

**STATE OF NEVADA
PERSONNEL COMMISSION**

Carson City at the Legislative Counsel Bureau, 401 South Carson Street;
with video conference to
Las Vegas at the Grant Sawyer State Building, Room 4401, 555 East Washington Avenue

**MEETING MINUTES (Subject to Commission Approval)
Friday, September 25, 2015**

COMMISSIONERS PRESENT

IN CARSON CITY: None

COMMISSIONERS PRESENT

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

COMMISSIONERS NOT PRESENT

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

STAFF PRESENT:

Ms. Lee-Ann Easton, Administrator, DHRM
Ms. Jennifer Chisel, Deputy Attorney General,
Office of the Attorney General
Ms. Tawny Polito, Administrative Assistant, DHRM
Mr. Peter Long, Deputy Administrator, DHRM
Ms. Shelley Blotter, Deputy Administrator, DHRM
Ms. Carrie Hughes, Personnel Analyst, DHRM
Ms. Heather Dapice, Personnel Analyst, DHRM
Ms. Katie Holmberg, Personnel Analyst, DHRM
Ms. Lisa Friend, Personnel Analyst, DHRM

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

Commissioner Sanchez: Opened the meeting at 9:00 a.m. He welcomed everyone and took roll.

II. PUBLIC COMMENT NOTICE: Read into record by Commissioner Sanchez:

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.

Commissioner Sanchez: Asked if there was any public comment. There was none.

III. APPROVAL OF MINUTES OF PREVIOUS MEETINGS – Action Item

MOTION: Moved to approve the minutes of the meeting held June 19, 2015.
BY: Commissioner Mauger
SECOND: Commissioner Spurlock
VOTE: Motion passed unanimously.

MOTION: Moved to approve the minutes of the meeting held June 19, 2015 to adopt emergency regulations.
BY: Commissioner Mauger
SECOND: Commissioner Spurlock
VOTE: Motion passed unanimously.

IV. PRESENTATION OF HEARING OFFICER CASE HANDLING STATISTICS, SATISFACTION SURVEY RESULTS AND POSSIBLE RECOMMENDATIONS FOR THE HEARINGS DIVISION AND/OR THE DIVISION OF HUMAN RESOURCE MANAGEMENT.

Shelley Blotter, Deputy Administrator, Division of Human Resource Management: explained that her presentation was in response to the Commission's request for additional information in previous discussion of the matter. She stated she was pleased to report that cases were being handled in less than 160 days in most cases and per the rules for hearing officers and that it had also resulted in a cost savings for the State. She further explained that the decisions for the cases handled came out similarly to the pool of hearing officers, so from a perspective of the number they were affirming or reversing, it was very similar to the past. She added that a small number of cases had been handled compared to the larger pool and that she felt it would remain consistent over time and that it showed movement in the right direction. She noted that overall, they were pleased with the work that was done. Ms. Blotter asked if there were questions and noted that further detail or additional information could be provided at the next meeting if directed by the Commission.

Commissioner Sanchez noted that the information was very useful and that the matter should be added to the agenda of the next meeting so that the full Commission could then take action to either extend or not extend the contract. **Ms. Blotter** noted that she had anticipated the matter would go to the next regular meeting in November or December and not the special meeting in October. **Commissioner Sanchez** agreed. He then asked Mr. Brian Nix for comment.

Bryan Nix, Administrator, Hearings and Appeals Division: Made comment that Ms. Blotter had done an excellent job since adoption of the contract. He noted that all deadlines had been met and that the Division had done everything they said they would, should the contract be adopted. He further stated that since adoption of the contract, the Governor had appointed seven attorneys as Special Appeals Officers and **Mr. Nix** stated he was looking forward to seeing their performance. **Mr. Nix** stated that he anticipated costs would rise due to hourly rate charges however, everything would be monitored.

Commissioner Sanchez asked for clarification in regard to how the strike list currently operated and how it would operate in the future with the new attorneys on board. **Mr. Nix** stated that rules had been adopted for when an appeal was received and explained that in the south there were four names on the list although only three were needed and that those names were alternated. He continued that in Carson City, there were three Special Appeals Officers that would be going on strike lists and parties would have those appeals officers to choose from. He stated each side would strike one name and the remaining appeals officer was who was assigned the case. He stated the appeals officer heard the case, decided it and monitored the case during the entire process. **Commissioner Sanchez** asked who strikes first. **Mr. Nix** stated that it was mutual. **Commissioner Sanchez** asked if in the future, with the new attorneys on board, were they going to be incorporated into the list. **Mr. Nix** explained that only the new attorneys would be on the list and that the appeals officers who have heard these cases so far will not be.

