)~~ *(m)* Make to the Commission and to the Governor such special reports as the Administrator may consider desirable.

~~(n)~~ *(n)* Maintain a continuous program of recruiting for the classified service.

~~(o)~~ *(o)* Perform any other lawful acts which the Administrator may consider necessary or desirable to carry out the purposes and provisions of this chapter.

Sec. 4. NRS 284.121 is hereby amended to read as follows:

284.121 Each appointing authority shall report to the Administrator in writing, from time to time, any appointment, transfer, separation, suspension, reinstatement or any reduction or other change to a position in the public service. The report must contain:



1. The name of the appointee or employee.
2. The title and status of the employment of the appointee or employee.
3. The date of commencement of the action.
4. The salary or compensation of the appointee or employee.
5. *Whether the appointee or employee is a veteran or, to the extent the information is available, a widow or widower of a person killed in the line of duty while on active duty in the Armed Forces of the United States.*

Sec. 5. NRS 284.260 is hereby amended to read as follows:

284.260 1. In establishing the lists of eligible persons, ~~certain~~ *the following preferences must be allowed ~~for~~, except that if a person qualifies for more than one of the following preferences, the person is not entitled to combine preference points for each such qualifying preference but is entitled to receive preference points for only one such qualifying preference that is most beneficial to the person:*

(a) ~~[Veterans not dishonorably discharged from the Armed Forces of the United States.]~~ For veterans, ~~[with disabilities,]~~ 10 points must be added to the passing grade achieved on the examination.

(b) *For widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, 10 points must be added to the passing grade achieved on the examination.*

(c) For ~~[ex-servicemen and women who have not suffered disabilities, and for the]~~ widows and widowers of veterans, 5 points must be added to the passing grade achieved on the examination.

~~[(b) Members of the Nevada National Guard.]~~

(d) For a member of the Nevada National Guard who submits a letter of recommendation from the commanding officer of the member's unit, 5 points must be added to the passing grade achieved on the examination.

2. Any person qualifying for preference points pursuant to subsection 1 is entitled to have the points applied to any open competitive *or promotional* examination in the classified service. ~~† but only to one promotional examination.~~

~~3. For the purposes of this section, "veteran" has the meaning ascribed to "eligible veteran" in 38 U.S.C. § 4211.]~~

Sec. 5.5. NRS 284.265 is hereby amended to read as follows:

284.265 1. Except as otherwise provided in NRS 284.305, appointing authorities shall give notice to the Administrator of their intention to fill any vacancy in the classified service.



2. Except as otherwise provided in this ~~section,~~ *subsection*, within a reasonable time after the receipt of the notice, the Administrator shall certify from the list of eligible persons, appropriate for the grade and class in which the position is classified ~~to the~~:

(a) *The* five names at the head thereof. If the competitive examination for that position is scored to the nearest one-hundredth of a point and there are more than five persons having the five highest scores, the names of each of those persons must be so certified.

(b) *Unless otherwise included among the names certified pursuant to paragraph (a), the name of any eligible person on the list who is a veteran with a service-connected disability. The appointing authority shall interview for the position each veteran with a service-connected disability who is so certified.*

3. *If, pursuant to this chapter or the regulations adopted pursuant thereto, the process for filling the position in the classified service is not governed by the provisions of subsection 2, the appointing authority shall:*

(a) *Interview for the position each veteran with a service-connected disability who is a qualified applicant for the position; and*

(b) *If there are veterans without a service-connected disability who are qualified applicants for the position, interview for the position a number of such veterans that is equal to at least 22 percent of the total number of qualified applicants interviewed for the position or, if there is not a sufficient number to reach that percentage, interview for the position each such veteran who is a qualified applicant for the position. For the purpose of calculating percentages pursuant to this paragraph, percentages that are not whole numbers must be rounded to the next highest whole number.*

Sec. 6. NRS 417.0194 is hereby amended to read as follows:

417.0194 1. Each state agency and regulatory body identified in subsections 2 to 15, inclusive, shall report, subject to any limitations or restrictions contained in any state or federal law governing the privacy or confidentiality of records, the data identified in subsections 2 to 15, inclusive, as applicable, to the Interagency Council on Veterans Affairs. Each state agency and regulatory body shall submit such information to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.



2. The Department of Administration shall provide:
 - (a) Descriptions of and the total amount of the grant dollars received for veteran-specific programs;
 - (b) The total *combined* number of veterans *and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who are* employed by each agency in the State; and
 - (c) The total number of veterans with service-connected disabilities who are seeking preferences through the Purchasing Division and the State Public Works Division of the Department of Administration pursuant to NRS 333.3366 and 338.13844.
3. The State Department of Conservation and Natural Resources shall provide the total number of veterans receiving:
 - (a) Expedited certification for the grade I certification examination for wastewater treatment plant operators based on their military experience; and
 - (b) Any discounted fees for access to or the use of state parks.
4. The Department of Corrections shall provide:
 - (a) An annual overview of the monthly population of inmates in this State who are veterans; and
 - (b) The success rates for any efforts developed by the Incarcerated Veterans Reintegration Council.
5. The Office of Economic Development shall provide an overview of the workforce that is available statewide of veterans, organized by O*NET-SOC code from the United States Department of Labor or the trade, job title, employment status, zip code, county, highest education level and driver's license class.
6. The Department of Education shall provide the distribution of dependents of service members enrolled in Nevada's public schools.
7. The Department of Employment, Training and Rehabilitation shall provide a summary of:
 - (a) The average number of veterans served by a veteran employment specialist of the Department per week;
 - (b) The average number of initial and continuing claims for benefits filed per week by veterans pursuant to NRS 612.455 to 612.530, inclusive;
 - (c) The average weekly benefit received by veterans receiving benefits pursuant to chapter 612 of NRS; and
 - (d) The average duration of a claim by claimants who are veterans receiving benefits pursuant to chapter 612 of NRS.



8. The Department of Health and Human Services shall provide:

(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the State Emergency Medical Systems program; and

(b) A report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State.

9. The Department of Motor Vehicles shall provide:

(a) The total number of veterans who have declared themselves as a veteran and who applied for and received a commercial driver's license;

(b) The average monthly total of veteran license plates issued; and

(c) An overview of the data on veterans collected pursuant to NRS 483.292, 483.852 and 483.927.

10. The Adjutant General shall provide the total number of:

(a) Members of the Nevada National Guard using waivers for each semester and identifying which schools accepted the waivers;

(b) Members of the Nevada National Guard identified by Military Occupational Specialty and zip code; and

(c) Members of the Nevada National Guard employed under a grant from Beyond the Yellow Ribbon.

11. The Department of Public Safety shall provide the percentage of veterans in each graduating class of its academy for training peace officers.

12. The Department of Taxation shall provide the total number of veterans receiving tax exemptions pursuant to NRS 361.090, 361.091, 361.155, 371.103 and 371.104.

13. The Department of Wildlife shall provide the total number of:

(a) Veterans holding hunting or fishing licenses based on disability; and

(b) Service members holding hunting or fishing licenses who are residents of this State but are stationed outside this State.

14. The Commission on Postsecondary Education shall provide, by industry, the total number of schools in this State approved by the United States Department of Veterans Affairs that are serving veterans.

15. Each regulatory body shall provide the total number of veterans and service members applying for licensure by the regulatory body.



16. The Council shall, upon receiving the information submitted pursuant to this section, synthesize and compile the information, including any recommendations of the Council, and submit the information with the report submitted pursuant to subsection 8 of NRS 417.0195.

17. As used in this section:

(a) "Regulatory body" has the meaning ascribed to it in NRS 622.060.

(b) "Service member" has the meaning ascribed to it in NRS 125C.0635.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2017, for all other purposes.



Personnel Commission Meeting
September 29, 2017

FOR DISCUSSION AND POSSIBLE ACTION

The following regulations have been proposed for permanent adoption. A brief explanation precedes each section and summarizes the intent of the regulation change. **NOTE:** Language in *italics* is new, and language in brackets ~~omitted material~~ is to be omitted.

The following summarizes the recommended action of the Personnel Commission and identifies if there has been support or opposition to the proposed action.

LCB File No. R033-17

Several amendments to NAC 284 were adopted by the Personnel Commission, endorsed by the Governor, and filed with the Secretary of State as emergency regulations due to Assembly Bill 113 of the 2017 Legislative Session. These regulations became effective on July 1, 2017 and are set to expire on October 29, 2017.

The regulations were submitted to the Legislative Counsel Bureau for review after the regulation workshop on July 11, 2017, and the version presented for your adoption today does vary from the regulations presented for emergency adoption at the July 23, 2017 meeting of the Personnel Commission. The Division of Human Resource Management recommends adopting these amendments as permanent regulations prior to their expiration date.

Effective July 1, 2017, Chapter 281 of the Nevada Revised Statutes (NRS 281) requires a public body to provide an employee who is the mother of a child under 1 year of age with reasonable break time and a place to express breast milk, unless it is an undue hardship to the public body. The language effective July 1, 2017 also prohibits retaliation against any employee because the employee has utilized break time or a place to express breast milk, or has taken any action to ensure compliance with the requirements. Additionally, an employee who is aggrieved may file a complaint with the Employee-Management Committee in accordance with NRS 284.384.

The amendments in this LCB File place into regulations the requirement for an appointing authority to allow leave or the adjustment of her schedule to express breast milk, as well as the requirement for agencies to develop a procedure for requesting reasonable break times and a place to express milk.

The amendments also set forth the definition of a complaint, and a process to request consideration of a complaint by the Employee-Management Committee if the employee is not satisfied with the response by the agency, the agency failed to respond to the request, or for alleged retaliation.

Several other conforming changes have been proposed for adoption in this LCB File as well.

Regulation changes were discussed at the workshop held on July 11, 2017. Comment was generally favorable and supportive of these regulations, and meeting minutes related to these amendments are included in your materials.

LCB File No. R033-17

Section 1. Chapter 284 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Section 2.

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to add a new section providing reasonable break times and a place for an employee who is a nursing mother with a child under the age of 1 to express breast milk.

This amendment, proposed by the Division of Human Resource Management, amends NAC 284 by adding a new section to allow an employee to use accrued annual leave, compensatory time or leave without pay to make up the difference if she determines that her rest periods do not allow enough time to express milk. This new section also includes the requirement that a clean place must be provided that is not a bathroom.

NEW Reasonable break times and place to express milk.

1. Except as otherwise provided by section 2 of Assembly Bill No. 113, chapter 271, Statutes of Nevada 2017, at page 1427, the appointing authority of an employee who is the mother of a child under 1 year of age shall:

(a) Authorize the employee to take reasonable break times to express breast milk as needed, including, without limitation, modifying the timing of the normal rest periods of an employee so that the normal rest periods occur at a time other than in the middle of a 4-hour period of work; and

(b) Provide a place, other than a bathroom, that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others.

2. If an employee described in subsection 1 determines that the normal rest periods of the employee do not provide sufficient time to express breast milk as needed, the appointing authority of the employee shall, except as otherwise provided by section 2 of Assembly Bill No. 113, chapter 271, Statutes of Nevada 2017, at page 1427:

(a) Approve the use of accrued annual leave, accrued compensatory time or leave without pay to make up the difference, if any, between the normal rest periods of the employee and the time the employee uses to express breast milk; or

(b) Authorize the employee to modify her work schedule to make up the difference, if any, between the normal rest periods of the employee and the time the employee uses to express breast milk.

3. As used in this section, “normal rest periods” means the rest periods required pursuant to NAC 284.524.

Section 3.

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to add a new section providing reasonable break times and a place for an employee who is a nursing mother with a child under the age of 1 to express breast milk.

This amendment, proposed by the Division of Human Resource Management, establishes the requirement that Executive Branch departments or agencies must create a procedure for a nursing mother to request time and a place to express milk. This amendment also encourages working with such an employee to determine her specific needs, even if she is on leave from work. Finally, this amendment describes when a request for break times and a place to express milk is deemed to have been received by a department or agency, and a timeframe for the department or agency to respond to such a request.

NEW Request for break times and place to express milk.

1. Except as otherwise provided by section 2 of Assembly Bill No. 113, chapter 271, Statutes of Nevada 2017, at page 1427, each department or agency of the Executive Department of State Government shall:

(a) Develop a procedure for an employee who is the mother of a child under 1 year of age to request reasonable break times and a place for the employee to express breast milk as needed; and

(b) Make every effort to address the needs of such an employee including attempting to contact and consult with an employee who is on leave at the time the request is received, including, without limitation, leave granted pursuant to the Family and Medical Leave Act.

2. A request made pursuant to this section is deemed to be received by a department or agency:

(a) On the date on which the employee or her chosen representative personally delivers the request, transmits it by facsimile machine or submits it by electronic mail.

(b) If the employee mails the request, 3 days after:

(1) The date on which the request was postmarked; or

(2) The date on the return receipt if sent by certified mail.

3. The department or agency shall respond to a request made pursuant to this section within 5 working days after the request is deemed to have been received by the department or agency.

Section 4.

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284 to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Division of Human Resource Management, describes the procedures a State of Nevada employee must take if he or she is aggrieved by the failure of his or her department or agency to comply with the provisions of Assembly Bill 113 of the 2017 Legislative Session. The amendment requires that the complaint be submitted on a form provided by the Division, includes required time frames, and addresses the Employee-Management Committee's duties when a complaint is received.

NEW Submission of complaint to the Employee-Management Committee.

1. If:

(a) An employee is not satisfied with the response of the department or agency to a request made pursuant to section 3 of this regulation, including, without limitation, a reasonable alternative selected in accordance with subsection 2 of section 2 of Assembly Bill No. 113, chapter 271, Statutes of Nevada 2017, at page 1427;

(b) The department or agency fails to respond to a request made pursuant to section 3 of this regulation; or

(c) The employee alleges that the employee was retaliated against in violation of subsection 3 of section 2 of Assembly Bill No. 113, chapter 271, Statutes of Nevada 2017, at page 1427,

↳ the employee may request consideration of a complaint by the Committee pursuant to its rules and this section.

2. The employee must submit the complaint, on a form provided by the Division of Human Resource Management, to the Committee within 10 working days following:

(a) Receipt of the response from the department or agency to the request made pursuant to section 3 of this regulation;

(b) The passage of 8 working days after the request is deemed to have been received by the department or agency; or

(c) The date of the alleged retaliation.

3. The complaint submitted pursuant to subsection 2 must include the specific points of disagreement or contention and supporting evidence.

4. The Committee shall, within 28 working days after the receipt of a request for consideration of a complaint submitted by an employee pursuant to subsection 2:

(a) 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

(b) Hold a hearing to determine the proper disposition of the request. If a hearing is held, the Committee shall:

(1) Except as otherwise provided in subparagraph (2), provide at least 21 working days' written notice to all parties concerned.

(2) Provide notice to the employee by:

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

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

(3) Render a decision within 10 days after the closure of the hearing.

5. For the purpose of determining placement on the agenda for consideration by the Committee at a meeting, a complaint has priority over a grievance.

Section 5. NAC 284.0735 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284 to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Division of Human Resource Management, makes a conforming change to include “complaints” in the methods used by the Division to complete an organizational climate study.

NAC 284.0735 “Organizational climate study” defined. (NRS 284.065, 284.155) “Organizational climate study” means an independent study conducted by the Division of Human Resource Management to assess and evaluate the culture, effectiveness of management, employee morale and internal communication of an organization through a variety of methods, including, without limitation:

1. Surveys;
2. Interviews, including, without limitation, exit interviews;
3. Review of policies, procedures and internal communications;
4. Review of issues related to recruitment;
5. Review of data relating to employees, including, without limitation, statistics relating to turnover; ~~and~~

6. Review of grievances filed by employees ~~and~~; *and*

7. Review of complaints described in NAC 284.658 which are filed by employees.

(Added to NAC by Personnel Comm’n by R137-12, eff. 10-23-2013)

Section 6. NAC 284.112 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284 to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Division of Human Resource Management, makes a conforming change to include complaints in the definition of “working day” so that the time frames included in the complaint process are defined.

NAC 284.112 “Working day” defined. (NRS 284.065) “Working day,” for the purpose of a grievance , *a complaint described in NAC 284.658* or an appeal, means Monday to Friday, inclusive, excluding holidays.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84)

Section 7. NAC 284.523 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284

to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Legislative Counsel Bureau, incorporates the definition proposed in subsection 3 of Section 2 of LCB File No. R033-17 (e.g., “normal rest periods”) in the “definitions” regulation pertaining to the Attendance and Leaves section of the Nevada Administrative Code Chapter 284.

NAC 284.523 Definitions. (NRS 284.065, 284.155, 284.345) As used in NAC 284.523 to 284.598, inclusive, *and section 2 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 284.5231 to 284.52375, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Dep’t of Personnel, eff. 3-23-94; A by R082-00, 8-2-2000; A by Personnel Comm’n by R060-09, 11-25-2009)

Section 8. NAC 284.524 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284 to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Legislative Counsel Bureau, makes a conforming change to allow for an exception to the timing of the required rest period for an employee to express milk.

NAC 284.524 Reporting for work; workweeks and workdays; periods for meals and rest. (NRS 284.065, 284.155, 284.345)

1. An employee shall report for a work shift on time and ready to perform the duties and tasks assigned to his or her position.

2. Except as otherwise provided in this subsection, the workweek for state employees is 40 hours. A workweek of a different number of hours may be established to meet the needs of state agencies in compliance with the provisions of NRS 281.100, 281.110 and 284.180. The workday for a full-time state employee who works a standard or nonstandard work schedule consists of two work periods separated by a 1/2- to 1-hour meal period. Insofar as practicable, the meal period must occur in the middle of the work shift. A rest period of 15 minutes must be granted for each 4-hour period of work and, *except as otherwise provided in section 2 of this regulation and* insofar as practicable, must occur in the middle of the period of work.

3. Except as otherwise provided in subsections 4 and 5, an appointing authority shall provide a meal period and rest period to an employee who has an innovative work schedule during each workday as follows:

(a) A 1/2- to 1-hour meal period must be provided during each period of work that exceeds 6 hours. Insofar as practicable, the meal period must occur in the middle of the work shift.

(b) A rest period of 15 minutes must be provided for each 4-hour period of work and, *except as otherwise provided in section 2 of this regulation and* insofar as practicable, must occur in the middle of the period of work.

4. The requirement to relieve an employee for a 1/2- to 1-hour meal period does not apply to an employee who receives a paid meal period.

5. The requirement for a rest period does not apply to an employee who works:

(a) Directly with the inmates at a correctional institution.

(b) For the Division of Public and Behavioral Health of the Department of Health and Human Services and who:

(1) Maintains or monitors the equipment in a heat plant which operates 24 hours a day; and

(2) Works a straight 8-hour work shift.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-20-90; 8-1-91; 11-12-93; R031-98, 4-17-98; R098-99, 9-27-99; A by Personnel Comm'n by R068-03, 10-30-2003; R145-05, 12-29-2005)

Section 9. NAC 284.589 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284 to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Division of Human Resource Management, makes a conforming change to allow administrative leave for the appearance of an employee who has filed a complaint at a hearing of the Employee-Management Committee in which the complaint will be heard.

NAC 284.589 Administrative leave with pay. (NRS 284.065, 284.155, 284.345, 284.383, 284.385, 284.390)

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

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

(b) For up to 30 days when the appointing authority initiates the leave to obtain the results of an examination concerning the ability of the employee to perform the essential functions of his or her position;

(c) For up to 30 days to remove the employee from the workplace when he or she has committed or threatened to commit an act of violence;

(d) For up to 2 hours to donate blood;

(e) To relieve the employee of his or her duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065; or

(f) To attend a general employee-benefits orientation or an educational session relating to employee benefits, including, without limitation, retirement and deferred compensation.

2. The appointing authority, upon approval of the Risk Management Division, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.

3. If an employee is granted administrative leave with pay pursuant to subsection 1 or 2, the employee must be available:

(a) By telephone to the supervisor of the employee; and

(b) To report to a work site or another location, as directed by the supervisor of the employee, ↪ during regular business hours.

4. Except as otherwise provided in subsection 5, an appointing authority or the Division of Human Resource Management may grant administrative leave with pay to an employee for any of the following purposes:

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

(b) His or her safety during an emergency when employees have been authorized by the Governor not to report to work or to leave work before the end of their shifts during the emergency, including, without limitation, emergencies relating to enemy attacks or other hostile actions, natural causes or other catastrophes, except for employees who are designated as essential and notified that they are required to report to work or remain at work.

(c) Closure of the employee's office or work site caused by a natural disaster, pandemic 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.

(d) Closure, as a result of a pandemic, of a school or a center or facility that provides day care services which is attended by the employee's dependent child or the temporary cancellation, as a result of a pandemic, of a program attended by the employee's dependent child. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(e) His or her appearance as an aggrieved employee , *an employee who filed a complaint described in NAC 284.658* or a witness at a hearing of the Committee.

(f) His or her appearance as a witness at a hearing regarding a matter described in subparagraph (1), (2) or (3) of paragraph (e) of subsection 6.

(g) His or her appearance to provide testimony at a meeting of the Commission.

5. An appointing authority or the Division of Human Resource Management shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (e), (f) or (g) of subsection 4 if:

(a) The employee requests the administrative leave for a period of time that is reasonably needed to testify at the hearing or meeting;

(b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and

(c) The absence of the employee will not cause an undue hardship to the operations of the appointing authority or adversely impact the provision of services to clients or to the public.

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

(a) The initial appointment and one follow-up appointment if the employee receives counseling through an employee assistance program, including, without limitation, consultations provided in-person or telephonically.

(b) His or her attendance at a health fair or related event coordinated by the Public Employees' Benefits Program.

(c) His or her participation in an official capacity as a member of a committee or board created by statute on which he or she 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.

(d) Up to 8 hours for preparation for any hearing described in paragraph (e).

(e) The appearance of the employee as a party at a hearing regarding:

(1) An alleged reprisal or retaliatory action against the employee for disclosing an improper governmental action as provided in NRS 281.641;

(2) An involuntary transfer of the employee as provided in NRS 284.376; or

(3) A suspension, demotion or dismissal of the employee as provided in NRS 284.390 and NAC 284.6561.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-20-90; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 9-13-91; 12-26-91; 11-12-93; 3-23-94; 11-16-95; 10-27-97; R042-99, 9-27-99; R058-01, 9-6-2001; A by Personnel Comm'n by R038-03, 10-30-2003; R183-03, 1-27-2004; R145-05, 12-29-2005; R141-07, 1-30-2008; R061-09 & R081-09, 10-27-2009; R063-09, 11-25-2009; R058-10, 10-15-2010; R137-13, 6-23-14; R042-15, 12-21-2015)

Section 10. NAC 284.658 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284 to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Legislative Counsel Bureau, incorporates the definition of a complaint into the regulation defining grievance for the Adjustment of Grievances section of the Nevada Administrative Code Chapter 284. The definition is based on section 2 of Assembly Bill 113 of the 2017 Legislative Session, which does not limit filing a complaint with the EMC to classified employees, therefore allowing unclassified and nonclassified to also use the complaint process.

NAC 284.658 ~~["Grievance"]~~ **"Complaint" and "grievance" defined.** (NRS 284.065, 284.155, 284.340, 284.384)

~~[H.]~~ As used in NAC 284.341 and 284.658 to 284.697, inclusive, ~~[and]~~ section 1 of ~~[this regulation, a "grievance"]~~ **LCB File No. R076-15 and sections 3 and 4 of this regulation, unless the context otherwise requires:**

1. **"Complaint" means a written complaint filed by an employee pursuant to section 2 of Assembly Bill No. 113, chapter 271, Statutes of Nevada 2017, at page 1427. The term does not include a complaint filed pursuant to paragraph (c) of subsection 1 of NAC 284.696.**

2. **"Grievance" means an act, omission or occurrence which a permanent classified employee feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement or a contested report on performance. The act, omission or occurrence must be**

established with factual information including, but not limited to, the date, time and place of the act, omission or occurrence and the names of other persons involved.

~~[2-]~~ For the purposes of NAC 284.341 and 284.658 to 284.697, inclusive, ~~[and]~~ section 1 of *LCB File No. R076-15 and sections 3 and 4* of this regulation, the term “grievance” does not include any grievance for which a hearing is provided by federal law or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390.

Section 11. NAC 284.662 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284 to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Division of Human Resource Management, makes conforming changes to include “complaint” in the provisions allowing an employee to seek assistance with the complaint process, prohibiting discrimination of an employee for filing a complaint or assisting an employee with a complaint, and ensures that the assistance of the Division is available to all parties to a complaint.

NAC 284.662 Providing assistance to employee. (NRS 284.065, 284.155, 284.384)

1. An employee filing for a review of a grievance *or complaint* may be assisted or represented by any person of his or her choosing, if the person agrees to act in this capacity, at any step of the procedure except the initial informal discussion with his or her immediate supervisor.

2. If the assistant is a state employee, he or she may only assist on his or her own time.

3. An employee may not be discriminated against in recruitment, examination, appointment, training, promotion, retention, classification or any other personnel action for informally seeking or formally filing a request to have his or her grievance *or complaint* reviewed, testifying on behalf of another employee, helping another employee prepare a grievance ~~[report]~~ *or complaint* or acting as a representative of any employee requesting a review of a grievance ~~[]~~ *or complaint*.

4. To assist in resolving an employee’s grievance ~~[]~~ *or complaint*, the resources and consultation available from the Division of Human Resource Management and the personnel offices of the agency must be made available to all parties.

[Personnel Div., Rule XV part § A, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep’t of Personnel, 10-26-84; A by Personnel Comm’n by R096-03, 10-30-2003)

Section 12. NAC 284.680 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284

to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Division of Human Resource Management, describes when a complaint is deemed to have been received by the Division of Human Resource Management.

NAC 284.680 Date of receipt of grievance *or* complaint. (NRS 284.065, 284.155, 284.384)

1. For the purposes of NAC 284.682, 284.686 and 284.690, a grievance is deemed to have been received at each step in the grievance procedure ~~;~~

~~1. On~~ *on* the date on which the employee or his or her chosen representative personally delivers the grievance, transmits it by facsimile machine or submits it via the Internet using the Employee Incident Tracking System within the Nevada Employee Action and Timekeeping System developed by the Division of Human Resource Management, which is available at <https://nvapps.state.nv.us/NEATS/admin/Home.aep> . ~~;~~

2. *For the purposes of section 4 of this regulation, a complaint is deemed to have been received by the Committee on the date on which the employee or the chosen representative of the employee personally delivers the complaint, transmits it by facsimile machine or submits it by electronic mail.*

3. If the employee mails the grievance ~~;~~ *or complaint, the grievance or complaint is deemed to have been received* 3 days after:

- (a) The date on which the grievance *or complaint* was postmarked; or
- (b) The date on the return receipt if sent by certified mail.

(Added to NAC by Personnel Comm'n by R065-98, eff. 7-24-98; A by R044-08, 8-26-2008)

Section 13. NAC 284.692 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284 to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

As a result of increased use of electronic mail, the Division will accept an agreement for the extension of time to file a grievance in the body of a message sent via electronic mail, if both parties have expressed agreement to the extension. This amendment, proposed by the Division of Human Resource Management, removes the requirement that an agreement for extension of time to file a grievance or complaint must be submitted on a form provided by the Division of Human Resource Management in order to bring the regulation into alignment with current practice.

NAC 284.692 Agreement for extension of time to file grievance *or* complaint, or take required action. (NRS 284.065, 284.155, 284.384)

1. Except as otherwise provided in subsection 3, the time limit for filing a grievance and for taking any other action required by either party at any step in the grievance procedure may be extended by the mutual agreement of the employee who may file the grievance and the appointing authority or his or her designated representative.

~~[2.]~~ An agreement to an extension of time entered into pursuant to *this* subsection ~~[H]~~ must be ~~[:~~

~~—(a) Made] made~~ in writing ~~[on a form prescribed by the Division of Human Resource Management; and~~

~~—(b) Signed by:~~

~~—(1) The] and authorized by both the~~ employee ~~[; and~~

~~—(2) The] and the~~ appointing authority or his or her designated representative.

2. *The time limit for filing a complaint and for taking any other action required by either party in the complaint procedure may be extended by the mutual agreement of the employee who may file the complaint and the appointing authority or his or her designated representative. An agreement to an extension of time entered into pursuant to this subsection must be made in writing and authorized by both the employee and the appointing authority or his or her designated representative.*

3. The provisions of this section do not apply to a grievance that has been submitted to the Committee.

(Added to NAC by Personnel Comm'n by R023-05, eff. 10-31-2005)

Section 14. NAC 284.6952 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284 to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Division of Human Resource Management, incorporates the ability of an employee who submits a complaint, or an administrator or his or her designee, to request a resolution conference to discuss the complaint and possible resolutions.

Additionally, to bring the regulation into alignment with subparagraph (c) of subsection 2 of NRS 284.384, this amendment ensures participation by both parties if either party requests a resolution conference.

NAC 284.6952 Request for resolution conference; appointment of facilitator; effect of request for resolution conference on jurisdiction of Employee-Management Committee. (NRS 284.065, 284.155, 284.384)

1. If an employee is not satisfied with the decision rendered by the highest administrator of the department pursuant to NAC 284.690 and submits a request for consideration of the grievance by the Committee pursuant to NAC 284.695, the employee or the highest administrator or his or her designee may request a resolution conference to meet informally in the presence of a neutral facilitator to discuss the grievance and possible resolutions.

2. *If an employee is not satisfied with the response of the department or agency pursuant to section 3 of this regulation and submits a request for consideration of a complaint by the Committee pursuant to section 4 of this regulation, the employee or the department or agency or*

a designee thereof may request a resolution conference to meet informally in the presence of a neutral facilitator to discuss the complaint and possible resolutions.

3. Except as otherwise provided in this subsection, a request for a resolution conference may be submitted to the Division at any time after the employee submits his or her request for consideration of the grievance *or complaint* by the Committee. If the Committee has notified the parties of the date on which it will hold a hearing to consider the grievance ~~or~~ *or complaint*, the request for a resolution conference may not be submitted less than 15 working days before that date.

~~3.—Upon receipt of a request for a~~

4. *If either party requests a resolution conference, the Division shall appoint a neutral facilitator to conduct the resolution conference ~~and~~ and require both parties to participate.* The facilitator must not be affiliated with either party.

~~4.]~~ 5. The submission of a request for a resolution conference does not deprive the Committee of jurisdiction to consider the grievance *or complaint* if:

(a) The parties are unable to reach an agreement for the resolution of the grievance *or complaint* at the resolution conference; ~~or~~

(b) The parties reach an agreement for the resolution of the grievance *or complaint* at the resolution conference, but the employee subsequently notifies the Committee that the agreement has failed ~~or~~; *or*

(c) The Division is unable to arrange a resolution conference as described in subsection 6.

6. *Except as otherwise provided in this subsection, if a party to a complaint submits a request for a resolution conference, the Division shall arrange a resolution conference before the scheduled hearing. If the Division is unable to arrange a resolution conference in the period between the request for the resolution conference and the scheduled hearing, the Division shall provide to the Committee, upon request, the reason that the Division was unable to arrange the resolution conference.*

(Added to NAC by Personnel Comm'n by R026-11, 12-30-2011, eff. 1-1-2012)

Section 15. NAC 284.6955 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284 to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Division of Human Resource Management, incorporates “complaint” into the procedure for a hearing before the Employee-Management Committee.

NAC 284.6955 Hearing before Employee-Management Committee: Procedure. (NRS 284.065, 284.155, 284.384) If a hearing is held to determine the proper disposition of a grievance pursuant to NAC 284.695 ~~or~~ *or of a complaint pursuant to section 4 of this regulation*, the following procedure must be followed:

1. Each party shall submit to the Clerk of the Committee 12 copies of the set of documents and materials to be presented at the hearing or any rescheduled hearing. These copies must be submitted

not less than 15 working days before the scheduled date of the hearing. The Clerk of the Committee shall forward one copy of the set of the documents and materials of each party to the other party.

2. If the employee fails to comply with subsection 1, the Chair or a member of the Committee designated by the Chair may reschedule the hearing to the next time designated for such hearings, but in no case earlier than 20 working days after the originally scheduled date of the hearing. If the employer fails to comply with subsection 1, the Chair or a member of the Committee designated by the Chair may reschedule the hearing at his or her discretion. If the employee fails to comply with the provisions of subsection 1 for a rescheduled hearing, the grievance *or complaint* must be dismissed with prejudice unless he or she can show in writing to the Committee's satisfaction that the reason for noncompliance was beyond his or her control.

3. Each document or material offered in evidence must be marked as follows:

(a) Documents or materials presented by the employee must be marked at the bottom of the page as "Exhibit____" indicated by consecutive Arabic numerals, beginning with the number "1."

(b) Documents or materials presented by the employer must be marked at the bottom of the page as "Exhibit____" indicated by consecutive letters of the English alphabet, beginning with the letter "A." If the employer offers more than 26 exhibits, the 27th exhibit must be marked as "Exhibit AA," the 28th exhibit as "Exhibit BB," and so forth.

4. All evidence offered at the hearing must be relevant and bear upon the grievance *or complaint*.

5. Each person who provides a statement at the hearing shall state his or her name, address, and occupation for the record.

6. It is the responsibility of each party to arrange for the appearance of all necessary witnesses. The Committee may request additional witnesses or information as it deems necessary.

7. If a subpoena is issued for a document and the person named in the subpoena determines that the document contains confidential information, the person must provide to the Committee by the date specified in the subpoena:

(a) Two copies of the original document, submitted under seal, and

(b) One copy of the document with the confidential information redacted.

8. For good cause shown, the Committee may take testimony from a person by telephone or video conference whether or not the person is at a location designated on the agenda as a location for the hearing.

9. Upon proper recognition by the Chair or the member of the Committee designated to act as the Chair during the hearing, any member of the Committee may ask a question of a party or witness at any time during the hearing.

(Added to NAC by Personnel Comm'n, eff. 8-1-91; A by Dep't of Personnel, 11-16-95; A by Personnel Comm'n by R026-11, 12-30-2011, eff. 1-1-2012; R076-15, 4-4-2016)

Section 16. NAC 284.6957 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284 to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Division of Human Resource Management, allows a party to request a continuance or to have a complaint held in abeyance. The Chair of the Employee-Management Committee may grant either type of request if good cause is shown.

NAC 284.6957 Hearing before Employee-Management Committee: Continuance; abeyance. (NRS 284.065, 284.155, 284.384)

1. A party may request a continuance of a hearing to determine the proper disposition of a grievance pursuant to NAC 284.695 *or a complaint pursuant to section 4 of this regulation*, or request to have a grievance *or complaint* held in abeyance. The party must submit the request to the Clerk of the Committee at least 12 working days before the scheduled hearing, unless the party received personal notice of the hearing less than 21 working days before the hearing pursuant to subsection 2 of NAC 284.695 ~~or~~ *or pursuant to subsection 4 of section 4 of this regulation*, in which case he or she may request a continuance as long as the request is made at least 4 working days before the scheduled hearing.

2. The Chair or a member of the Committee designated by the Chair may grant a request for a continuance or a request to have a grievance *or complaint* held in abeyance if good cause is shown.

(Added to NAC by Dep't of Personnel, eff. 3-27-92; A 11-16-95; A by Personnel Comm'n by R076-15, 4-4-2016)

Section 17. NAC 284.696 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284 to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Division of Human Resource Management, specifies that a complaint filed pursuant to this regulation does not include a complaint filed by an employee pursuant to section 2 of Assembly Bill No. 113.