Commissioner Mauger asked if the position of the State was to eliminate Charlie Cockrill, Independent Counselor. **Ms. Blotter** explained that Mr. Cockrill was interested in having a contract again and when the

Commission makes selections in November or December, a determination can be made. **Mr. Nix** added that should a contract be renewed with Mr. Cockrill, that Mr. Cockrill would be added to the strike list for rotation.

Commissioner Sanchez reaffirmed that the matter would be on the agenda for the next meeting for a determination to be made.

V. DISCUSSION AND APPROVAL OR DENIAL OF INDIVIDUAL CLASSIFICATION APPEAL - Action Item

- A. Alexandra Smith, Program Officer I, Nevada State Treasurer's Office, Millennium Scholarship

Commissioner Sanchez gave the appellant directions for the presentation of her appeal for reclassification.

Alexandra Smith stated that she loved her job and was simply present to present what she saw as clear facts about what she does in her position. She stated that prior to her employment in the Treasurer's Office, there was an Executive Director of the Scholarship Program, the position was paid approximately \$97,000 a year and that the incumbent had no other responsibilities other than the oversight of the Millennium Scholarship Program. **Ms. Smith** stated that when this person resigned, the Administration had decided to fold those duties of the previous Executive Director into the Deputy for College Savings position. **Ms. Smith** continued that by fall of 2013, the Office had begun launching the College Kick Start Program which went statewide in early 2014. She stated that at that time, the Deputy for College Savings was no longer able to maintain the workload with the additional oversight of an entirely new program. **Ms. Smith** stated that the administration had determined that the duties of the previous Executive Director would fall to her current position, the Program Officer for the Millennium Scholarship. She stated that it was her understanding that in her position, she still performed many of the same responsibilities listed in the previous NPD-19 from when reclassification occurred in 2005 and that there was one major difference between then and now. She stated that she now was essentially the de facto Executive Director of the Millennium Scholarship, including being the key and sole decision maker. She further stated in substance that in the class specifications for the Program Officer series it stated that the class was distinguished from the Program Officer II class by its increased latitude in decision making resulting from coordinating broad, non-specific rules and/or regulations. She stated that she believed the level of authority that was granted to her with the reassignment of duties constituted the concept distinction. She further stated that she could provide examples of her duties to align with each of the concepts of the series as well. She stated that as part of the reasoning behind the initial denial of her NPD-19, the Division of Human Resource Management had stated, although the Millennium Scholarship affects a significant number of people, the intent of the requested Program Officer III is to administer a large program, which affects a significant number of people on a continuing basis while interpreting and applying broadly stated and non-specific policies; in contrast, as policies are already established and clearly outlined for the Millennium Scholarship therefore, the Program Officer I Class remains appropriate for this position. **Ms. Smith** argued that the Millennium, much like many State programs was ever evolving and changing and that it would be inaccurate to state that once the program was established it only required a Program Officer I to maintain it. She stated that if that were the case, most Program Officer III positions would then be downgraded after the establishment of policy and procedures. She additionally argued that it was in fact inaccurate altogether to state that she did not establish policies and procedures on a reoccurring basis. She stated that for example, in the Legislative Session of 2015, two bills were passed regarding the Millennium and that those bills had changed the way the scholarship was administered at the institutional college level and also changed the way students could qualify for the scholarship. She stated that she was solely responsible for designing and coordinating the implementation of those changes into policy and procedure. She stated that the Millennium will be in the spotlight of the next legislative session as it was reaching financial hardship and that there

will be some major changes to the scholarship and that the Program Officer will be hugely responsible for many extended duties during that time, including speaking to Legislators, implementing policy, providing documents and reports and the authority placed upon this position will become all the more clear. She stated that the Pre-Paid Tuition Program had a Program Officer III assigned to it and that the role had been reclassified based on the decision that it held a high level of authority over the program it administered and stated that position performs identical tasks to what she did for the other program. She stated that she respectfully disagreed with their determination but appreciated the time and due diligence that was spent during the process. She stated that she looked at those identical duties and it was the level of authority that made it different and she did have that granted to her. She then introduced Steve George, her former Chief of Staff to speak on her behalf.

Commissioner Sanchez thanked Ms. Smith and asked if there were any questions of the Appellant from the Commission before testimony from Mr. George was heard. **Commissioner Mauger** asked for clarification on how long Ms. Smith had been with the State. **Ms. Smith** stated since May of 2013. **Commissioner Mauger** asked if the additional work she said she was doing was for the Millennium Scholarship Program. **Ms. Smith** stated that it was and stated that when the College Kick Start Program enacted, there was no longer time for Executive Director duties therefore, at the time of the statewide launch in early January 2014, that was the point when she took on the major duties of the Executive Director. **Commissioner Mauger** asked the Appellant what she believed to be the percentage of additional work she had been performing from the time she started to the present. **Ms. Smith** stated that speaking only in terms of Millennium, that really spoke more to the decision making level. **Ms. Smith** stated that she previously had to run everything by the Executive Director, all approvals must be signed by her, payments, reconciliations, balance irregularities, those things used to have to be signed off by the Executive Director but now they were signed off by her and that she takes full responsibility for those payments and for any kind of inaccuracies in the audits, etc. **Ms. Smith** further stated that when it came to the Millennium, the duties had changed as far as what she did but she did have major duties in addition and she also administered or helped administer the College Kick Start and the College Savings Plan and her duties had significantly increased.