NAC 284.696 Unlawful discrimination. (NRS 284.065, 284.155, 284.384)

1. An employee alleging unlawful discrimination based on any pertinent state or federal law or regulation may:

(a) Report the alleged discrimination to:

(1) The division of the Division of Human Resource Management that investigates sexual harassment and discrimination;

(2) The Attorney General;

(3) The employee's appointing authority;

(4) An equal employment opportunity officer;

(5) A personnel representative of the department in which the employee is employed; or

(6) The office charged with enforcing affirmative action within the appropriate university, state college or community college which is part of the Nevada System of Higher Education;

(b) Except as otherwise provided in NRS 284.384, use the procedure for the adjustment of a grievance contained in NAC 284.658 to 284.6957, inclusive; or

(c) File a complaint, *other than a complaint described in NAC 284.658*, with:

- (1) The Nevada Equal Rights Commission pursuant to NRS 613.405; or
- (2) The United States Equal Employment Opportunity Commission.

2. The appointing authority of an employee who has alleged unlawful discrimination shall promptly notify the deputy attorney general or staff counsel assigned to represent the agency of the allegation and the actions which are being undertaken by the agency to address the allegation.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 9-16-92; 11-16-95; A by Personnel Comm'n by R023-05, 10-31-2005; R026-11, 12-30-2011, eff. 1-1-2012)

Section 18. NAC 284.697 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281 by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284 to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Division of Human Resource Management, incorporates “complaint” into the provisions governing when the resolution of a complaint becomes binding.

NAC 284.697 When resolution of grievance *or complaint* becomes binding. (NRS 284.065, 284.155, 284.384)

1. Except as otherwise provided in subsection 2, the resolution of a grievance *or complaint* is binding when:

(a) There is an agreement between the person filing the grievance *or complaint* and the appointing authority or the designated representative of the employing agency; or

(b) The Committee renders a final decision.

2. The appointing authority or the designated representative of the employing agency shall submit each proposed resolution of a grievance *or complaint* which has a fiscal effect to the Budget Division for a determination of whether the resolution is feasible on the basis of its fiscal effects. The resolution is binding only if it is so found.

(Added to NAC by Dep't of Personnel, eff. 8-28-85; A by Personnel Comm'n by R030-02, 5-2-2002)

Section 19. Section 1 of LCB File No. R076-15, which was adopted by the Personnel Commission and filed with the Secretary of State on April 4, 2016, is hereby amended to read as follows:

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

Explanation of Proposed Change: Assembly Bill 113 of the 2017 Legislative Session amends NRS 281 to prohibit retaliation for the use of break time or a place to express milk, as well as for taking any action to ensure compliance with these requirements. This bill also amends NRS 281

by adding a new section authorizing a public employee to file a complaint with the Employee-Management Committee for certain violations by his or her public employer, and amends NRS 284 to instruct the Personnel Commission to adopt regulations to provide for the adjustment of a complaint.

This amendment, proposed by the Division of Human Resource Management, will provide the authority to the Division of Human Resource Management to remove a complaint from the procedure if it is determined that the complaint is not eligible pursuant to Assembly Bill 113 of the 2017 Legislative Session. The amendment also includes several conforming changes to include “complaint” in the provisions.

Section 1 of LCB File No. R076-15 Removal of ineligible grievance *or complaint* from procedure.

1. If the Division of Human Resource Management determines that a request for the adjustment of ~~{a}~~:

(a) A grievance is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, because the person who submitted the request is not a person described in subsection ~~{2}~~ of NAC 284.658 or because a hearing is provided for the grievance pursuant to federal law or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 ~~{1}~~; *or*

(b) *A complaint is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, because the person who submitted the request is not a person described in paragraph (a) of subsection 4 of section 2 of Assembly Bill No. 113, chapter 271, Statutes of Nevada 2017, at page 1427,*

↳ the Division must ~~{, as soon as practicable:~~

—~~{a}~~ *take the actions described in subsection 2.*

2. *Upon making a determination pursuant to subsection 1 that a request for the adjustment of a grievance or complaint is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, the Division must, as soon as practicable:*

(a) Remove the request from the procedure for the adjustment of grievances *or complaints* set forth in NAC 284.658 to 284.6957, inclusive; and

(b) Provide to the person who submitted the request and the agency in which the grievance *or complaint* arose:

(1) Notice that the Division has determined that the request is not eligible for the procedure for the adjustment of grievances *or complaints* set forth in NAC 284.658 to 284.6957, inclusive, and an explanation for that determination;

(2) Notice that the Division has removed the request from the procedure for the adjustment of grievances *or complaints* set forth in NAC 284.658 to 284.6957, inclusive;

(3) If applicable, information relating to the appropriate procedure for resolving the person’s concern; and

(4) Information relating to the person’s right to appeal the determination to the Committee.

~~{2}~~ 3. If the Division of Human Resource Management determines that a request for the adjustment of a grievance *or complaint* is not eligible for the procedure for the adjustment of grievances *or complaints* set forth in NAC 284.658 to 284.6957, inclusive, the person who submitted the request may appeal the determination to the Committee.

(Added to NAC by Personnel Comm’n by R076-15, eff. 4-4-2016)

FOR DISCUSSION AND POSSIBLE ACTION

The following regulations have been proposed for permanent adoption. A brief explanation precedes each section and summarizes the intent of the regulation change. **NOTE:** Language in *italics* is new, and language in brackets ~~omitted material~~ is to be omitted.

The following summarizes the recommended action of the Personnel Commission and identifies if there has been support or opposition to the proposed action.

LCB File No. R037-17

Effective January 1, 2018, Senate Bill 361 (SB 361) of the 2017 Legislative Session amends Chapter 613 of the Nevada Revised Statutes (NRS 613) to require an employer to make reasonable arrangements for an employee who is not the alleged perpetrator, and who is a victim of domestic violence or whose family or household member is a victim of domestic violence. Such arrangements could include movement of a workstation, a modified schedule, a new work telephone number or other arrangement that will not cause an undue hardship.

The Division of Human Resource Management (Division) recommends the addition of regulations defining “domestic violence” and “family or household member” to be used in relation to the new requirements in Chapter 284 of the Nevada Administrative Code (NAC 284).

The Division also recommends the amendments to the annual leave, sick leave and leave without pay regulations included in this LCB File, which require the approval of a leave request when an employee or the family or household member of the employee is a victim of domestic violence. The total allowable amount of leave requested for this purpose is 160 hours in a 12-month period, which begins at the time the domestic violence occurs, and includes any combination of all leave types, e.g. annual, sick and leave without pay.

Finally, the Division recommends the amendment to the family and medical leave regulation, as SB 361 requires that leave used for the purpose of an act of domestic violence that may also be taken pursuant to the Family and Medical Leave Act must be deducted from leave permitted by that Act.

LCB File No. R037-17

Section 1. Chapter 284 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Section 2.

Explanation of Proposed Change: This amendment, proposed by the Legislative Counsel Bureau, defines “domestic violence” for the purposes of Chapter 284 of the Nevada Administrative Code, as any of the acts described in NRS 33.018.

NEW “Domestic violence” defined. “Domestic violence” means an act described in NRS 33.018.

Section 3.

Explanation of Proposed Change: This amendment, proposed by the Legislative Counsel Bureau, defines “family or household member” for the purposes of Chapter 284 of the Nevada Administrative Code, as ascribed in Senate Bill 361 of the 2017 Legislative Session. This bill defines a “family or household member” as a spouse, domestic partner, minor child, or parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence.

NEW “Family or household member” defined. “Family or household member” has the meaning ascribed to it in section 4 of Senate Bill No. 361, chapter 496, Statutes of Nevada 2017, at page 3178.

Section 4.

Explanation of Proposed Change: Senate Bill 361 of the 2017 Legislative Session amends NRS 613 to require an employer to provide accommodations to an employee who is a victim of domestic violence or whose family or household member is a victim of domestic violence. Such accommodations could include relocating the employee, a modified work schedule, a new work telephone number, or anything else that does not place an undue hardship on the employee, the workplace, the employer or other employees.

This amendment, proposed by the Division of Human Resource Management, will require an appointing authority to provide the accommodations described above to an employee who is not the alleged perpetrator.

Subsection 3 of this regulation makes it clear that relocating an employee shall not be construed as a transfer pursuant to NAC 284.106, and that an employee may not use the appeal process set forth in NRS 284.376 in relation to this type of accommodation.

NEW Accommodation for employee affected by domestic violence.

1. Except as otherwise provided in subsection 2, the appointing authority of an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator, shall, upon the request of the employee, provide reasonable accommodation to the employee.

2. Reasonable accommodation provided pursuant to this section must not cause an undue hardship to the operations of the appointing authority and must be deemed by the appointing authority to ensure the safety of the employee, the workplace, the employer or other employees. Such accommodation may include, without limitation:

(a) Relocating the employee, including, without limitation, providing a different work area for the employee or changing the location to which the employee reports;

(b) Modifying the schedule of the employee; or

(c) Providing the employee a new telephone number for work.

3. For the purposes of this section, a relocation of an employee must not be construed:

(a) As a transfer as defined in NAC 284.106; or

(b) To authorize the employee to appeal the relocation using the process for an appeal of a transfer set forth in NRS 284.376.

Section 5. NAC 284.010 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment incorporates the two new definition regulations proposed in LCB File No. R037-17 (e.g., “Domestic violence” defined and “Family or household member” defined) into the General Provisions pertaining to Chapter 284 of the Nevada Administrative Code.

NAC 284.010 Definitions. (NRS 284.065) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 284.021 to 284.1125, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

(Supplied in codification; A by Dep’t of Personnel, 10-26-84; 4-19-88; 8-1-91; 7-6-92; 3-23-94; 10-27-97; R031-98, 4-17-98; R043-99, 9-27-99; R197-99, 1-26-2000; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm’n by R038-03, 10-30-2003; R142-05, 12-29-2005; R147-06, 12-7-2006; R137-12, 10-23-2013)

Section 6. NAC 284.539 is hereby amended to read as follows:

Explanation of Proposed Change: Senate Bill 361 of the 2017 Legislative Session amends NRS 613 to require an employer to provide accommodations to an employee who is a victim of domestic violence or whose family or household member is a victim of domestic violence. Such accommodations could include relocating the employee, a modified work schedule, a new work telephone number, or anything else that does not place an undue hardship on the employee, the workplace, the employer or other employees.

This bill also amends NRS 613 to make it unlawful for an employer to discharge, discipline, or discriminate against in any manner or deny promotion, or threaten such action, any employee who has requested accommodations as listed above, requested leave pursuant to section 1 of the bill, attended court proceedings, or has an act of violence committed against them at the employee’s workplace.

This amendment, proposed by the Division of Human Resource Management, requires the approval of accrued annual leave, if available, to an employee who is not the alleged perpetrator, and who has been employed for at least 6 months, pursuant to subsection 6 of NRS 284.350, and who is a victim of domestic violence. The regulation also requires the approval of accrued annual leave, if available, to an employee who has been employed for at least 6 months when his or her family or household member is a victim of domestic violence. The maximum allowable amount of leave is 160 hours in a 12-month period, including any combination of all leave type, e.g. annual, sick and leave without pay. The 12-month period begins at the time the domestic violence occurs.

**NAC 284.539 Annual leave: Written request; approval or denial; authorized use.
(NRS 284.065, 284.155, 284.345, 284.350)**

1. Except as otherwise provided by the Family and Medical Leave Act, an appointing authority shall determine the time when annual leave is taken after considering the needs of the agency and the seniority and wishes of the employee. Annual leave may not be granted in excess of the accumulated annual leave.

2. A written request for annual leave that is submitted by an employee within a reasonable time before the date upon which the annual leave is requested to commence must be approved or denied by the appointing authority, in writing, before the date upon which the annual leave is requested to commence or within 15 days after the appointing authority receives the request, whichever is sooner.

3. ~~The~~ *Except as otherwise provided in subsection 7, the* appointing authority may deny a request for annual leave for good and sufficient reason. The appointing authority may not prohibit an employee from using at least 5 consecutive days of annual leave in any calendar year.

4. An employee shall request annual leave at least 30 days in advance if the need for leave is foreseeable and the annual leave is to be taken in conjunction with a planned leave of absence without pay.

5. An employee who has accumulated both annual leave and compensatory time off, and who may lose annual leave at the end of the calendar year, may elect to use the annual leave instead of the compensatory time for approved leave. In all other instances, compensatory time must, as far as practicable, be exhausted before annual leave is used.

6. An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS may use his or her accrued annual leave pursuant to NAC 284.5775.

7. An appointing authority shall approve a request for annual leave of an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator if:

(a) In accordance with NRS 284.350, the employee has been employed in public service for at least 6 months;

(b) The employee has accrued the amount of annual leave necessary to cover the time requested; and

(c) The combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence occurred.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 6-18-86; 9-17-87; 7-14-88; 4-20-90; 3-23-94; 11-16-95; R031-98, 4-17-98; R082-00, 8-2-2000; A by Personnel Comm'n by R145-05, 12-29-2005)

Section 7. NAC 284.554 is hereby amended to read as follows:

Explanation of Proposed Change: Senate Bill 361 of the 2017 Legislative Session amends NRS 613 to require an employer to provide accommodations to an employee who is a victim of domestic violence or whose family or household member is a victim of domestic violence. Such accommodations could include relocating the employee, a modified work schedule, a new work telephone number, or anything else that does not place an undue hardship on the employee, the workplace, the employer or other employees.

This bill also amends NRS 613 to make it unlawful for an employer to discharge, discipline, or discriminate against in any manner or deny promotion, or threaten such action, any employee who has requested accommodations as listed above, requested leave pursuant to section 1 of the bill, attended court proceedings, or has an act of violence committed against them at the employee's workplace.

This amendment, proposed by the Division of Human Resource Management, requires the approval of accrued sick leave, if available, to an employee who is not the alleged perpetrator, and who has been employed for at least 90 calendar days, and who is a victim of domestic violence. The regulation also requires the approval of accrued sick leave, if available, to an employee who has been employed for 90 calendar days when his or her family or household member is a victim of domestic violence. The maximum allowable amount of leave is 160 hours in a 12-month period, including any combination of all leave type, e.g. annual, sick and leave without pay. The 12-month period begins at the time the domestic violence occurs.

For the purposes of section 7 of SB 361, if sick leave is taken when a family member is a victim of domestic violence, the leave time will be considered sick leave, rather than "family sick leave."

NAC 284.554 Sick leave: Authorized use. (NRS 284.065, 284.155, 284.345, 284.355)

1. An employee is entitled to use sick leave if the employee:

~~1-1~~ **(a)** Is unable to perform the duties of his or her position because he or she is sick, injured or physically incapacitated due to a medical condition;

~~1-2~~ **(b)** Is physically incapacitated due to pregnancy or childbirth and is therefore unable to perform the duties of the employee's position;

~~1-3~~ **(c)** Is quarantined;

~~1-4~~ **(d)** Is receiving required medical, psychological, optometric or dental service or examination;

~~1-5~~ **(e)** Is receiving counseling through an employee assistance program for a condition which would otherwise qualify pursuant to the provisions of this section; ~~1-6~~

~~6-1~~

(f) Has an illness, death or other authorized medical need in his or her immediate family and he or she complies with the requirements of NAC 284.558 or 284.562 ~~1-7~~; **or**

(g) Meets the requirements set forth in subsection 2.

2. An appointing authority shall approve a request for sick leave of an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator if:

(a) The employee has been employed in public service for at least 90 days;

(b) The employee has accrued the amount of sick leave necessary to cover the time requested; and

(c) The combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence occurred.

[Personnel Div., Rule VII § D part subsec. 6, eff. 8-11-73; A 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 4-20-90; 11-16-95; A by Personnel Comm'n by R141-07, 1-30-2008)

Section 8. NAC 284.578 is hereby amended to read as follows:

Explanation of Proposed Change: Senate Bill 361 of the 2017 Legislative Session amends NRS 613 to require an employer to provide accommodations to an employee who is a victim of domestic violence or whose family or household member is a victim of domestic violence. Such accommodations could include relocating the employee, a modified work schedule, a new work telephone number, or anything else that does not place an undue hardship on the employee, the workplace, the employer or other employees.

This bill also amends NRS 613 to make it unlawful for an employer to discharge, discipline, or discriminate against in any manner or deny promotion, or threaten such action, any employee who has requested accommodations as listed above, requested leave pursuant to section 1 of the bill, attended court proceedings, or has an act of violence committed against them at the employee's workplace.

This amendment, proposed by the Division of Human Resource Management, requires the approval of leave of absence without pay to an employee who is not the alleged perpetrator, and who has been employed for at least 90 calendar days, and who is a victim of domestic violence. The regulation also requires the approval of leave of absence without pay to an employee who has been employed for 90 calendar days when his or her family or household member is a victim of domestic violence. The maximum allowable amount of leave is 160 hours in a 12-month period, including any combination of all leave type, e.g. annual, sick and leave without pay. The 12-month period begins at the time the domestic violence occurs.

NAC 284.578 Leave of absence without pay. (NRS 284.065, 284.155, 284.345, 284.360)

1. Except as otherwise provided in NRS 284.360, an appointing authority may grant a leave of absence without pay to an employee for not more than 1 year for any satisfactory reason.
2. The Commission may grant leaves of absence without pay in excess of 1 year for purposes deemed beneficial to the public service.
3. An appointing authority may require an employee on leave of absence without pay to submit every 2 weeks a statement of his or her intent to return to work.
4. If the reason for granting the leave no longer exists, the appointing authority may revoke the leave after notifying the employee in writing and allowing, so far as is practicable, not less than 5 working days after the date of notification for the employee to return to work.
5. An employee shall request leave without pay at least 30 days in advance of when the need for the leave is foreseeable, if practicable.
6. An employee may not use leave without pay in lieu of sick leave or annual leave without approval of the appointing authority.