Commissioner Sanchez asked if there were any questions of the Appellant from the Commission prior to hearing from Mr. George. There were none. He then asked to hear from Mr. Steve George.

Steve George, Administrator, Division of Industrial Relations: Stated that he was the Chief of Staff at the Treasurer's Office for approximately six years and that he would provide a historical perspective on the matter from his position as Chief of Staff at the time all of the changes took place. **Mr. George** testified that they did have an Executive Director which was in NRS at the time and that as Ms. Smith had said, that position was paid about \$97,000 and was essentially a Deputy level position. **Mr. George** stated that when that Executive Director had resigned, he and the Treasurer decided to fold that position in with the College Savings Deputy at that time for a matter of convenience, at the time, cost savings. **Mr. George** stated that a few years later, the College Kick Start Program was started, which has become a huge program. **Mr. George** further stated that it was the program that gives college savings accounts to all kindergarten students in Nevada and that the program had taken on a complexity on its own and that as a result, while he was still there as the Chief of Staff, the decision was to try and start pushing those duties back to the Program Officer and that it was him who made the decision that they should put in a request to change the position to a Program Officer III based on the fact that the complexity and the decision making that that position was now making—which was essentially what the Executive Director had done years ago. **Mr. George** stated that it wasn't long after he had made that decision that he had decided to go over as the Administrator of Division of Industrial Relations so he hadn't carried through with the reclassification but that he had certainly got the ball rolling. **Mr. George** stated that he wanted to add that historical value and to say, as Alex said in her comments, she is essentially the Executive Director which is a \$97,000 a year job before it had been melded into the College Savings Deputy and now is being separated out. **Mr. George** stated

he didn't think the Appellant was asking to be the Executive Director of the program but that he thought with the level of complexity, the decision making and the fact that it is a large program, it certainly deserved to be elevated to a position of Program Officer III.

Commissioner Sanchez asked Mr. George, if before he left his position, had he had any discussion with the Division of Human Resources Management about the proposed change that he was thinking about? **Mr. George** responded that he didn't recall if he did or not. If he were guessing, he'd guess no because it was just in the planning stages and it wasn't long after that when he went to his other position. So, it was the people who were left there, although he did help them with the process of writing it and putting it together.

Commissioner Sanchez asked if there were any questions for Mr. George from the Commission. **Commissioner Spurlock** noted the confusing nature of the org chart that was presented asked if there was anyone present from the chain of command to testify. **Ms. Smith** stated that they were currently managing high priority issues and that her hearing did not take priority for them to be present. **Commissioner Spurlock** asked if there were any written materials of opinion presented either for or against from the chain of command. **Ms. Smith** stated that she was never asked to provide written support but that they do support her and that she was sure that they'd be willing to testify to that and that she could provide that support. **Commissioner Spurlock** stated that he wanted to be clear so that he wasn't asking questions of the Appellant or Mr. George which would have been best answered by someone else. **Ms. Smith** confirmed that was the case and stated that she had support from Chief of Staff Grant Hewitt, Chief Deputy Tara Hagan and her direct supervisor Linda English. **Commissioner Spurlock** asked for confirmation on who the Appellant reported to, if it was Ms. English or Ms. Salehian. **Ms. Smith** stated that she only reported to Ms. English, the Senior Deputy for the South. **Commissioner Spurlock** asked who another Program Officer III, Ms. Platt, reported to. **Ms. Smith** stated that Ms. Platt reported to both Sheila and Ms. English, indirectly and stated that Ms. Salehian is the day-to-day but Ms. English would be her overall point person. **Commissioner Spurlock** asked Mr. George if he was equating the level of responsibility of the person who is handling the 529 Plans and all things related to the Millennium Scholarship and stated that it was his feeling about the Millennium Scholarship that while it had early challenges in getting started, the criteria was fairly clear. **Commissioner Spurlock** noted that it was likely a constant challenge to keep reminding the high schools of that criteria and making sure they were doing outreach and assisting them with doing that outreach. **Commissioner Spurlock** further stated that possibly the biggest challenge and the maximum discretion and independent judgement levels that this person might have with the Millennium Scholarship might be these few dozen cases per year where they would have some interpretations regarding homeschoolers or people who have moved in from out of state at a certain time so there would have been residency issues. **Commissioner Spurlock** stated that he had never equated those challenges to challenges of the complete 529 Program and that he would like to know Mr. George's opinion on that.

Mr. George stated there was a tremendous amount of communication that needed to take place in that position between the colleges, the Nevada System of Higher Education and the high schools to ensure that the money was being properly distributed and the accounting that goes with it. **Mr. George** further stated that certainly the Legislature was going to ask for a dollar for dollar accounting of where the money went and that therefore that communication was very, very important. **Mr. George** stated that there were many instances where people asked for reviews to say, why am I not eligible and that type of thing and we have to help coordinate that again, through the Nevada System of Higher Education. **Mr. George** stated that to Commissioner Spurlock's point, it was kind of the same as Pre-Pay and that Pre-pay was pretty simple too in that either you buy a contract or you don't and that decision is made by you and so the programs were similar and the Pre-Pay Program had a Program Officer III. **Mr. George** stated that he wasn't there when that move was from a Program Officer I to a Program Officer III but Ms. Smith basically did the same thing and that she had the complexity of decision making and has to do the communication on that. **Mr. George** stated that in her case, the Program Officer III communicated with colleges across the country and he stated

he thought the complexity was making sure everything was right and decision making was budgetary, making sure that the right money goes to the right people and the decisions and the communication with those parents and those students. **Mr. George** stated that in July, when students were looking, they would get a lot of phone calls from people and they had to put other people on the lines because as simple as it did look, it wasn't, because people had tremendous amounts of questions on that.

Commissioner Sanchez asked if there were any other questions. There were none. He then asked to hear from the Division of Human Resource Management's representative.

Lisa Friend, Personnel Analyst, Division of Human Resource Management: Stated that she appreciated Mr. George coming to speak on Ms. Smith's behalf however, he wasn't contacted at the time of the audit because he was no longer with Treasurer's Office. **Ms. Friend** stated that they had communicated with Ms. Smith's supervisor at that time regarding the duties Ms. Smith was performing. **Ms. Friend** stated that at the time of the audit, Linda English was the Appellant's supervisor, and that the Appellant had testified that she was currently her supervisor. **Ms. Friend** stated that at the time of the audit, Ms. English's title was Director of the Millennium Scholarship and that was also the title used on the unclassified pay bill. **Ms. Friend** stated that it appeared that currently, Ms. Salehian had the title of Director of the Millennium Scholarship and has since 2015. **Ms. Friend** stated that she had shadowed the study of Alexandra Smith's position conducted by Personnel Analyst, Denise Banditini, who had since retired. **Ms. Friend** stated that she had been assigned to Ms. Smith's appeal because she had shadowed the audit. **Ms. Friend** stated that Ms. Smith was appealing the determination of 'no change' to her current classification, Program Officer I, Grade 31, to Program Officer III, Grade 35. **Ms. Friend** stated that the Program Officer was a highly responsible classification, used statewide by many agencies and what determined the levels of those classifications was increased latitude and decision making resulting from coordinating broad, non-specific rules and/or regulations. **Ms. Friend** stated that in order for an incumbent to be reclassified from one level in a series to a higher level, the position must spend the majority of work time performing higher level duties that meet the class concepts. **Ms. Friend** stated that the position was last reviewed in 2005 when it was reclassified from an Administrative Assistant IV, Grade 29, to a Program Officer I, Grade 31 and that at that time, the position was responsible for evaluating applications and residency documents for homeschool, General Education Development ("GED") and out of state applicants to determine eligibility for the Millennium Scholarship. **Ms. Friend** stated that this information, along with the list of eligible students received from Nevada System of Higher Education ("NSHE") and other school partners for the semester would be downloaded by the incumbent into the integrated Nevada Scholarship Tracking and Eligibility Program and the scholarship packets would then be sent out. **Ms. Friend** stated that the Board of Regents of NSHE adopted the policy guidelines for administering the scholarship however, guidelines for eligibility determination were not provided and therefore, the Treasurer's Office and the incumbent at that time had to assume responsibility by developing guidelines and procedures of acceptable documentation to support eligibility based on established criteria. **Ms. Friend** stated, to reiterate, the incumbent at that time was responsible for reviewing applications for homeschool and out of state applications and made determinations whether students were accepted or denied for program participation; issuing acceptance or denial letters; allocating funds for those that were accepted; and ensuring accurate and timely payments were made to NSHE. **Ms. Friend** stated that the incumbent was solely responsible for coordinating and monitoring the Millennium Scholarship Trust Fund; providing answers to complex questions; troubleshooting non-routine issues requiring additional research and follow-up; balancing irregularities and reconciling exceptions; and processes based upon the statutes of the Board of Regents of the Nevada System of Higher Education System policies and the Guide of the Millennium Scholarship Program; compiling annual reconciliation reports that were submitted to Legislature; database management of the Millennium website including website updates; pertaining program, emails and written communications; along with coordinating data submitted by NSHE and other school partners; attending college planning events; and supervising responsibilities. **Ms. Friend** stated that with the exception of the duties pertaining to the College Kick Start administrative tasks and outreach, which totaled 15% of Ms.