7. An employee who is using leave pursuant to the Family and Medical Leave Act may not use leave without pay until the employee has exhausted all the accrued sick leave, accrued annual leave, accrued compensatory time and catastrophic leave that the employee is eligible to use based on the nature of the absence, as required by NAC 284.5811.

8. An appointing authority shall grant leave without pay, upon request, to an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator if:

(a) The employee has been employed in public service for at least 90 days; and

(b) The combination of all leave taken by the employee for this purpose, including, without limitation, sick leave, annual leave, compensatory time and leave without pay, does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence occurred.

[Personnel Div., Rule VII § E subsecs. 1-4, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 3-23-94; 10-27-97; A by Personnel Comm'n by R145-05, 12-29-2005; R060-09, 11-25-2009)

Section 9. NAC 284.5811 is hereby amended to read as follows:

Explanation of Proposed Change: Senate Bill 361 of the 2017 Legislative Session amends NRS 613 to require an employer to provide accommodations to an employee who is a victim of domestic violence or whose family or household member is a victim of domestic violence. Such accommodations could include relocating the employee, a modified work schedule, a new work telephone number, or anything else that does not place an undue hardship on the employee, the workplace, the employer or other employees.

This bill also amends NRS 613 to make it unlawful for an employer to discharge, discipline, or discriminate against in any manner or deny promotion, or threaten such action, any employee who has requested accommodations as listed above, requested leave pursuant to section 1 of the bill, attended court proceedings, or has an act of violence committed against them at the employee's workplace.

Pursuant to Section 1 of Senate Bill 361, this amendment, proposed by the Division of Human Resource Management, requires an employee to take leave related to an act of domestic violence concurrent with the Family and Medical Leave Act provisions, if an employee meets the eligibility factors for both provisions.

NAC 284.5811 Family and medical leave: Maximum amount in 12-month period; eligibility; use. (NRS 284.065, 284.155, 284.345, 284.350, 284.355, 284.3626)

1. Except as otherwise provided in subsection 2, an employee who is entitled to take leave pursuant to the Family and Medical Leave Act is limited to a total of 12 weeks of such leave during a rolling 12-month period. The rolling 12-month period is measured backward from the date an employee uses any leave pursuant to the Family and Medical Leave Act.

2. An employee who is entitled to take leave pursuant to the Family and Medical Leave Act to care for a covered service member is limited to a total of 26 weeks of such leave during a single 12-month period.

3. To calculate eligibility for leave pursuant to the Family and Medical Leave Act, each hour that an employee is in paid status in the 12-month period immediately preceding the leave must be considered as time worked.

4. Except as otherwise provided in subsections 5 and 6, an employee who meets the requirements for eligibility for and who is taking leave pursuant to the Family and Medical Leave Act must exhaust all the accrued sick leave, accrued annual leave, accrued compensatory time and catastrophic leave that the employee is eligible to use based on the nature of the absence before using leave without pay. Any accrued sick leave, accrued annual leave, accrued compensatory time, catastrophic leave and holiday pay to which the employee is entitled pursuant to NAC 284.255 runs concurrently with the leave granted pursuant to the Family and Medical Leave Act if the employee is otherwise eligible for that sick leave, annual leave, compensatory time, catastrophic leave or holiday pay.

5. If an employee is absent from work as the result of a work-related injury or illness and meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:

(a) Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and

(b) The employee may elect to use paid leave or leave without pay for the portion of time that he or she is not being compensated for the work-related injury or illness.

6. If an employee is absent from work as the result of a non-work-related injury or illness, the employee is receiving compensation for the injury or illness from a disability benefit plan and the employee meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:

(a) Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and

(b) The employee may use paid leave for the time that the employee is being compensated for the non-work-related injury or illness if the employee has entered into an agreement with the appointing authority to use the paid leave. If the employee and the appointing authority have not entered into such an agreement, the employee may not elect to use and the appointing authority may not require the employee to use paid leave for that time.

7. *If an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator, is absent from work and meets the requirements for eligibility pursuant to the Family and Medical Leave Act, any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act.*

8. An appointing authority may require an employee to provide medical or other appropriate documentation to support his or her need for leave pursuant to the Family and Medical Leave Act.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R096-03, 10-30-2003; R145-05, 12-29-2005; R060-09, 11-25-2009; R021-13, 10-23-2013)

Section 10.

<p>Explanation of Proposed Change: This section provides that the regulations included in LCB File No. R037-17 become effective on January 1, 2018, or upon filing with the Secretary of State, whichever occurs later.</p>
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This regulation becomes effective on January 1, 2018, or upon filing with the Secretary of State, whichever occurs later.

Personnel Commission Meeting
September 29, 2017

FOR DISCUSSION AND POSSIBLE ACTION

The following regulations have been proposed for permanent adoption. A brief explanation precedes each section and summarizes the intent of the regulation change. **NOTE:** Language in *italics* is new, and language in brackets ~~[omitted material]~~ is to be omitted.

The following summarizes the recommended action of the Personnel Commission and identifies if there has been support or opposition to the proposed action.

LCB File No. R039-17

Pursuant to NRS 284.240, the Administrator of the Division of Human Resource Management (Administrator) may refuse to examine an applicant or, after examination, may refuse to certify an eligible person in certain circumstances. Such circumstance could include a lack of preliminary requirements for the examination or employment, making a false statement of a material fact, or deception or fraud in an application. Pursuant to NRS 284.245, the Administrator shall furnish a statement upon request of an individual he or she has refused to examine or, after an examination, refused to certify. This statute also allows an applicant or eligible person to take an appeal to the Personnel Commission in accordance with regulations.

The Division of Human Resource Management (DHRM) recommends the amendment in this LCB File to address the process that an applicant may use to appeal a refusal to examine an applicant, or after examination, a refusal to certify. The Commission initially adopted a process for this type of an appeal on September 30, 2016. After the regulation was adopted, the Division determined that the language could be clearer to reflect how the process is actually working. If an individual wishes to appeal the refusal to examine or certify, he or she must first request a review by the supervisor of recruitment of DHRM. If the person is not satisfied with the decision of the supervisor of recruitment, he or she may request a statement from the Administrator. If the individual is still not satisfied, the person may appeal the Administrator's decision to the Personnel Commission. Specific timeframes are also included in the proposed regulation.

There were no comments for or against the proposed change to this regulation during the workshop held on July 11, 2017.

LCB File No. R039-17

Section 1. Section 1 of LCB File No. R100-16, is hereby amended to read as follows:

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

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, reflects the steps in the process that are currently in place for an applicant to use if he or she wishes to pursue an appeal of the refusal to examine, or, if he or she is determined to be eligible, the refusal to certify. Within 30 days of being notified of either decision, the affected individual may first request a review by the supervisor of recruitment of the Division of Human Resource Management. The supervisor of recruitment of the Division of Human Resource Management has 10 days to respond to the employee. Then, within 30 days, if the person remains unsatisfied, he or she may request a written statement from the Administrator of the Division of Human Resource Management of the reasons for the refusal to examine, or, if eligible, refusal to certify. Finally, if the individual is still not satisfied, he or she may appeal the decision to the Personnel Commission, also within a 30 day time period after receiving the statement of the Administrator.

Section 1 of LCB File No. R100-16 Appeal of refusal to examine or certify.

1. An applicant affected by ~~the refusal of the Administrator~~ *a refusal* to examine the applicant or an eligible person affected by ~~the refusal of the Administrator~~ *a refusal* to certify the eligible person may ~~file a written appeal~~ *request a review* of the action ~~with the Administrator~~ *by the supervisor of recruitment of the Division of Human Resource Management* not later than 30 *calendar* days after the applicant or eligible person receives ~~from the Administrator, in accordance with subsection 1 of NRS 284.245, a statement of the reasons for~~ *notification of* the refusal to examine or the refusal to certify, as applicable. ~~The appeal must:~~

- ~~(a) Address the points outlined in the statement; and~~
- ~~(b) Indicate the points in the statement with which the applicant or eligible person disagrees and express the reasons for the disagreement.~~

~~2.—The Administrator will issue a decision on the appeal within 30 working days after receiving the appeal unless:~~

- ~~(a) He or she is prohibited from doing so because of the number of appeals resulting from other determinations regarding his or her refusal to examine or certify;~~
- ~~(b) There is an agreement with the applicant or eligible person to extend the limitation of time for the issuance of the decision; or~~
- ~~(c) The Administrator delegates the duty to decide the appeal to a designated representative pursuant to subsection 3.~~

~~3.—The Administrator may delegate the duty to decide the appeal to a designated representative if the Administrator is unavailable or reasonably believes he or she has a conflict of interest. If the Administrator makes such a delegation, the designated representative shall issue a decision on the appeal within 30 working days after the Administrator received the appeal.~~

~~4.]~~

2. The supervisor of recruitment of the Division of Human Resource Management shall conduct the review and return it to the applicant or eligible person within 10 days after receipt of the request for review. If the applicant or eligible person is not satisfied with the review by the

supervisor of recruitment of the Division of Human Resource Management, the applicant or eligible person may request that the Administrator provide, in accordance with NRS 284.245, a statement of the reasons for the refusal to examine or the refusal to certify, as applicable. Such a request must be made within 30 calendar days after receipt of the response by the supervisor of recruitment.

3. An applicant or eligible person may, within 30 working days after receipt of ~~written notice issued pursuant to subsection 2 or 3 notification of the decision to of the decision~~ *the statement* of the Administrator ~~for his or her designated representative,~~ *provided pursuant to subsection 2,* appeal the decision to the Commission. The appeal must:

- (a) Be in writing;
- (b) Be addressed to the Administrator;
- (c) Address the points outlined in the ~~decision~~ *statement* issued pursuant to subsection 2 ~~or 3~~ regarding the refusal to examine or certify the applicant or eligible person; and
- (d) Indicate the points in the ~~decision~~ *statement* with which the applicant or eligible person disagrees and express the reasons for the disagreement.

(Added to NAC by Personnel Comm'n by R100-16, eff. 11-2-2016)

**NEVADA PERSONNEL COMMISSION'S
STATEMENT OF EMERGENCY**

WHEREAS, the Nevada Personnel Commission ("Commission") has convened this public meeting for the purpose of considering the adoption of the foregoing Emergency Regulation, which relates to restricted use of veterans' points for promotional examinations;

WHEREAS, the Commission finds that an emergency exists insofar as the need for swift action resulting from the removal of restricted use of veterans' preference points in the ranking of promotional examinations effective October 1, 2017, does not leave adequate time for the Commission to use the procedures mandated by Chapter 233B of the NRS for amending a permanent regulation;

NOW THEREFORE, the Commission hereby adopts the following Emergency Regulation which shall be effective on October 1, 2017 upon the endorsement by the Governor and filing with the Secretary of State.

FOR THE COMMISSION:

KATHERINE FOX, Chairman
Nevada Personnel Commission

Date

GOVERNOR'S ENDORSEMENT

I, Governor Brian Sandoval, endorse the Nevada Personnel Commission's foregoing Statement of Emergency.

BRIAN SANDOVAL
Governor of Nevada

Date

[Text continues on next page]

EMERGENCY REGULATION

NAC 284.325 Preferences for veterans. (NRS 284.065, 284.155, 284.205, 284.250) An applicant must declare his or her intention to request veterans' preference points pursuant to NRS 284.260 ~~[before the examination.]~~ *at the time of application.* Proof of eligibility for preference as a veteran must be submitted ~~[no later than the last day on which the applicant takes the last phase of the ranking portion of the examination.]~~ *at the time of application.* ~~[If the examination is a promotional examination, the placement of the employee's name on the promotional list exhausts the veterans' preference points for that employee for all future promotional examinations.]~~

[Personnel Div., Rule IV § L, eff. 8-11-73] — (NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004) — (Substituted in revision for NAC 284.342)

FOR DISCUSSION AND POSSIBLE ACTION

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

September 29, 2017.

Item VI-A-1-a

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.311	Purchasing Technician III	29	F	<i>7.311</i>	<i>Purchasing Technician III</i>	<i>29</i>	<i>F</i>
7.319	Purchasing Technician II	27	F	<i>7.319</i>	<i>Purchasing Technician II</i>	<i>27</i>	<i>F</i>
7.320	Purchasing Technician I	25	F	<i>7.320</i>	<i>Purchasing Technician I</i>	<i>25</i>	<i>F</i>

EXPLANATION OF CHANGE

The Nevada Department of Administration, Division of Human Resource Management conducted a class specification maintenance review for the Purchasing Technician series.

In consultation with Subject Matter Experts from the Department of Administration, various institutions within the Nevada System of Higher Education, and recruitment experts from the Division of Human Resource Management, it was determined that minor revisions be made to the class concept of the Purchasing Technician III to update verbiage which better reflects common duties that may be performed. Additionally, minor changes were made to the minimum qualifications to maintain consistency with formatting and structure.

Throughout the course of the study, management and agency staff participated by offering recommendations and reviewing changes as the process progressed, and they support this recommendation.

Note: Changes, additions and/or deletions on the class specification are noted in red.



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
PURCHASING TECHNICIAN III	29	F	7.311
PURCHASING TECHNICIAN II	27	F	7.319
PURCHASING TECHNICIAN I	25	F	7.320

SERIES CONCEPT

Purchasing Technicians at all levels in the series perform technical and clerical duties in support of professional staff in the purchasing division of a large department, college or university. Incumbents prepare and process documents for the purchase, issuance and transfer of goods; issue, modify and monitor purchase orders and maintain records for the procurement of a wide variety of property, equipment, services, food, parts, materials and supplies; and expedite the flow of goods from vendor to user. Some positions function as generalists who perform a broad variety of duties while others specialize in a particular aspect of the purchasing process. When allocating positions, the class concepts should be reviewed carefully to determine the appropriate level.

Purchase a wide variety of property, equipment, services, forms, food, parts and supplies up to established monetary limits and designated purchasing authority; determine best price and availability of items; issue and modify purchase orders via an open-term contract or informal quote; verify the accuracy of coding and vendor information provided by requesting agency and resolve problems arising from inconsistencies or errors.

Maintain and monitor computerized record systems; distribute documentation to appropriate personnel and vendors; and ensure compliance with purchasing-related State statutes and regulations and departmental policies and procedures.

Prepare for bid and request for proposal (RFP) openings; complete legal advertisements and arrange for publication; verify receipt of proof of publication; maintain bid and RFP records in database systems which include vendor's name, bid price, terms, delivery and special conditions; and issue and post notification of award.

Identify inconsistencies or problems to expedite orders; contact vendors to resolve problems and arrange for delivery or return of items; answer technical questions from agency personnel and vendors regarding proper application of, and compliance with, purchasing-related laws, regulations, policies and procedures.

Maintain department or statewide fixed asset control records for high value property and equipment; issue identification tags for new fixed assets; record property movement or disposition; and issue fixed asset reports for inventory verification and control purposes.

Perform related duties as assigned.

PURCHASING TECHNICIAN III	29	F	7.311
PURCHASING TECHNICIAN II	27	F	7.319
PURCHASING TECHNICIAN I	25	F	7.320

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CLASS CONCEPTS

Purchasing Technician III: Under general supervision, incumbents perform the full range of duties described in the series concept and either:

- 1) Supervise, train, and evaluate the performance of subordinate Purchasing Technicians and/or clerical staff involved in filling purchase requisitions and processing accounts payable and receivable documents; or
- 2) Perform the most complex technical purchasing activities *and perform other purchasing related activities that require a high level of knowledge and experience such as developing and presenting training programs; developing complex reports; recommending changes to policy and procedure; and evaluating information and making recommendations to administration regarding purchases or suppliers. [for equipment, materials and services; and regularly develop and present computerized slide training programs to instruct staff on procurement and contract policies and procedures; year-end procedures and procurement software usage; develop complex, ad hoc reports which require compiling a wide variety of information from multiple programs; and evaluate report information to make recommendations to administration regarding consolidation of purchases or vendor changes]. Incumbents determine priorities for work assignments and are given a substantial degree of independence to plan, organize, assign and perform duties. Errors affect the content, quality, adequacy and timeliness of services provided to clients within the division or region and often have monetary/budget impact.*

Purchasing Technician II: Under general supervision, incumbents perform the full range of duties described in the series concept and oversee technical aspects of a variety of contracts; monitor contract expiration dates; survey end users to evaluate vendor performance; update mandatory requirements of assigned contracts such as Certificates of Insurance or business licenses; maintain and monitor contract and insurance database systems; ensure contract documents are signed by required approving authorities; approve requisitions and purchase orders for assigned contracts; and obtain the best price by securing informal quotes.

Purchasing Technician II's are distinguished from Purchasing Technician I's by a higher level of purchasing authority and responsibility for technical purchasing and contract duties that are more difficult in nature and require the interpretation and/or analysis of work assignments. Assignments involve problem solving and performance of technical duties within the framework of purchasing policies, procedures, requirements and applicable regulations. Initiative and judgment are required to determine the priority of assignments and to structure tasks to accomplish objectives within established schedules and timelines.

Purchasing Technician I: Under general supervision, incumbents issue and/or modify purchase orders from an approved request form; verify the accuracy of coding and vendor information provided by the agency; resolve routine problems arising from inconsistencies or errors; enter and retrieve purchasing data using computerized records systems; distribute documentation to appropriate personnel and vendors; answer routine inquiries from personnel and vendors regarding the application of purchasing-related regulations and departmental policies and procedures. At this level, the focus of the work is on processing purchasing documents within established administrative guidelines, regulations or instructions. Personal contacts are made to elicit, provide or exchange information that require explanations which are not abstract in nature.

PURCHASING TECHNICIAN III	29	F	7.311
PURCHASING TECHNICIAN II	27	F	7.319
PURCHASING TECHNICIAN I	25	F	7.320

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MINIMUM QUALIFICATIONS

PURCHASING TECHNICIAN III

EDUCATION AND EXPERIENCE: Graduation from high school and two years of technical purchasing experience which included negotiating with vendors for the purchase of desired quality, warranty, price and delivery date of goods and service; and interpreting and applying complex purchasing related policies, procedures and regulations to answer inquiries from vendors and staff and to purchase a variety of equipment, materials and services; **OR** one year of experience as a Purchasing Technician II in Nevada State service; **OR** an equivalent combination of education and experience *as described above*.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: [~~State and agency~~] Laws, regulations, policies and procedures related to the procurement of goods and services and use of open term contracts. **Ability to:** read and understand purchasing contracts, Certificates of Insurance and business licenses; receive and respond to complex inquiries related to purchasing issues such as technical specifications, contract terms and insurance requirements; interpret computer reports and data related to budgets and procurement of goods and services to identify inconsistencies, errors and/or problems; negotiate with vendors regarding desired quality, warranty, price and delivery date of goods and services; interpret, apply and explain complex laws, regulations, requirements, restrictions and standards to vendors and agency staff; *review and evaluate computer data related to management and maintenance of purchasing contracts*. **Skill in:** evaluating problems and making decisions involving the interpretation and application of purchasing procedures and regulations; resolving conflicts with vendors or staff related to the application of regulations, policies and procedures; *and all knowledge, skills and abilities required at the lower levels*.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Working knowledge of: applicable sections of the State Administrative Manual, NRS 333 and other laws regarding contracts and bids as applied to purchasing transactions, conformance to contract and/or bid specifications; State and/or university automated purchasing systems, and processing programs used to correct and verify purchasing transactions. **Ability to:** research and prepare specifications for the purchase of a variety of goods and services; research information from a variety of internal and external sources; work effectively as a team member.

PURCHASING TECHNICIAN II

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and three years of clerical experience which included one year of technical purchasing experience in applying standard policies and procedures to prepare and process requisitions, purchasing orders and invoices; interacting with vendors; and using computerized recordkeeping systems related to procurement, contract maintenance and purchase order tracking; **OR** one year of experience as a Purchasing Technician I in Nevada State service; **OR** an equivalent combination of education and experience *as described above*.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: principles, practices, policies and procedures used in the procurement of a variety of goods and services; computerized recordkeeping systems related to procurement, contract maintenance and purchase order tracking; technical terminology pertaining to the procurement of goods and services; use and processing of requisitions, purchase orders, invoices and related documents. **General knowledge of:** market value of a variety of items. **Ability to:** use reference manuals, catalogs, guides and other resource materials related to the procurement of goods and services; communicate with vendors and others regarding the price, availability, terms and delivery of goods and services; interpret and apply standard regulations, policies and procedures to specific problems and situations. **Skill in:** using a computer to maintain purchasing records and research contract or purchase information; *and all knowledge, skills and abilities required at the lower level*.

PURCHASING TECHNICIAN III	29	F	7.311
PURCHASING TECHNICIAN II	27	F	7.319
PURCHASING TECHNICIAN I	25	F	7.320

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MINIMUM QUALIFICATIONS (cont'd)

PURCHASING TECHNICIAN II

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):
~~Working knowledge of: State and agency laws, regulations, policies and procedures related to the procurement of goods and services and open term contracts. Ability to: review and evaluate computer data related to management and maintenance of purchasing contracts.~~ (These are identical to the Entry Level Knowledge, Skills and Abilities required for Purchasing Technician III.)

PURCHASING TECHNICIAN I

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and two years of clerical and/or administrative support experience which included maintaining records and/or files; preparing a variety of documents using spreadsheet, word processing and database computer programs; and assisting customers by responding to inquiries or gathering information; **OR** an equivalent combination of education and experience *as described above*.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):
Working knowledge of: operation and use of word processing, database and spreadsheet computer programs; customer service techniques; recordkeeping techniques and methods. **Ability to:** read and understand documents and instructions written in standard English; write grammatically correct routine business correspondence; use appropriate vocabulary and grammar to obtain and relay specific information in person or on the telephone; enter and retrieve data from a computer; establish and maintain cooperative working relationships with others; communicate effectively with others; add, subtract, multiply and divide whole numbers, fractions and percentages. **Skill in:** using standard office equipment such as copiers, fax machines, calculators and telephones.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):
 (These are identical to the Entry Level Knowledge, Skills and Abilities required for Purchasing Technician II.)

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>7.311</u>	<u>7.319</u>	<u>7.320</u>
ESTABLISHED:	3/16/83R 10/28/83PC 1/24/84-3	4/4/75 5/4/83R 10/28/83PC	4/4/75 5/4/83R 10/28/83PC
REVISED:	12/19/85-12	12/19/85-12	12/19/85-12
REVISED:	7/1/93P 9/24/92PC	6/1/90R 7/6/90-3	6/1/90R 7/6/90-3
REVISED:		7/1/93P 9/24/92PC	7/1/93P 9/24/92PC
REVISED:	7/15/05PC	7/15/05PC	7/15/05PC
REVISED:	3/23/12R 6/28/12UC		
REVISED:	9/29/17PC	9/29/17PC	9/29/17PC

FOR DISCUSSION AND POSSIBLE ACTION

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

September 29, 2017.

Item VI-A-2-a

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.643	Program Officer III	35	B	7.643	<i>Program Officer III</i>	35	B
7.647	Program Officer II	33	B	7.647	<i>Program Officer II</i>	33	B
7.649	Program Officer I	31	B	7.649	<i>Program Officer I</i>	31	B

EXPLANATION OF CHANGE

As part of the biennial Class Specification Maintenance Review process, the Division of Human Resource Management has conducted a review of the Program Officer series.

In consultation with Subject Matter Experts from sixteen State of Nevada Departments/Divisions and the Nevada System of Higher Education, as well as, recruitment experts from the Division of Human Resource Management, it is recommended that extensive changes be made to the series concept to clarify and expand on duties and responsibilities of the series. Distinguishing Characteristics were added to clarify differences between duties and responsibilities of a Program Officer versus Administrative Assistants, Management Analysts and Social Service Program Specialists. Also, a section was added regarding Allocation of Positions to further detail and clarify how Program Officers will be allocated between the three levels in the class series.

Furthermore, the class concepts for each level in the series were expanded to further clarify what distinguishes one level in the series from another.

In addition, the minimum qualifications were also revised. Informational Notes were added to indicate that some positions may require agency specific experience and/or additional certifications in order to qualify. Lastly, changes were made to the Education & Experience, Entry Level and Full Performance Knowledge, Skills and Abilities to account for the above changes, as well as, to maintain consistency with formatting and structure.

Throughout the course of the study, management and agency staff participated by offering recommendations and reviewing changes as the process progressed, and they support this recommendation.

Note: Changes, additions and/or deletions on the class specification are noted in red.



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
PROGRAM OFFICER III	35	B	7.643
PROGRAM OFFICER II	33	B	7.647
PROGRAM OFFICER I	31	B	7.649

SERIES CONCEPT

Program Officers administer a program or major component of a program by planning, coordinating and managing services and activities in accordance with legal and regulatory requirements and established program performance standards and objectives. Incumbents make decisions that significantly impact program direction and participants or clients and must determine the process required to achieve results within resource constraints.

Recommend, interpret, implement and disseminate regulations, policies and procedures related to program operations; and review amendments to applicable laws and regulations and incoming policy or procedural information for interpretation and distribution.

Research, develop, recommend and implement long term plans to enhance and maximize services provided; evaluate the success of the program and adapt to changes in funding, eligibility requirements and production/processing elements of the program.

Provide specialized information and services and serve as the technical expert regarding the assigned program services, activities and requirements; provide information, either verbally or in writing, to other State and federal agencies, management, department staff, program participants and the general public to ensure understanding and compliance; explain and apply laws, regulations, policies and procedures, and resolve high-level customer service issues and complaints; may develop and conduct presentations before State and federal agencies, management, program participants and/or other stakeholders as required.

Monitor program activities through on-site visits and/or the review of reports and records to ensure compliance with federal and/or State laws; evaluate and recommend changes to provider eligibility, client needs, vendor requirements, or identify client abuse or fraud; identify and project demographic and economic trends; conduct studies related to assigned program area; evaluate information and prepare reports requiring a thorough analysis of data and make recommendations on a course of action or problem resolution.

Conduct training and/or provide technical assistance for program participants and/or staff; write, revise and/or recommend the implementation of procedural manuals or program documentation; conduct ongoing clientele needs assessment and program evaluation by collecting and analyzing data.

Oversee the collection, maintenance and organization of required program records and documentation; prepare and ensure distribution of statistical, financial and narrative reports and summaries; and prepare information for management concerning program activities in order to make budget requests, identify problem areas, recommend solutions or facilitate policy decisions.

May supervise professional, technical or administrative staff to include performance evaluations, work performance standards, scheduling, work assignment and review, training and discipline.

Perform related duties as assigned.

PROGRAM OFFICER III
PROGRAM OFFICER II
PROGRAM OFFICER I
Page 2 of 9

35 **B** **7.643**
33 **B** **7.647**
31 **B** **7.649**

DISTINGUISHING CHARACTERISTICS

Programs are characterized by a sequence of operations providing direct services to entities such as individuals, groups, or other agencies. Programs are funded by the State, federal government, other granting agencies, or are self-supporting. The program requires detailed work plans, guidelines, and program performance standards and objectives for providing services, eligibility requirements, recordkeeping and financial reporting, and evaluation of program success.

Program Officers are professionals who are responsible and accountable for the activities of their work units. Incumbents delegate the routine processing of program documents, data entry and retrieval, and responses to routine inquiries to subordinate staff. Program Officers exist to administer a program or major component of a program, resolve problems, and diplomatically represent the program to the media, the public, and/or other agencies when important information needs to be disseminated or sensitive issues arise.

Program Officers are distinguished from Administrative Assistants in that they have direct accountability for the management of their program area and responsibility and authority to take action and make decisions within the program area, and a preponderance of time is spent on non-clerical duties. The focus of the work of Program Officers is on organization, administration and evaluation of a complex sequence of steps required to provide services to a specific clientele or programmatic area. Administrative Assistants prepare and maintain records, forms and other program related documentation in support of professional staff; follow established policy, procedures and direction of professional staff. In some instances they may be delegated operational responsibility for certain aspects of a program; however, the decision-making and authority to take action is the responsibility of the Program Officer.

Program Officers are distinguished from Management Analysts by the concentration and scope of analytical work performed by positions in the Management Analyst series. Management Analysts conduct studies, research and analysis of management and administrative areas such as budgeting and financial analysis; departmental operations including policies and workflow; legislative analysis; management research; and statistical and informational analysis. Incumbents make recommendations and implement new or revised procedures and systems. The focus of the work is research and analysis rather than program administration.

Program Officers are distinguished from Social Services Program Specialists in that Social Services Program Specialists perform administrative and professional work in conjunction with the administration of statewide public assistance, medical assistance, or social services programs. Social Services Program Specialists are primarily focused on program administration functions which include interpretation of regulations and laws, development of program policies and procedures, quality assurance and quality control, preparation of statistical and narrative reports for federal and State entities and division/department management and development and enhancement of automated systems that support program operations.

Although Program Officers typically have some responsibility for budget preparation, grants monitoring and financial reporting, this is not the focus of their work. Positions that are dedicated to fiscal activities such as accounts receivable, accounts payable, grants management, monitoring budget balances and/or preparation and maintenance of agency budgets should be allocated to an accounts maintenance, grants analyst or financial management class.

ALLOCATION OF POSITIONS

Allocation of positions to a level within the series is determined by a review of the nature and complexity of work performed; the knowledge, skills and abilities required; independence/supervision received; scope of responsibility/consequence of error; authority to take action/decision-making; and personal contacts necessary to complete work.

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ALLOCATION OF POSITIONS (cont'd)

Specific considerations in allocating Program Officer positions include program size in terms of program budget, clientele, and number and distribution of locations served; number and type of subordinate positions; interagency coordination and cooperation; federal regulation; multiple funding source accountability; program participation fees/funds/monies received/disbursed; number and types of legislatively mandated reports; public and legislative liaison duties; and the role of the program in relation to the overall agency mission. All factors are evaluated in the allocation process, and the level is determined by the duties of the position as a whole. Incumbents may be assigned supervisory responsibility at any level in the series, but this responsibility does not, by itself, warrant allocation to a higher level.

CLASS CONCEPTS

Program Officer III: *Under administrative direction, incumbents perform the full range of duties described in the series concept. Incumbents are responsible for administering a large and complex program which affects a significant number of people on a continuing basis; develop, revise, recommend, and implement changes to work plans, program performance standards and objectives for providing services, and eligibility requirements as permitted by program regulations and guidelines; ensure compliance with State, federal and/or other granting agencies rules and regulations; and draft laws, rules and/or regulation changes.*

Positions allocated to a singular large, complex program may supervise subordinate staff; however, positions that are responsible for multiple sub-program areas must supervise professional staff which may include subordinate Program Officers or supervise a large support staff through at least one subordinate supervisor.

In addition to specific considerations outlined in the allocation of positions, this class is distinguished from the Program Officer II class by its increased latitude in decision making resulting from coordinating broad nonspecific rules and/or regulations.

Program Officer II: *Under general direction, incumbents perform the duties described in the series concept. Incumbents administer one or more programs or a major component of a large, complex program which affects a more targeted number of customers or clients; revise, recommend, and implement changes to work plans, program performance standards and objectives for providing services, and eligibility requirements as permitted by program regulations and guidelines.*

Positions allocated to a singular program may supervise subordinate staff; however, positions that are responsible for multiple sub-program areas must supervise one or more subordinate Program Officers or technical/administrative support staff performing duties of a more routine/technical nature.

Program Officer I: *Under limited supervision, incumbents perform the duties described in the series concept either statewide or within a formally established region/district. Incumbents recommend and implement changes to work plans, program performance standards and objectives for providing services, and eligibility requirements as permitted by program regulations and guidelines; and may train, supervise, and evaluate the performance of subordinate staff and/or a staff consisting of several students, volunteers and/or contract staff.*

Incumbents are distinguished from higher level Program Officers in that they administer a program or a program component of limited scope, within established parameters, and have limited authority to change program requirements and operations.

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MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENTS:

- * Pursuant to NRS 284.4066, some positions in this series have been identified as affecting public safety. Persons offered employment in these positions must submit to a pre-employment screening for controlled substances.*
- * Some positions require a valid driver's license or evidence of equivalent mobility at the time of appointment and as a condition of continuing employment.*
- * Some positions require a State of Nevada/FBI fingerprint based background check as a condition of appointment and as a condition of continuing employment.*

INFORMATIONAL NOTES:

- * Some positions may require agency specific experience which will be identified at the time of recruitment.*
- * Some positions may require additional certifications at the time of appointment and as a condition of continuing employment, which will be identified at the time of recruitment.*

PROGRAM OFFICER III

EDUCATION AND EXPERIENCE: *Bachelor's degree from an accredited college or university in business or public administration, or other discipline related to the program assignment and two years of professional experience in planning, coordinating or administering a program which included interpretation of laws and regulations; development of program policy and procedures; development and implementation of program performance standards and objectives for providing services; and development and implementation of eligibility requirements; OR graduation from high school or equivalent education and four years of professional experience as described above; OR one year of experience as a Program Officer II in Nevada State service; OR an equivalent combination of education and experience as described above. (See Special Requirements and Informational Notes)*

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):
Detailed knowledge of: research techniques sufficient to collect, analyze, interpret and report data in both a narrative and statistical format; principles and practices of funding sources and administrative techniques for delivery of programs. Ability to: motivate others to effective action; coordinate diverse activities to ensure completion of projects, tasks and assignments; work within specific agency programs or operations, policies and procedures affecting assigned work; participate with management in the development of short and long range goals and objectives; prepare clear, concise, effective presentations using presentation software; and all knowledge, skills and abilities required at the lower levels.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):
Detailed knowledge of: purpose, goals, rules and regulations of the program administered. Working knowledge of: State budgetary and legislative processes; management concepts and practices as applied to public administration; organizational structure, policies and administrative procedures of the State agency. Ability to: make independent judgments and decisions in the application and explanation of laws and regulations or policies and procedures; use initiative and independent judgment within general policy guidelines; analyze information/situations, project consequences of proposed actions, formulate alternative solutions and make appropriate responses or recommendations; evaluate programs to determine their effectiveness in meeting goals and objectives and develop and implement program modifications; plan, organize, and direct the activities of varied program functions to accomplish established goals and optimize efficiency; plan, monitor and evaluate program goals and objectives and service delivery effectiveness in the programmatic area to which assigned; read, interpret, apply and explain pertinent laws, statutes, codes, regulations and standards including administrative and departmental policies and procedures; evaluate programs to determine their effectiveness in meeting goals and objectives and develop and implement program modifications; analyze, research, develop and

MINIMUM QUALIFICATIONS (cont'd)

PROGRAM OFFICER III (cont'd)

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job): *implement improved operational work methods consistent with program requirements, State regulations, pertinent laws and departmental policies; communicate verbally to explain decisions, services, or programs or to resolve problems through cooperative negotiations. Skill in: preparing and presenting public presentations.*

PROGRAM OFFICER II

EDUCATION AND EXPERIENCE: *Bachelor's degree from an accredited college or university in business or public administration, or other discipline related to the program assignment and one year of professional experience in planning, coordinating and administering a program which included interpretation of laws and regulations; development of program policy and procedures; development and implementation of program performance standards and objectives for providing services; and development and implementation of eligibility requirements; OR graduation from high school or equivalent education and three years of professional experience as described above; OR one year of experience as a Program Officer I in Nevada State service; OR an equivalent combination of education and experience as described above. (See Special Requirements and Informational Notes)*