Smith's duties, the information collected during the recent desk audit reflected that the duties of the position itself had not significantly changed and that although they may be new duties to Ms. Smith, those aforementioned duties were actually part of the consideration to initially reclassify the position to a Program Officer I in 2005. **Ms. Friend** stated that although they did not disagree that the College Kick Start administrative tasks and outreach was a new duty, it was determined: that Ms. Smith performed those outreach duties in conjunction with her outreach duties for the Millennium Scholarship and the College Savings Plans of Nevada; that the duties were within the scope of the class, as described in the class specifications for a Program Officer I; and that the change which was the result of the addition of duties which were similar in nature or complexity to previous responsibilities was not within the meaning of significant change. **Ms. Friend** stated that based on the information collected during the study process, it had been determined that the level and scope of responsibilities that were assigned to Ms. Smith's position supported the current classification of Program Officer I. **Ms. Friend** stated that they respectfully requested that the determination not to reclassify the position to a Program Officer III be upheld.

Commissioner Sanchez asked if there were any other questions from Commissioners. **Commissioner Spurlock** asked what the date was for the prior re-class for the Administrative Assistant series to the Program Officer. **Ms. Friend** confirmed that it was 2005. **Commissioner Sanchez** further asked about the letter dated May 7, 2015 from the Appellant to Administrator Easton regarding the location of the original NPD-19 form submitted to reclassify the position from Admin Assistant IV to Program Officer I in 2005 and wanted to know if it was true that it was not located. **Mr. Peter Long** noted that it was in the Division's packet, Exhibit 6. **Ms. Smith** commented that throughout the process they didn't have access to the original and that the first time she was presented with the original NPD-19 form was when she had received the packet for the upcoming meeting.

Commissioner Sanchez asked if there were any other questions from Commissioners. **Commissioner Spurlock** asked what Ms. English's primary job was and was it still oversight over the Millennium Scholarship. **Mr. George** responded that she no longer did the Millennium Scholarship Program that Ms. Smith was the one who handled those functions. He additionally testified Ms. English did the College Savings Program and the College Kick Start Program, which were very complex programs and that because of the added responsibilities of the College Kick Start Program and the growth of the Nevada College Savings Program, the decision was made to have Ms. Smith take over duties of the Millennium Scholarship. He further testified that the report from staff was that the person became a Program Officer I and that he wasn't there when they did that so couldn't provide a history however, those duties that that person did, reported to the Executive Director and that person didn't make all the decisions, they were essentially clerical, helping to run the program and doing a lot of those duties and had someone to report to get approvals. **Mr. George** continued that that position no longer existed and that was the reason for asking for the Program Officer III and that the Program Officer III that was there before reported to the Executive Director and had no decision making. **Mr. George** stated that Appellant was essentially the current Executive Director, that she was making the decisions for the Millennium Scholarship Program.

Mr. Long added that staff was prepared to explain the difference between Ms. Smith's position as Program Officer I and the Program Officer III position. **Commissioner Sanchez** asked that they proceed.

Ms. Friend, started by clarifying that when the desk audit first began on Ms. Smith's position, her supervisor was Ms. English and that Ms. English held the title of Executive Director of the Millennium Scholarship/Senior Deputy Treasurer. **Ms. Friend** stated that since then, it had been changed and everything that had to be approved or answered was done by Ms. English and that regarding budget and financial duties, the Program Officer I had authority to spend within budget parameters for supplies, outreach and education items; to determine when to request the transfer of funds from unclaimed property; and had control of the timing of transfers to eligible institutions based on established deadlines. **Ms. Friend** stated that as far as authority and day-to-day duties, the Program Officer I ensured the Millennium

Scholarship remained in compliance with statutes, State Treasurer's Office Policy and NSHE policies; ensured student data was received; that students were awarded in a timely manner; that eligibility was coordinated with NSHE; and accurate payments were made. **Ms. Friend** stated the position made independent decisions on how to implement policy changes and reported decisions and actions to the supervisor and the position reported status of projects to supervisor weekly. **Ms. Friend** stated that complaints, concerns, eligibility appeals and accounting matters were escalated to NSHE and that the consequence of error was the time that it took for all parties involved to remedy the situation. **Ms. Friend** stated the Program Officer III position was responsible for a qualified 529 Education Savings Program and must comply with Federal Internal Revenue Service Code Rules. **Ms. Friend** stated the position generated 1099s for tax purposes, reconciled the program's bank accounts including check deposits, cash deposits, remote deposits, credit cards, electronic check payments, payroll deductions and returned items; it also reconciled payment vouchers for tuition payments, rollovers, overpayments, refunds and payments made to vendors for daily operations. **Ms. Friend** stated the position had full authority to determine the amount of monies to invest on behalf of the program, along with performing monthly and quarterly cash allocation to be invested in the program's trust fund; determined actuarial fees for refinanced contracts, worked with the public and private sectors, including payroll centers, banks, colleges and universities, throughout the United States to process transactions and resolved issues if they occurred. On a daily basis the position worked with both the participants and stakeholders of the program to accurately administer all accounts, which included determining if participants were eligible, charging fees and penalties, waiving fees, modifying accounts, canceling accounts, voluntary or delinquency; making accurate tuition payments; working with participants that were unable to meet financial obligations and resolving other issues or complaints that occurred. The position had the authority to assess penalties, authorize cancellations of contracts and assess fees to participants for lack of payments. Only major decisions that alter the program go directly to the Senior Deputy Treasurer. The consequence of error was significant cost of money, which could consequently impair the payment of tuition benefits to the recipients of the program, which would be devastating to the participant, their higher education and the program.

Commissioner Sanchez asked if there were any other questions from Commissioners. He then asked Ms. Smith to give a closing statement.

Ms. Smith stated that she's listened to their statements and she was assuming that what they brought up was a comparison of her job to the Program Officer III within the office and she stated that all of the things that were stated for the Program Officer III in our office, she did as well in an equal and near capacity with the Millennium and that the only difference was that it was not a 529 Plan. **Ms. Smith** stated that to say that the position had authority over investments made was an inaccurate statement and there was an entire team of investment advisors that did that and it had nothing to do with the Program Officer. **Ms. Smith** stated that the positions were identical and that they only differed in the fact that they administered two different programs and that she administered three programs and the other position only did one and that she did in fact have all the same level of authority and the duties that she listed for the Program Officer III.

Commissioner Sanchez asked if Ms. Smith issued 1099s. **Ms. Smith** responded that it was not necessary for her to issue 1099s with the Millennium Scholarship but that she does work with the IRS and their forms on other programs. **Ms. Friend** stated that the information that they based all the duties and responsibilities on had come from the NPD-19 desk audit and questions asked of the supervisor and that was where with regard to level of authority, Ms. Smith had said that she had to report weekly, that she did not go to supervisor for questions and that press inquiries were escalated, eligibility appeals go to NSHE and any complaints or concerns, if they didn't like Ms. Smith's answer, were escalated to NSHE. **Ms. Friend** continued that at the time of the desk audit, what she presented was what was either verified by the supervisor or information given at the desk audit. **Ms. Smith** added that "reports to weekly," was the same that the Deputies do to the Chief of Staff, to the Treasurer himself and she informs her what has happened that week and just keeping people in the loop, it was not that she was asking permission and that if anything,

she had more authority then she did at the time of the original NPD-19 and it continued to grow and that the program was ever changing, ever growing and was a huge endeavor to administer, especially with those continuous changes.

Commissioner Sanchez asked if there were any other questions from Commissioners. There were none.

MOTION: Moved to deny Ms. Alexandra Smith's appeal for reclassification from Program Officer I to Program Officer III
BY: Commissioner Spurlock
SECOND: Commissioner Sanchez
OPPOSED: Commissioner Mauger
VOTE: Motion passed 2-1

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

- A. Clerical & Related Services
 - 1. Subgroup: Administrative Support
 - a. 2.131 Student Worker

- B. Fiscal Management & Staff Services
 - 1. Subgroup: Financial
 - a. 7.103 Chief Accountant
 - 2. Subgroup: Public Information
 - a. 7.803 Curator Series

- C. Medical, Health & Related Services
 - 1. Subgroup: Laboratory Services
 - a. 10.710 Microbiologist Series

Mr. Long, Deputy Administrator, Division of Human Resource Management: stated that regarding the Student Worker class, after meeting with subject matter experts from the agencies that use that job class, changes were not recommended to the class specification. For the Chief Accountant, minor revisions were recommended in order to update the duty statements and that the knowledge, skills and abilities revisions were to expand and clarify the relevant and acceptable knowledge, skills and abilities required to be able to perform the duties outlined. Regarding the Curator Series, revisions were made to the series and class concepts to update and accurately describe the duties performed by incumbents. Additionally, the minimum qualifications at each of the levels were modified to expand and clarify the type of relevant acceptable experience required and furthermore, the knowledge, skills and abilities of the classes were updated accordingly. In regard to the Microbiologist Series, in consultation with subject matter experts from the Division of Public and Behavioral Health, Department of Agriculture and the Nevada System of Higher Education, modifications were made to the series concept to account for changes in verbiage used and duties performed. As a result of the adjustments, minor changes were made to the class concepts at the Microbiologist V and IV levels and in addition, minor changes were made to the class concepts at the Microbiologist II and I levels in order to maintain consistency in verbiage used at the training and entry level. Informational notes were added to explain that certain positions were required to possess and maintain certifications from either the State of Nevada or the American Society for Clinical Pathology. Furthermore, an informational note was added indicating that some of the positions may require specialized and/or agency specific experience which would be identified at the time of recruitment. Lastly, minor changes to the minimum qualifications were required to represent the modifications. Throughout the