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application): *Working knowledge of: terminology, acronyms and subject matter relative to assigned program; the purpose, goals, and regulations of the program administered; administrative principles and practices, including goal setting, program development and implementation; program organization, planning and evaluation; research techniques, data collection, analysis and report preparation; budgetary practices and terminology. Ability to: identify programmatic and operational problems, investigate and evaluate alternatives and implement effective solutions; resolve problems and obtain cooperation from others; interpret, apply and explain applicable laws, regulations, policies and procedures and apply interpretations to specific situations; analyze, evaluate and solve procedural problems; and all knowledge, skills and abilities required at the lower level.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job): *(These are identical to the Entry Level Knowledge, Skills and Abilities required for Program Officer III.)*

PROGRAM OFFICER I

EDUCATION AND EXPERIENCE: *Bachelor's degree from an accredited college or university in business or public administration, or other discipline related to the program assignment; OR graduation from high school or equivalent education and two years of para-professional program support experience equivalent to an Administrative Assistant III in Nevada State service which required the application of State and/or federal laws, policy and procedures; reviewing documents prepared by others for program compliance determinations; or preparing reports which summarize financial and statistical information; OR an equivalent combination of education and experience as described above. (See Special Requirements and Informational Notes)*

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application): *Working knowledge of: methods and practices used in developing and presenting information; English grammar, spelling and punctuation sufficient to compose reports and business correspondence; basic mathematical computation. Ability to: analyze and interpret policies, regulations and technical materials; compose clear, grammatically correct and concise written communications such as responses to inquiries, narrative reports and instructional materials and other written materials; contribute effectively to accomplish team or work unit goals, objectives and activities; effectively interact and communicate with a variety of individuals from various socioeconomic, ethnic and cultural backgrounds;*

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MINIMUM QUALIFICATIONS (cont'd)

PROGRAM OFFICER I (cont'd)

***ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):
 independently analyze and resolve problems and determine appropriate action and implement solutions;
 communicate verbally to explain decisions, services, or programs or resolve problems through
 negotiation; establish and maintain effective working relationships with those contacted in the course of
 work assignments; contribute ideas and assist management in the development of short and long range
 goals and objectives; develop and implement program components and services; supervise assigned staff.
 Skill in: operation of a personal computer to effectively input, retrieve and manipulate data. (See Special
 Requirements and Informational Notes)***

***FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):
 (These are identical to the Entry Level Knowledge, Skills and Abilities required for Program Officer II.)***

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>7.643</u>	<u>7.647</u>	<u>7.649</u>
ESTABLISHED:	7/1/93P 9/24/92PC	7/1/93P 09/24/92PC	7/1/89P 09/27/88PC
REVISED:			5/29/92PC
REVISED:			7/01/93P 9/24/92PC
<i>REVISED:</i>	<i>9/29/17PC</i>	<i>9/29/17PC</i>	<i>9/29/17PC</i>

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[SERIES CONCEPT]

~~Program Officers perform administrative work in planning, coordinating, and directing a comprehensive program or program function for a specific clientele.~~

~~Incumbents administer a specific program for clientele by implementing established policies and procedures (i.e. accepting and reviewing applications and/or documents containing specific information to determine eligibility for participation in the program according to established criteria) in order to meet established goals and objectives.~~

~~Incumbents monitor program operations through on-site visits and the review of reports and records to recommend and implement changes in the method, procedure or operation of the program.~~

~~Incumbents provide information and interpretation of the program and its rules and regulations to department staff, program participants and the general public to ensure their understanding and/or compliance.~~

~~Incumbents compile data and prepare reports of program activities in order to make budget requests and to identify problem areas and recommend solutions or to aid management in making policy decisions and in analyzing the program's success.~~

~~Incumbents conduct training and/or provide technical assistance for program service providers including how to complete required forms and documentation and/or the operation of an automated system if applicable. Writes or revises and recommends the implementation of a procedural manual to ensure providers' understanding and compliance with all the rules and regulations.~~

~~Incumbents perform related work as required.~~

CLASS CONCEPTS

Program Officer III:

~~Under administrative direction, Program Officer III's are expected to perform the full range of duties as described in the series concept. Work is assigned through goals and objectives and reviewed through goal attainment and as unusual circumstances occur. Incumbents are responsible for administering a large program which affects a significant number of people on a continuing basis. Work involves planning and developing processes and carrying out programs by interpreting and applying broadly stated and nonspecific policies. This class is distinguished from the Program Officer II class by its increased latitude in decision making resulting from coordinating broad nonspecific rules and/or regulations.~~

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~~CLASS CONCEPTS (cont'd)~~

Program Officer II:

~~Under general direction, Program Officer II's perform the full range of duties as described in the series concept. Work is assigned through goals and objectives and reviewed through goal attainment and as unusual circumstances occur. Incumbents have a moderate degree of latitude in choosing the manner in which to accomplish goals and objectives. They supervise one or more Program Officer I's or technical/operations staff performing similar duties of a more routine/technical nature. This is the second level in the series.~~

Program Officer I:

~~Under direction, Program Officer I's are responsible for performing the duties as described in the series concept in a more limited manner. Incumbents have less latitude in choosing the manner in which the work is performed and are typically confined within more stringent regulations and guidelines than the Program Officer II. While this class is expected to coordinate and supervise the work activities of others, this responsibility is typically confined to clerical and non-technical support staff assigned to the program area.~~

MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENTS:

- * Pursuant to NRS 284.4066, some positions in this series have been identified as affecting public safety. Persons offered employment in these positions must submit to a pre-employment screening for controlled substances.
- * Some positions require a valid driver's license or evidence of equivalent mobility at the time of appointment and as a condition of continuing employment.

PROGRAM OFFICER III

~~EDUCATION AND EXPERIENCE: Graduation from an accredited college or university in public administration or related field and two years of previous experience in planning, coordinating or administering a program; **OR** two years experience as a Program Officer II in Nevada State service; **OR** graduation from high school or the equivalent and six years of previous experience in planning, coordinating or administering a program; **OR** an equivalent combination of education and experience. (See Special Requirements)~~

~~ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):
Knowledge of: departmental organizational structure, policies and administrative procedures of the State and agency, supervisory techniques including selection, training, motivation, work assignment and review, establishing work performance standards, and discipline. **Skill in:** planning, organizing and making presentations, operating a computer terminal to effectively input, retrieve and manipulate data, written English sufficient to compose reports and business correspondence, basic mathematical computation, effectively interacting with other people including communication *and all knowledge, skills and abilities required at the lower levels.*~~

~~FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):
Knowledge of: budgetary process and legislative processes. **Comprehensive knowledge of:** the purpose, goals, rules and regulations of the program administered. Thorough knowledge of management concepts and practices as applied to public administration. **Skill in:** analyzing, researching, developing and implementing improved operational work methods consistent with program requirements, state regulations, pertinent laws and departmental policies.~~

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MINIMUM QUALIFICATIONS (cont'd)

PROGRAM OFFICER II

~~EDUCATION AND EXPERIENCE: Graduation from an accredited four year college or university in public administration or a related field and one year of previous experience in planning, coordinating or administering a program; **OR** one year experience as a Program Officer I in Nevada State service; **OR** graduation from high school or the equivalent and five years of previous experience in planning, coordinating or administering a program; **OR** an equivalent combination of education and experience. (See *Special Requirements*)~~

~~ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):
Thorough knowledge of: the purpose, goals, rules and regulations of the program administered. **Skill in:** operating a computer terminal to effectively input, retrieve and manipulate data, written English sufficient to compose reports and business correspondence, basic mathematical computation, effectively interacting with other people including communication.~~

~~FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):
Knowledge of: supervisory techniques including selection, training, motivation, work assignment and review, establishing work performance standards, and discipline. **Skill in:** motivating others to effective action.~~

PROGRAM OFFICER I

~~EDUCATION AND EXPERIENCE: Graduation from an accredited four year college or university in public administration or a related field; **OR** graduation from high school or the equivalent and four years of previous experience either performing or assisting in the planning, coordinating or administering of a program; **OR** an equivalent combination of education and experience. (See *Special Requirements*)~~

~~ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):
Skill in: operating a computer terminal to effectively input, retrieve and manipulate data, analyzing and interpreting State policies, procedures, and rules relevant to program areas, written English sufficient to compose reports and business correspondence, basic mathematical computation, effectively interacting with other people including communication.~~

~~FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):
Thorough knowledge of: the purpose, goals, rules and regulations of the program administered.]~~

FOR DISCUSSION AND POSSIBLE ACTION

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

September 29, 2017.

Item VI-B-1-a

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
10.723	Pharmacy Technician II	27	C	<i>10.723</i>	<i>Pharmacy Technician II</i>	<i>27</i>	<i>C</i>
10.728	Pharmacy Technician I	25	C	<i>10.728</i>	<i>Pharmacy Technician I</i>	<i>25</i>	<i>C</i>

EXPLANATION OF CHANGE

As part of the biennial Class Specification Maintenance Review process, the Division of Human Resource Management has conducted a review of the Pharmacy Technician series.

In consultation with Subject Matter Experts from the Department of Health and Human Services, Department of Corrections, and recruitment experts from Human Resource Management, it was determined that minor revisions be made to the series concept of the Pharmacy Technician to update verbiage which better reflects duties that may be performed. Also, a minor change was made to the class concept for the Pharmacy Technician I to further clarify requirements to be progressed to the journey level in the series. Additionally, minor revisions were made to the minimum qualifications at each level in order to maintain consistency with formatting and structure.

Throughout the course of the study, management and agency staff participated by offering recommendations and reviewing changes as the process progressed, and they support this recommendation.

Note: Changes, additions and/or deletions on the class specification are noted in red.



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
PHARMACY TECHNICIAN II	27	C	10.723
PHARMACY TECHNICIAN I	25	C	10.728

SERIES CONCEPT

Pharmacy Technicians process prescriptions and practitioners' orders; inspect drug storage areas; maintain inventory; manage central supply; and provide technical support services to professional pharmacists.

Procure inpatient prescription orders from nursing care units; *may* review prescriptions and orders to identify obvious errors or incomplete information such as requests for discontinued items, non-formulary products, illegible or incomplete orders, or drug incompatibilities and report to supervising pharmacist; prepare prescriptions and orders in accordance with federal, State, and accreditation standards.

May [F]transcribe orders and list available data such as patient unit, age, sex, diagnosis, allergies, drug history, and medication information; record transactions in patient profile to comply with recordkeeping requirements mandated by State and federal laws; measure and fill patient medications; prepare labels in accordance with State laws and accreditation standards; and complete billing forms in order to collect payments and record transactions.

Inspect drug storage areas; check medication rooms on units to comply with accreditation requirements; check unit emergency boxes to verify that locks are intact; check for outdated drugs to ensure compliance with federal and State regulations.

Maintain inventory of supplies; record low supply levels in order to indicate ordering needs; verify supplier of items needed to comply with State purchasing requirements; calculate projected supply needs and determine quantity to be ordered; complete order forms and submit approved request for supplies; and route order forms to proper office to complete transactions.

Maintain central supply inventory of disposable medical supplies such as bandages, thermometers, and syringes; determine needs and order supplies to provide practitioners with materials needed to fulfill medical treatment needs; verify receipt of items in order to confirm delivery and process payment to vendor.

Perform related duties as assigned.

CLASS CONCEPTS

Pharmacy Technician II: Under general supervision of a licensed pharmacist, incumbents perform the duties described in the series concept. This is the journey level in the series.

Pharmacy Technician I: Under close supervision of a licensed pharmacist, incumbents receive training in performing the duties described in the series concept. This is the trainee level in the series. *Progression to the journey level may occur upon meeting minimum qualifications, satisfactory performance and with the approval of the appointing authority.*

MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENTS:

- * Pharmacy Technician II - Licensure as a Pharmaceutical Technician by the Nevada State Board of Pharmacy at the time of appointment and as a condition of continuing employment.
- * Pharmacy Technician I Registration as a Pharmaceutical Technician in Training with the State Board of Pharmacy at the time of appointment and as a condition of continuing employment.
- * Pursuant to NRS 284.4066, positions in this series have been identified as affecting public safety. Persons offered employment in this position must submit to a pre-employment screening for controlled drugs.

PHARMACY TECHNICIAN II

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and one year of experience as a licensed Pharmaceutical Technician in a pharmacy; **OR** one year as a Pharmacy Technician I in Nevada State service; **OR** an equivalent combination of education and experience *as described above.* (See Special Requirements)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: *agency policies and procedures;* medical terminology; *and* pharmaceutical products. **General knowledge of:** federal and State laws pertaining to the practices of pharmacies. **Ability to:** maintain a variety of records and files; type prescription labels in proper format; transcribe practitioners' instructions; *and all knowledge, skills and abilities required at the lower level.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Working knowledge of: pharmaceutical computer systems; and agency policies and procedures related to preparing prescription medications. **General knowledge of:** drug interactions; and the requirements of accreditation agencies. **Ability to:** perform pharmaceutical calculations.

PHARMACY TECHNICIAN I

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and one year of experience in a retail, institutional or home health care pharmacy. (See Special Requirements)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: the metric system of measurement; and high-school level algebra and biology or chemistry. **General knowledge of:** drug indications, side effects and dosage; and chemical formulas and terminology. **Ability to:** follow written and oral instructions; perform basic mathematical calculations; communicate effectively both orally and in writing; and take inventory of supply and prepare related records.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

(These are identical to the Entry Level Knowledge, Skills and Abilities required for Pharmacy Technician II.)

~~[Working knowledge of: agency policies and procedures; medical terminology; and pharmaceutical products. General knowledge of: federal and State laws pertaining to the practices of pharmacy. Ability to: maintain a variety of records and files; type prescription labels in proper format; and transcribe practitioners' instructions.]~~

PHARMACY TECHNICIAN II

27

C

10.723

PHARMACY TECHNICIAN I

25

C

10.728

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This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

10.723

10.728

ESTABLISHED: 8/25/77
REVISED: 9/12/78-3
REVISED: 7/1/87-12P
7/18/86PC
REVISED: 9/27/93UC
REVISED: 7/1/99P
12/17/98PC
REVISED: 10/1/03LG
REVISED: 9/29/17PC

8/25/77
9/12/78-3
7/1/87-12P
7/18/86PC
9/27/93UC
7/1/99P
12/17/98PC
10/1/03LG
9/29/17PC

FOR DISCUSSION AND POSSIBLE ACTION

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

September 29, 2017.

Item VI-C-1-a

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
11.260	Security Officer Supervisor	29	D	<i>11.260</i>	<i>Security Officer Supervisor</i>	<i>29</i>	<i>D</i>
11.263	Security Officer	27	D	<i>11.263</i>	<i>Security Officer</i>	<i>27</i>	<i>D</i>

EXPLANATION OF CHANGE

The Nevada Department of Administration, Division of Human Resource Management conducted a class specification maintenance review for the Security Officer series.

In consultation with Subject Matter Experts from the Department of Tourism and Cultural Affairs, Great Basin College, and recruitment experts from the Division of Human Resource Management, it was determined that the concepts, minimum qualifications and knowledge skills and abilities are consistent with current expectations.

Minor revisions, however, were made to the minimum qualifications to clarify equivalency statements and to maintain consistency with formatting and structure.

Throughout the course of the study, management and agency staff participated by offering recommendations and reviewing changes as the process progressed, and they support this recommendation.

Note: Changes, additions and/or deletions on the class specification are noted in red.



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
SECURITY OFFICER SUPERVISOR	29	D	11.260
SECURITY OFFICER	27	D	11.263

SERIES CONCEPT

Security Officers provide security for State buildings and grounds; provide protective services to buildings and occupants; enforce applicable laws, rules, regulations and policies; and apprehend offenders.

Maintain security of assigned buildings or facilities and surrounding property by conducting visual surveillance through camera monitors or direct observation; monitor State property, displays and individuals entering and leaving buildings and take appropriate action according to department policy.

Patrol buildings and grounds checking windows, locks, doors and security systems for damage or possible breach of security; follow established procedures and guidelines when security or safety violations occur.

Monitor physical condition of facilities to include electrical, structural, *life safety systems* and mechanical systems and report failures and deficiencies.

Maintain proficiency and certification in the use of firearms and personal defense equipment as required by the department.

Enforce laws, rules and regulations by verbally warning, trespassers or detaining violators; interact with other State and local law enforcement agencies and other personnel to maintain the safety and security of the facilities, property, staff and general public.

Prepare and maintain security logs; complete forms and reports regarding security activity on assigned shift in accordance with departmental policy and procedure.

Assist the public by giving directions, answering questions, explaining rules, referring to appropriate staff or providing necessary forms.

Maintain proper use, control and accountability of keys, electronic access and surveillance equipment, uniforms and identification and/or monies by following established safety and security procedures.

Provide emergency responses or assistance regarding safety and security matters; relay emergency communications; administer first aid; conduct initial investigations and coordinate efforts with local law enforcement agencies; complete required forms and reports.

Perform related duties as assigned.

CLASS CONCEPTS

Security Officer Supervisor: Under limited supervision, incumbents are responsible for supervising, training, scheduling, evaluating and coordinating subordinate Security Officers and perform the *full* range of duties described in the series concept. This is the supervisory level in the series.

CLASS CONCEPTS (cont'd)

Security Officer: Under general supervision, incumbents perform the *full* range of duties described in the series concept. This is the journey level in the series.

MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENTS:

- * Pursuant to NRS 284.4066, some positions in this class have been identified as affecting public safety. Persons offered employment in these positions must submit to a pre-employment screening for controlled substances.
- * A valid driver's license is required at time of appointment and as a condition of continuing employment.
- * Some positions required working on evening, weekends, and/or holidays.
- * Some positions require firearms certification per P.O.S.T. criteria as a condition of continuing employment.
- * Some positions require certification in CPR at time of appointment and as a condition of continuing employment.
- * Some positions require first aid certification at time of appointment and as a condition of continuing employment.