process, subject matter experts were involved and all agencies were on board with the changes.

MOTION: Moved to approve class specification revisions that were proposed in items 6-A Student Worker, 6-B Curator Series and 6-C Microbiologist Series.
BY: Commissioner Mauger
SECOND: Commissioner Spurlock
VOTE: Motion passed unanimously.

VII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES

Mr. Long stated that the Report of Uncontested Classification Changes was posted and approved; and that it was a non-voting item.

VIII. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS

Commissioner Sanchez stated that the next meeting was scheduled for November 13, 2015 and asked if there were any revisions to that. **Ms. Lee-Ann Easton** stated that there was a request to change the date of the meeting to December 4th. The Commission confirmed that the date was acceptable and set the following meeting tentatively for March 4, 2016.

IX. PUBLIC COMMENT

Commissioner Sanchez asked for any public comment. There was none.

X. ADJOURNMENT

Commissioner Sanchez adjourned the meeting.

**STATE OF NEVADA
PERSONNEL COMMISSION**

Carson City at the Blasdel Building, 209 E. Musser St., Room 105 Carson City, Nevada 89701; and
via video/teleconference conference in Las Vegas at the Grant Sawyer State Building, Room 1400,
555 East Washington Avenue.

**MEETING MINUTES (Subject to Commission Approval)
Friday, October 9, 2015**

COMMISSIONERS PRESENT

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

STAFF PRESENT IN CARSON CITY:

Ms. Shelley Blotter, Deputy Administrator, DHRM
Ms. Carrie Hughes, Personnel Analyst, DHRM

COMMISSIONERS PRESENT

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

STAFF PRESENT

REMOTELY: Ms. Lee-Ann Easton, Administrator, DHRM

STAFF PRESENT IN

LAS VEGAS: Mr. Shane Chesney, Senior Deputy Attorney General

**I. CALL TO ORDER, WELCOME, ROLL CALL,
ANNOUNCEMENTS**

Chairperson Katherine Fox: Opened the meeting at 9:00a.m. She welcomed everyone and took roll.

II. PUBLIC COMMENT NOTICE: Read into record by **Chairperson Fox**

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 under NRS 241.020. 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 additional public comment on a specific agenda item when the item is being considered.

Chairperson Fox: Asked if there were any public comments. There were none.

III. DISCUSSION AND APPROVAL OR DENIAL OF PROPOSED REGULATIONS CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284 **Action Item**

Carrie Hughes, Personnel Analyst, DHRM: Reminded the Commission that they had initially approved the amendments to NAC 284.448 and 284.5875 as emergency regulations but noted that emergency regulations are effective for only 120 days. The amendments to NAC 284.448 and 284.5875 are intended to bring the regulations into agreement with the statutory change to NRS 281.145, as a result of Assembly Bill 388 of the 2015 Legislative Session.

Effective July 1st, NRS 281.145 requires the Personnel Commission to prescribe the 12-month period that State agencies will use to determine the eligibility of employees who are reservists or members of the National Guard, to take military leave without loss of their regular compensation. In NAC 284.5875, we are proposing that all State agencies with the exception of the Office of the Military, continue to use a calendar year for this purpose. However, the Office of the Military has requested that they be able to use the federal fiscal year for this purpose, due to the funding source of some of their affected positions.

Additionally, all of the existing language in NAC 284.5875 is removed as the language is obsolete, due to the amendment to NRS 281.145. The amendment to NAC 284.448 references this change to the period used for calculating employee’s military leave in NRS 281.145.

The Legislative Commission is scheduled to meet on October 27th and will consider these regulations at that time.

MOTION: The Personnel Commission for the State of Nevada adopt as permanent regulations, changes to Nevada Administrative Code, specifically NAC 284.448, time not counted for completion of probationary period and NAC 284.5875, military leave with pay.

BY: Chairperson Fox

SECOND: Commissioners Sanchez and Read

VOTE: Motion passed unanimously.

IV. PUBLIC COMMENT NOTICE: Read into record by **Chairperson Fox**

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 under NRS 241.020. 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 additional public comment on a specific agenda item when the item is being considered.