SECURITY OFFICER SUPERVISOR

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and one year of experience providing protective services to buildings and occupants, enforcing laws, rules, regulations, and policies and maintaining proper use, control and accountability of keys and electronic access and surveillance equipment; *OR one year of experience as a Security Officer in Nevada State service; OR* an equivalent combination of education and experience *as described above*. (See Special Requirements)

ENTRY LEVEL KNOWLEDGE, SKILLS, AND ABILITIES (required at time of application):

Working knowledge of: modern security and surveillance equipment. **Ability to:** write routine business correspondence such as incident reports, performance evaluations and work schedules *using business software including spreadsheets and databases*; mediate between contending parties and groups; operate, inspect and adjust security systems, equipment, and machinery to ensure operational use and to detect evidence of tampering; monitor and authorize entrance and departure of employees, visitors, and other persons to guard against theft and maintain security of premises; patrol assigned premises to prevent and detect signs of intrusion and ensure security of doors, windows, and gates; *analyze situations accurately and recommend or take effective courses of action including thinking and acting quickly in emergencies; communicate clearly using electronic communication devices; operate electronic security devices; use a computer to enter and retrieve information, and all knowledge, skills and abilities required at the lower level.*

FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES (typically acquired on the job):

Working knowledge of: supervisory principles and practices; applicable federal and State laws, rules and regulations in order to keep facilities and grounds secure; agency policies and procedures related to security; policies, procedures, and strategies used to promote effective local, State, or national security operations for the protection of people, property, and facilities. **Ability to:** train, supervise and evaluate the performance of assigned staff.

MINIMUM QUALIFICATIONS (cont'd)

SECURITY OFFICER

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and two years of experience in public contact work which included applying and implementing rules, regulations or established policies. *(See Special Requirements)*

ENTRY LEVEL KNOWLEDGE, SKILLS, AND ABILITIES (required at time of application):

~~[General]~~ **Working knowledge of:** English grammar, punctuation, composition and spelling *sufficient enough to communicate both orally and in writing* to complete narrative reports *using business software including spreadsheets and database management*. **Ability to:** read and understand standard rules, regulations, policies and procedures; apply and enforce agency rules, regulations, policies and procedures; speak on a one-to-one basis using appropriate vocabulary and grammar to give directions, answer questions and explain rules; interact with people of various backgrounds; establish and maintain cooperative working relationships with State and local government personnel; maintain composure when dealing with resistant or hostile people; observe people and/or events and take appropriate action based on established procedures; work independently and follow through on assignments with minimal direction; interact diplomatically with the public.

FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES (typically acquired on the job):

(These are identical to the Entry Level Knowledge, Skills and Abilities required for Security Officer Supervisor).

~~[Ability to: analyze situations accurately and recommend or take effective courses of action including thinking and acting quickly in emergencies; communicate clearly using electronic communication devices; operate electronic security devices; use a computer to enter and retrieve information.]~~

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

11.260

11.263

ESTABLISHED:	7/6/92UC	8/1/68
REVISED:		12/1/68
REVISED:		8/31/73
REVISED:		3/20/79-3
REVISED:		5/8/79-3
REVISED:		10/20/81-3
REVISED:		5/7/82-3
REVISED:		8/6/87-3
REVISED:		7/1/91P
		10/19/90PC
REVISED:		7/1/91P
		5/24/91-3
REVISED:		11/15/91PC
REVISED:	2/9/04UC	2/9/04UC
REVISED:	9/29/17PC	9/29/17PC

FOR DISCUSSION AND POSSIBLE ACTION

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

September 29, 2017.

Item VI-D-1-a

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
12.127	ESD Program Specialist III	37	B		No Change		
12.128	ESD Program Specialist II	35	B		No Change		
12.129	ESD Program Specialist I	34	B		No Change		

EXPLANATION OF CHANGE

The Nevada Department of Administration, Division of Human Resource Management conducted a class specification maintenance review for the ESD Program Specialist series. In consultation with management and Agency Human Resources staff from the Department of Employment, Training and Rehabilitation that utilize this classification, it was determined that the concepts, minimum qualifications, and knowledge, skills and abilities are consistent with current expectations. It is recommended that the class specification remain the same with no changes. Management and Agency Human Resources staff support this determination.

Note: Changes, additions and/or deletions on the class specification are noted in red.



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
ESD PROGRAM SPECIALIST III	37	B	12.127
ESD PROGRAM SPECIALIST II	35	B	12.128
ESD PROGRAM SPECIALIST I	34	B	12.129

SERIES CONCEPT

ESD Program Specialists are typically located in a central administrative program staff support section and participate in statewide program development; interpretation of federal and State laws and regulations; program planning, budgeting, and quality assurance; procedure development and evaluation; and training development and presentation for a variety of Employment Security Division (ESD) programs related to unemployment insurance benefits, employer unemployment tax contributions, and workforce investment services. Incumbents may be assigned to one specialized program area or may work in a combination of programs.

Participate in planning and developing ESD programs that provide mandated services and comply with State and federal laws and regulations; conduct needs assessments; research and evaluate existing programs; calculate financial and operational impact to the agency; prepare reports and recommendations for management; apply for grants and develop program plans.

Apply knowledge of computer technologies within a single application or program area; develop automated training modules; troubleshoot operating problems; prepare specialized promotional materials; develop databases.

Develop and revise program documentation to include State plans, policy manuals, procedures, forms, and contracts to ensure programs are implemented in accordance with established goals and objectives and in compliance with State and federal laws and regulations; gather and document input from program personnel and other interested parties; coordinate new or revised processes between affected units; acquire agency and regulatory approval as needed.

Monitor program quality and compliance to ensure programs are operating effectively, efficiently and in compliance with applicable laws and regulations; evaluate work samples for required quality assurance reviews using established tools and methodology; develop, monitor and validate management information reports to ensure reliability of computer programming; conduct on-site reviews of agency program operations, management practices, and program and financial records; identify problem areas, summarize findings in written and statistical reports, and develop recommendations for corrective action.

Provide technical assistance and guidance to management and staff providing client services in assigned program area; respond to inquiries and requests for information from agency management and personnel, other government agencies, community representatives, government officials, and the general public; provide policy clarification and statistical information; complete surveys from outside agencies; resolve complaints; and draft correspondence for managers, administrators and officials.

Plan and conduct studies to provide administration with needed information; design instruments for gathering data; examine and review existing programs; compile and analyze data; prepare comprehensive reports and develop recommendations.

ESD PROGRAM SPECIALIST III	37	B	12.127
ESD PROGRAM SPECIALIST II	35	B	12.128
ESD PROGRAM SPECIALIST I	34	B	12.129

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SERIES CONCEPT (cont'd)

Assist in monitoring program funds to ensure expenditures are appropriate and in accordance with goals and objectives; assess demands and estimate costs for services for assigned program clients; allocate funds to offices; analyze fiscal reports for compliance with budgetary limits and planned expenditures; monitor revenues and expenditures and notify appropriate manager if significant deviations occur.

Develop and implement training programs; analyze and research training needs; evaluate training models; develop appropriate training curriculum, materials and methods; establish training schedules; conduct training sessions; evaluate and update curriculum as required.

Develop working relationships with other state, federal, county and city agencies and service delivery organizations; ensure assigned program policies and procedures integrate with established federal and State programs and regulations; coordinate activities to optimize efficient client services.

Perform related duties as assigned.

CLASS CONCEPTS

ESD Program Specialist III: Incumbents at this level either:

- 1) Work under general direction of an ESD Program Chief and supervise and evaluate the performance of lower level ESD Program Specialists in performance of the work described in the series concept. In addition, they are responsible for long range, broad based planning for a variety of complex programs or policy development affecting major aspects of the work unit's activities/functions. Incumbents prepare project justifications; implement projects; establish and maintain project priorities, timelines and completion dates; review work and provide technical and professional guidance to subordinate staff and contractors. This level is distinguished from the lower levels by supervisory authority and by greater scope of responsibility and complexity of work; or
- 2) Report directly to the department director and perform professional work in support of departmental programs and activities. The incumbent performs special assignments on departmental and divisional levels and must have broad program knowledge and skills that include preparation of written materials, research and analysis of technical information, and representing upper management at special meetings, committees and conferences. Examples of specific duties at this level include preparing comprehensive narrative and statistical reports; writing, editing and releasing memoranda, the director's correspondence, and other written materials; ensuring materials are factual, current and accurate; and preparing speeches and speaking notes for management. The incumbent also participates in, chairs and/or oversees a variety of committees and work groups which significantly impact department and division programs, operations, staff and activities. Assignments at this level are characterized by a high degree of visibility and consequence of error in representing the director to various groups and individuals in the community and the department.

ESD Program Specialist II: Incumbents at this level perform the full range of duties described in the series concept and plan, develop, support implementation, and monitor comprehensive, complex programs and grants for the division and are responsible for interpreting the broad and sometimes ambiguous statutes and regulations that govern an assigned program area. This level is distinguished from lower level positions by greater responsibility for comprehensive complex programs and grants; independence in interpreting statutes and regulations and conducting on-site evaluations of grantees.

Based on knowledge of ESD programs and services, conduct on-site evaluations of grantees which may include operations, management practices, and/or program and financial records; identify problem areas, summarize

ESD PROGRAM SPECIALIST III	37	B	12.127
ESD PROGRAM SPECIALIST II	35	B	12.128
ESD PROGRAM SPECIALIST I	34	B	12.129

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CLASS CONCEPTS (cont'd)

ESD Program Specialist II (cont'd)

findings in written and quantitative reports, and develop recommendations for corrective action; may participate in the development and maintenance of computerized systems to support program operations.

Independently apply recognized professional practices and methods in designing program budgets, evaluating compliance and financial records to identify problems, developing training and supporting implementation of solutions, making decisions regarding day-to-day program administration activities, and monitoring and assessing the effectiveness and efficiency of program operations and personnel.

Plan, facilitate and perform annual statewide on-site evaluation and technical assistance trips to local offices and operations centers; report findings and make recommendations; write corrective action plans when needed and follow up as required.

ESD Program Specialist I: Incumbents at this level perform most of the duties described in the series concept and function at the journey level. Duties are performed in accordance with standard operational guidelines and decisions, and actions can be reviewed against established policies and procedures. Oversight is available from higher-level program specialists and the program chief for more complex aspects of the program.

In order to be reallocated from one level in the series to a higher level, a position must spend the preponderance of time performing higher-level duties. Some positions may perform some higher-level duties, but this does not provide the basis for reallocation to the higher level. The duty statements listed are intended to be representative of the level, but all classification factors must be considered in relation to the duties assigned to a position in order to determine the appropriate classification.

MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENT:

- * A valid driver's license at the time of appointment and as a condition of continuing employment.

ESD PROGRAM SPECIALIST III

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and five years of professional program experience, two years of which included responsibility for organizing materials, information and resources systematically to optimize efficiency and coordinate the activities of various units and programs; assessing the impact of new legislation and interpreting and applying broad and ambiguous statutes and regulations for the purpose of developing new or revised programs; and developing and maintaining working relationships with management, internal staff and a variety of outside agencies for the purpose of developing transition plans; **OR** an equivalent combination of education and experience; **OR** two years of experience as an ESD Program Specialist II in Nevada State service. *(See Special Requirement)*

ENTRY LEVEL KNOWLEDGE, SKILLS, AND ABILITIES (required at time of application):

Working knowledge of: ESD programs and services applicable to the assignment. **General knowledge of:** basic principles and practices of supervision. **Ability to:** set priorities which accurately reflect the relative importance of department and/or division goals and objectives. **Skill in:** researching, writing and presenting program plans, complex narrative and statistical reports, requests for proposals and speeches; coordinating various facets of highly complex programs with internal staff, community and business representatives, and political entities by determining the time, place and sequence of actions to be taken based on analysis of data; organizing materials, information and resources systematically to optimize efficiency; interpreting and applying broad and ambiguous statutes and regulations to specific situations;

ESD PROGRAM SPECIALIST III	37	B	12.127
ESD PROGRAM SPECIALIST II	35	B	12.128
ESD PROGRAM SPECIALIST I	34	B	12.129

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MINIMUM QUALIFICATIONS (cont'd)

ESD PROGRAM SPECIALIST III (cont'd)

ENTRY LEVEL KNOWLEDGE, SKILLS, AND ABILITIES (cont'd)

recognizing and assessing the impact of legislative actions; and negotiating and exchanging ideas, information and opinions with others to formulate policies and procedures, and reach consensus; *and all knowledge, skills and abilities required at the lower levels.*

FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES (typically acquired on the job):

General knowledge of: State personnel rules for supervision of personnel. **Ability to:** analyze, project and monitor project costs; supervise subordinate professional staff; evaluate performance, assess training needs, and recommend and document disciplinary actions; develop long range, broad based plans for a variety of complex programs; prepare project justifications. **Skill in:** providing technical and professional guidance to staff; establishing and maintaining project priorities, timelines and completion dates.

ESD PROGRAM SPECIALIST II

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and four years of relevant program experience, one year of which was at a professional level and included responsibility for applying quantitative methods and techniques to gather and evaluate data and report findings; analyzing organizational and administrative programs, policies and procedures to evaluate compliance and make recommendations for revision; negotiating and exchanging information with management, outside agencies and/or businesses; and coordinating activities, formulating policies and procedures and/or resolving problems; **OR** an equivalent combination of education and experience; **OR** one year of experience as an ESD Program Specialist I in Nevada State service. (*See Special Requirement*)

ENTRY LEVEL KNOWLEDGE, SKILLS, AND ABILITIES (required at time of application):

Working knowledge of: purpose and scope of assigned ESD programs. **General knowledge of:** quantitative methods and techniques; accepted practices and methods used in designing program reviews and evaluations; automated information systems logic and its application to the program assigned; designing instruments for gathering data; data processing concepts including general database, system security, data communication, and multiple platform strengths and weaknesses. **Ability to:** interact with various levels of management on an agency-wide basis to resolve problems and make program recommendations; analyze organizational and administrative programs, policies and procedures, prepare plans for revision, and make recommendations; negotiate and exchange ideas, information and opinions with others to formulate policies and procedures and reach consensus; troubleshoot computer operating problems. **Skill in:** analyzing information, problems or practices to identify relevant concerns, identify patterns, tendencies, and relationships, and formulate logical conclusions; *and all knowledge, skills and abilities required at the lower level.*

FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES (typically acquired on the job):

Working knowledge of: ESD policies and procedures and their relationship with other departments, agencies, organizations and business customers; federal grants management requirements; quantitative methods and techniques; accepted practices and methods used in designing program reviews and evaluations; designing instruments for gathering data. **Ability to:** coordinate various facets of a highly complex program with internal staff, external clients and service providers by determining the time, place and sequence of actions to be taken based on the analysis of data; apply multiple, complex program regulations, policies and procedures and select alternative methods that affect the manner and speed with which program activities occur; interpret and apply broad and ambiguous statutes and regulations; conduct on-site evaluations of operations, management practices, and/or program and financial records to identify problem areas and summarize findings in written and quantitative reports; recognize and assess the impact

ESD PROGRAM SPECIALIST III	37	B	12.127
ESD PROGRAM SPECIALIST II	35	B	12.128
ESD PROGRAM SPECIALIST I	34	B	12.129

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MINIMUM QUALIFICATIONS (cont'd)

ESD PROGRAM SPECIALIST II (cont'd)

FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES (cont'd)

of legislative actions. **Skill in:** writing in English sufficient to prepare program plans, reports, grant applications, and requests for proposals; organizing materials, information and resources systematically to optimize efficiency; organizing, planning, implementing and overseeing multiple programs and/or areas of responsibility; developing and maintaining working relationships with State, federal, community agencies and service delivery organizations.

ESD PROGRAM SPECIALIST I

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and three years of program experience which included analyzing information, problems and situations to formulate solutions and make decisions; applying complex laws and regulations; writing business correspondence, documenting findings, and preparing summary reports or recommendations; and participating in planning and coordinating the activities of customers, staff, employer representatives and/or professionals in the community for the purpose of developing strategy to accomplish a mutually agreed upon goal; **OR** an equivalent combination of education and experience; **OR** three years as an Unemployment Insurance Representative III, Contributions Examiner II or Workforce Services Representative III in Nevada State service. (*See Special Requirement*)

ENTRY LEVEL KNOWLEDGE, SKILLS, AND ABILITIES (required at time of application):

Working knowledge of: English grammar, punctuation, sentence structure, and vocabulary to prepare reports, recommendations, program plans and summarize findings; math computation including addition, subtraction, multiplication and division of whole numbers, fractions, decimals, percentages and ratios.

General knowledge of: principles and applications of program evaluation and planning. **Ability to:** communicate effectively both verbally and in writing; analyze information, problems, situations, practices and procedures to identify relative concerns, formulate objective conclusions and recognize alternatives and applications; work independently to prioritize assignments, select appropriate methods and procedures, and develop a practical course of action for individual circumstances or assignments; review and verify data from a variety of sources; work as part of a team; reason and apply logic to develop proposals for new methods or operations; mediate between contending parties or groups; compose reports and correspondence regarding technical issues, problems and concerns; develop and maintain working relationships with a variety of customers; monitor funds to ensure expenditures are appropriate. **Skill in:** writing correspondence, documenting findings, and preparing program summary reports; math calculations sufficient to verify financial and budget reports; using a computer to input, retrieve and process information.

FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES (typically acquired on the job):

Working knowledge of: processes, practices, methods and techniques associated with the operation of an assigned program; guidelines and policies pertinent to the program assignment; State and federal laws, regulations, policies, and procedures pertinent to the program assignment; computer program applications and applicable automated information screens, codes, formats and key entry sequences related to the assigned program; computer technologies sufficient to develop automated training modules; federal workload standards governing quality, quantity and timeliness for assigned programs. **General knowledge of:** principles and practices for the development and presentation of training classes; ESD and department organizational structure and functions; information systems planning. **Ability to:** read, understand, interpret and explain State and federal laws, regulations and procedures to staff and the public; identify and understand the needs of internal staff and program clientele and coordinate resources to meet those needs; analyze and compare procedures to prescribed standards and identify differences and similarities; conduct formal training sessions and oral presentations; analyze and research training needs, evaluate training models, and develop appropriate

ESD PROGRAM SPECIALIST III	37	B	12.127
ESD PROGRAM SPECIALIST II	35	B	12.128
ESD PROGRAM SPECIALIST I	34	B	12.129

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MINIMUM QUALIFICATIONS (cont'd)

ESD PROGRAM SPECIALIST I (cont'd)

FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES (cont'd)

training curriculum, materials and methods; evaluate work samples using established tools and methodology; update automated program documentation and recommend system work requests.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>12.127</u>	<u>12.128</u>	<u>12.129</u>
ESTABLISHED:	7/1/03P	7/1/03P	7/1/03P
REVISED:	1/10/03PC	1/10/03PC	1/10/03PC
REVISED:	9/29/17RNC	9/29/17RNC	9/29/17RNC

FOR DISCUSSION AND POSSIBLE ACTION

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

September 29, 2017.

Item VI-D-2-a

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
12.440	Vocational Evaluator II	33	B	<i>12.440</i>	<i>Vocational Evaluator II</i>	33	<i>B</i>
12.441	Vocational Evaluator I	31	B	<i>12.441</i>	<i>Vocational Evaluator I</i>	<i>31</i>	<i>B</i>

EXPLANATION OF CHANGE

As part of the biennial Class Specification Maintenance Review process, the Division of Human Resource Management has conducted a review of the Vocational Evaluator series.

In consultation with Subject Matter Experts from the Department of Employment, Training and Rehabilitation, and recruitment experts from Human Resource Management, it was determined that the concepts, minimum qualifications and knowledge skills and abilities are consistent with current expectations.

Minor revisions, however, were made to the minimum qualifications at each level in order to maintain consistency with formatting and structure.

Throughout the course of the study, management and agency staff participated by offering recommendations and reviewing changes as the process progressed, and they support this recommendation.

Note: Changes, additions and/or deletions on the class specification are noted in red.



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
VOCATIONAL EVALUATOR II	33	B	12.440
VOCATIONAL EVALUATOR I	31	B	12.441

SERIES CONCEPT

Vocational Evaluators provide vocational assessment and work adjustment services for clients with disabilities using accepted vocational testing and work simulation methods in a clinical, classroom or employment setting; develop vocational assessment strategies; prepare vocational evaluation reports and recommendations.

Develop assessment plans and work methods; review referrals, gather background information and interview clients; determine the services required to facilitate the assessment; attend staffing team meetings with medical consultants, rehabilitation staff and other referral sources to discuss and clarify clients' medical, vocational and social status; research job markets and skills to determine clients' vocational prospects.

Determine clients' work capacity, learning capacity, personality and behavioral characteristics which affect vocational performance and rehabilitation potential; select, administer, score and interpret vocational and work simulation tests; observe clients' work skills, behavior and readiness; counsel clients when behavior or problems impede the evaluation process.

Prepare written and verbal reports and recommendations; respond to questions posed by the referral source and clients' medical, psychological, social, vocational, educational and economic histories; conduct comprehensive vocational analyses; consider clients' residual functional capacity in comparison to the physical and mental demands of past jobs; describe clients' ability to perform relevant work based on required skill levels, duties, equipment and tools; identify clients' transferable residual skills.

Provide advice and guidance to co-workers, referral sources, employers, counselors, physicians, attorneys and clients; research labor market information, vocational materials and other resources; ensure that vocational factors are properly identified, evaluated and documented; explore issues such as optimum vocational goals, work behavior, physical tolerance, work readiness, residual functional capacity and transferable skills; clarify vocational concepts and their overall impact on clients' ability to engage in competitive work; provide job analyses to establish job duty criteria.

Maintain records of assessment activities; prepare progress and status reports and relevant correspondence; complete necessary forms; participate in program planning and budget development.

Perform related duties as assigned.

CLASS CONCEPTS

Vocational Evaluator II: Under general direction, incumbents perform the full range of duties described in the series concept and independently make decisions with respect to the assessment process; however, individual assessment plans, progress and recommendations are subject to supervisory review through case records and formal and informal discussions. This is the journey level in the series. The Vocational Evaluator II is distinguished from the lower level by greater complexity of assignments and a higher level of independence with which the duties are performed.

CLASS CONCEPTS (cont'd)

Vocational Evaluator I: Under general supervision, incumbents receive training and gain experience in the assessment of vocational ability, aptitude and potential of persons with disabilities. This is the entry level in the series and progression to the journey level may occur upon meeting the minimum qualifications and with the recommendation of the appointing authority.

MINIMUM QUALIFICATIONS

VOCATIONAL EVALUATOR II

EDUCATION AND EXPERIENCE: Master's degree from an accredited college or university in vocational rehabilitation with emphasis on vocational evaluation *or health, social or other related behavioral science*; **OR** a Bachelor's degree from an accredited college or university in vocational rehabilitation *or health, social or other related behavioral science* [~~vocational evaluation~~] and one year of professional experience providing vocational assessment and work adjustment services for [~~injured workers and clients~~] *individuals* with disabilities in a rehabilitation setting; **OR** one year of experience as a Vocational Evaluator I in Nevada State service; **OR** an equivalent combination of education or experience *as described above*.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: counseling techniques sufficient to assist clients in overcoming problems related to the evaluation process; job analysis techniques sufficient to review and assess work demands; physical and psychological limitations imposed by various disabilities. **General knowledge of:** *federal and State laws, regulations and guidelines and agency procedures applicable to the assigned vocational evaluation program; principles, practices, methods and techniques associated with vocational evaluation; standard tests used in evaluating characteristics, skills and aptitudes of persons with disabilities sufficient to administer, score and interpret test results; theories, principles and practices associated with vocational rehabilitation; public agencies and private employers providing vocational information and services; local job markets and related job demands; and available occupational information resources and references.* **Ability to:** synthesize and summarize complex technical information into verbal and written expression; develop and implement individual vocational assessment plans; effectively communicate vocational evaluation issues both verbally and in writing; *establish an individual vocational profile based on established data, vocational testing, analysis and input from other interested parties; and all knowledge, skills and abilities required at the lower level.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Working knowledge of: factors measured in vocational testing and their affects on vocational performance and rehabilitation potential; occupational opportunities in the community which are suitable for adults with physical and mental disabilities. **Ability to:** plan and organize the vocational evaluation process to best utilize available resources.

VOCATIONAL EVALUATOR I

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in vocational rehabilitation, [~~vocational evaluation or psychology~~] *or health, social or other related behavioral science*; **OR** *two years of experience as a Rehabilitation technician II in Nevada State Service* **OR** an equivalent combination of education and experience *as described above*.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

General knowledge of: theories, principles and practices associated with vocational rehabilitation; physical and mental capabilities related to the world of work; medical terminology, anatomy, physiology and psychology related to disease process, injury effect and clinical and laboratory procedures. **Ability to:** establish and maintain positive working relationships with co-workers, consulting staff, other agencies and

MINIMUM QUALIFICATIONS (cont'd)

VOCATIONAL EVALUATOR I (cont'd)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application): (cont'd)
 outside service providers; communicate effectively with persons from a variety of social/economic backgrounds and persons with severe disabilities; read, analyze and interpret legal, medical and vocational data; document events and prepare clear, understandable case notes; work as part of a team to exchange ideas and information and formulate joint conclusions or solutions.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):
(These are identical to the Entry Level Knowledge, Skills and Abilities required for Vocational Evaluator II.)

~~[Working knowledge of: federal and State laws, regulations and guidelines and agency procedures applicable to the assigned vocational evaluation program; principles, practices, methods and techniques associated with vocational evaluation; standard tests used in evaluating characteristics, skills and aptitudes of persons with disabilities sufficient to administer, score and interpret test results; theories, principles and practices associated with vocational rehabilitation; public agencies and private employers providing vocational information and services; local job markets and related job demands; available occupational information resources and references. Ability to: establish an individual vocational profile based on established data, vocational testing, analysis and input from other interested parties.]~~

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>12.440</u>	<u>12.441</u>
ESTABLISHED:	2/26/76	2/26/76
REVISED:	7/1/93P	7/1/93P
	10/23/92PC	10/23/92PC
REVISED:	12/9/94UC	
REVISED:	3/29/01UC	3/29/01UC
REVISED:	6/27/03PC	6/27/03PC
REVISED:	9/29/17PC	9/29/17PC

REPORT OF CLASSIFICATION CHANGES NOT REQUIRING PERSONNEL
COMMISSION APPROVAL

Attached is a report of changes made to the classification plan pursuant to NRS 284.160, sections 4 through 6 which reads as follows:

- “4. The classification plan and changes therein are subject to approval by the Commission, except that the Administrator may make a change in the classification plan without the prior approval of the Commission if:
- (a) The Administrator deems it necessary for the efficiency of the public service;
 - (b) The change is not proposed in conjunction with an occupational study; and
 - (c) The Administrator, at least 20 working days before acting upon the proposed change:
 - (1) Provides written notice of the proposal to each member of the Commission, to all departments and to any head of an employees' organization who requests notice of such proposals; and
 - (2) Posts a written notice of the proposal in each of the principal offices of the Division.
- Any occupational study conducted by the Division in connection with the preparation, maintenance or revision of the classification plan must be approved by the Commission.
5. If no written objection to the proposed change to the classification plan is received by the Administrator before the date it is scheduled to be acted upon, the Administrator may effect the change. The Administrator shall report to the Commission any change in the classification plan made without its approval at the Commission's next succeeding regular meeting.
6. If a written objection is received before the date the proposed change is scheduled to be acted upon, the Administrator shall place the matter on the agenda of the Commission for consideration at its next succeeding regular meeting.”

The conditions set forth in these statutes have been met. A copy of the justifications and revised class specifications are on file in the office of the Administrator of the Division of Human Resource Management.

The following changes have been effected:

REPORT OF CLASSIFICATION CHANGES

POSTING#: 24-17

Effective: 05/5/17

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
10.238	Health Program Specialist II	37	B	<i>10.238</i>	<i>Health Program Specialist II</i>	<i>37</i>	<i>B</i>
10.237	Health Program Specialist I	35	B	<i>10.237</i>	<i>Health Program Specialist I</i>	<i>35</i>	<i>B</i>

BASIS FOR RECOMMENDATION

At the request of the Department of Health and Human Services (DHHS), Division of Public and Behavioral Health (DPBH), the Division of Human Resource Management has conducted a review of the Health Program Specialist series. Analysts within the Division of Human Resource Management partnered with subject matter experts from DPBH, and as a result of this review, it is recommended that revisions be made to the minimum qualifications. It is also recommended that minor revisions be made to the series concept, class concept and minimum qualifications, to maintain consistency with verbiage, formatting and structure.

The agency feels that the recommended changes will improve recruitment efforts without reducing the quality of candidates.

Throughout the process, management staff within DHHS and analysts within the Division of Human Resource Management participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

POSTING#: 25-17

Effective: 04/25/17

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
11.564	Safety Supervisor, Elevator – DIR	39*	B	<i>11.564</i>	<i>Safety Supervisor, Elevator – DIR</i>	<i>39*</i>	<i>B</i>
11.538	Safety Specialist, Elevator – DIR	37*	B	<i>11.538</i>	<i>Safety Specialist, Elevator – DIR</i>	<i>37*</i>	<i>B</i>
11.563	Safety Representative, Elevator – DIR	34*	B	<i>11.563</i>	<i>Safety Representative, Elevator – DIR</i>	<i>34*</i>	<i>B</i>

**Reflects a two grade, special salary adjustment granted by the 2013 Legislature to improve recruitment and retention for the Division of Industrial Relations*

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
11.529	Safety Supervisor, Boiler – DIR	39*	B	<i>11.529</i>	<i>Safety Supervisor, Boiler – DIR</i>	<i>39*</i>	<i>B</i>
11.537	Safety Specialist, Boiler – DIR	37*	B	<i>11.537</i>	<i>Safety Specialist, Boiler – DIR</i>	<i>37*</i>	<i>B</i>
11.549	Safety Representative, Boiler – DIR	34*	B	<i>11.549</i>	<i>Safety Representative, Boiler – DIR</i>	<i>34*</i>	<i>B</i>

**Reflects a two grade, special salary adjustment granted by the 2013 Legislature to improve recruitment and retention for the Division of Industrial Relations*

BASIS FOR RECOMMENDATION

At the request of the Nevada Department of Business & Industry, Division of Industrial Relations, the Division of Human Resource Management has conducted a review of the Informational Notes for both the Safety Specialist, Elevator and Safety Specialist, Boiler class specifications.

It is recommended that the timeframe for obtaining the applicable State of Nevada Elevator Inspector’s Certification of Competency or the State of Nevada Boiler Inspector’s Certificate of Competency be increased to twelve months. It is also recommended that the timeframe for obtaining the applicable Qualified Elevator Inspector’s (QEI) Certificate or a Commission as a National Board of Boiler and Pressure Vessel Inspector be increased to thirty-six months.

Throughout the process, management staff within the Nevada Department of Business & Industry and the Division of Industrial Relations participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

POSTING#: 26-17
Effective: 05/10/17

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
11.519	Safety Supervisor, Railway	37	B	<i>11.519</i>	<i>Safety Supervisor, Railway</i>	<i>37</i>	<i>B</i>
	New			<i>11.515</i>	<i>Safety Specialist, Railway</i>	<i>35</i>	<i>B</i>
	New			<i>11.513</i>	<i>Safety Representative, Railway</i>	<i>33</i>	<i>B</i>

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
11.540	Safety Specialist, Railway - Tracks	35	B		<i>Abolished</i>		

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
11.541	Safety Specialist, Railway – Motive Power	35	B		<i>Abolished</i>		

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
11.542	Safety Specialist, Railway – Hazardous Materials	35	B		<i>Abolished</i>		

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
11.543	Safety Specialist, Railway – Operating Practices	35	B		<i>Abolished</i>		

BASIS FOR RECOMMENDATION

At the request of the Nevada Public Utilities Commission (PUC), the Division of Human Resource Management has conducted a review of the Safety Specialist, Railway series. Analysts within the Division of Human Resource Management worked with subject matter experts from the PUC and, as a result of this review, it is recommended that these series be combined into one class specification. It is also recommended that a trainee level be added to this combined series.

Currently, if an incumbent is promoted to a Safety Supervisor, Railway, that incumbent will take their specialty area with them (Tracks, Motive Power, Hazardous Materials or Operating Practices), which would then necessitate the reclassification of the vacated position to a different railway discipline. Combining the different class specifications into one series will negate the continual reclassification of positions.

Also, the addition of a trainee level will allow for the recruitment of individuals with experience in any of the discipline areas, which will allow for greater flexibility in the recruitment process.

As a result of this recommendation, amendments were made to the Special Requirements and Informational Note to account for these changes. Furthermore, revisions were made to the minimum qualifications to account for the recommended modifications, as well as, to maintain consistency with formatting and structure.

Throughout the process, management staff within the PUC and Analysts within the Division of Human Resource Management participated by offering recommendations and reviewing changes as the process progressed, and they support the recommended changes.

POSTING#: 27-17

Effective: 05/16/17

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
	New			7.670	<i>Fleet Specialist II</i>	33	<i>B</i>
	New			7.671	<i>Fleet Specialist I</i>	31	<i>E</i>

BASIS FOR RECOMMENDATION

As a result of an Individual Study (NPD-19), and in partnership with Subject Matter Experts from the Department of Administration, Department of Public Safety, Department of Corrections, and Division of Human Resource Management it has been determined that a new series should be developed to account for the specialized nature of the responsibilities assigned to the series.

Fleet Specialists perform a broad variety of activities unique to agencies with large scale managed fleet operations. Positions in this series facilitate specialized support functions related to department/division fleet operations including vehicle and equipment acquisition, utilization, maintenance, and disposal of light, medium and heavy duty vehicles, equipment and related accessories (e.g. trucks, cars, radios, lights, trailers, tool boxes).

It is recommended that the series be placed in the Fiscal Management & Staff Services, Administrative & Budget Analysis sub group to recognize the professional work performed by these positions. Furthermore, it is recommended that the Fleet Specialist II be allocated at grade 33 to recognize the scope of responsibility along with the decision-making authority and the management exercised over the respective area. The Fleet Specialist I is recommended to be allocated at grade 31 to recognize the limited scope of responsibility and decision-making authority. The EEO-4 job category for the Fleet Specialist has been determined as follows: Fleet Specialist II; category “B – Professional” designation code; Fleet Specialist I; category “E – Paraprofessional” designation code. The Program Officer series, 7.643, along with the NSHE Specialist series, 7.659, were used as comparisons in assisting with determining the appropriate grade levels.

Throughout the process, management and staff within the Department of Administration, Department of Public Safety, and Department of Corrections participated by offering recommendations and reviewing changes as the process progressed, and they support the development and implementation of this class specification.

POSTING#: 28-17

Effective: 07/20/17

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.507	Equal Employment Opportunity Officer	37	B	7.507	<i>Equal Employment Opportunity Officer</i>	37	<i>B</i>

BASIS FOR RECOMMENDATION

At the request of the Division of Human Resource Management, Recruitment Unit, it is recommended revisions be made to the Equal Employment Opportunity Officer Series.

It is recommended that the duty statements be updated to reflect changes in verbiage and to better clarify the duties of the position. It is also recommended that the Minimum Qualifications, Education and Experience section be expanded to allow for a more varied level of experience and to create a more defined career path for current State employees. It is further recommended that the Entry Level and Full Performance Knowledge, Skills and Abilities be amended to reflect these changes.

Lastly, it is further recommended that an Informational Note be included allowing for professional certification to be substituted for one year of experience. This substitution acknowledges the mastery of the principles of human resources that certification holders obtain through the strict professional experience and education requirements required to become certified.

These changes will allow for greater flexibility in the recruitment process and a more robust pool of applicants, both externally and internally.

Throughout the process, the Division of Human Resource Management Recruitment Unit, as well as, Subject Matter Experts from various Departments, participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.