Chairperson Fox asked if there were any public comments. There were none.

V. ADJOURNMENT

Chairperson Fox adjourned the meeting.

Personnel Commission Meeting
December 4, 2015

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 19, 2015

(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.)

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
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
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

<u>CLASS CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
2.210	ADMINISTRATIVE ASSISTANT IV*	DPS - PCNS 3743-0106, 3743-33, 4702-322, 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, 4709-9013, 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, 4709-2, 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, 4733-32; 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, ALL PCNS BEGINNING W/ 930
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

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
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 4733-30
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*	DMV - PCN CC4019; DPS - PCNS 3743-1022, 4709-19, 4709-24, 4709-35, 4709-8003, 4709-8012
7.649	PROGRAM OFFICER I*	DPS - PCN 3744-82; FIRE MARSHAL - PCNS 4, 106; NDOC - PCNS 3710-0064, 3710-0202; BCN - PCNS 41234, 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
7.713	TRANSPORTATION TECHNICIAN III*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
7.714	TRANSPORTATION TECHNICIAN IV*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
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, 4733-35
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, 4733-115; NDOT - PCNS 016061, 016063
7.925	IT PROFESSIONAL III*	DPS - PCNS 0055, 0070, 0105, 0112, 0115, 0120, 0128, 0130, 0135, 0145, 4709-0150, 4733-46; NDOT - PCNS 016062, 016064, 91001, 92001, 93002; BCN UNR - ALL FACILITIES SERVICES PCNS

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
7.926	IT PROFESSIONAL II*	DPS - PCNS 0015, 0050, 0110, 0200, 0201, 0202, 0251, 0260, 0450 0677, 0681, 0129, 4733-301; 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, 4733-230, 4733-235, 4733-240
7.929	IT PROFESSIONAL I*	DPS - PCN 0090; BCN UNR - ALL FACILITIES SERVICES PCNS
7.931	IT TECHNICIAN V*	DPS - PCN 4733-220
7.935	IT TECHNICIAN IV*	DPS - PCNS 0065, 0075, 0080, 0085, 0095, 0096
7.940	IT TECHNICIAN III*	DPS - PCN 4733-314, 4733-353
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	GROUNDS EQUIPMENT OPERATOR I*	BCN - ALL PCNS
9.208	DRIVER WAREHOUSE WORKER TRAINEE*	NDOC - ALL PCNS
9.209	GROUNDS 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
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

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
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
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	GROUNDS 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	GROUNDS SUPERVISOR II*	BCN - ALL PCNS
9.623	CUSTODIAL SUPERVISOR II*	BCN - ALL PCNS
9.625	CUSTODIAL SUPERVISOR I*	BCN - ALL PCNS
9.627	GROUNDS SUPERVISOR I*	BCN - ALL PCNS
9.630	GROUNDS MAINTENANCE WORKER V*	BCN - ALL PCNS
9.631	CUSTODIAL WORKER II*	BCN - ALL PCNS
9.633	GROUNDS MAINTENANCE WORKER IV*	BCN - ALL PCNS

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
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
10.237	HEALTH PROGRAM SPECIALIST I*	BCN - ALL PCNS
10.238	HEALTH PROGRAM SPECIALIST II*	BCN - 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
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*	BCN, 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
10.373	COMMUNITY HEALTH NURSING MANAGER*	DHHS - 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
10.524	RADIATION CONTROL SPECIALIST II*	BCN UNR - ALL ENVIRONMENTAL HEALTH & SAFETY PCNS

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
10.528	RADIATION CONTROL SPECIALIST I*	BCN UNR - ALL ENVIRONMENTAL HEALTH & SAFETY 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
11.134	FINGERPRINT/RECORDS EXAMINER II*	DPS - PCNS 4709-6, 4709-7, 4709-32, 4709-33, 4709-59, 4709-60, 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	

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
11.522	SAFETY REPRESENTATIVE, CONSULTATION*	BCN - ALL PCNS
11.540	SAFETY SPECIALIST, RAILWAY-TRACKS	
11.541	SAFETY SPECIALIST, RAILWAY-MOTIVE POWER	
11.542	SAFETY SPECIALIST, RAILWAY-HAZARDOUS	
11.543	SAFETY SPECIALIST, RAILWAY-OPERATING PRACTICES	
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
12.376	FAMILY SERVICES SPECIALIST II*	BCN UNR - PCN 42051
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)	
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	

<u>CLASS CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
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	SENIOR YOUTH PAROLE COUNSELOR	
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 & TECHNOLOGY*	DPS - PCN 4709-1
U4102	BUREAU CHIEF, YOUTH PAROLE	
U4013	DIVISION ADMINISTRATOR, TAXICAB AUTHORITY	
U4141	DEPUTY DIVISION ADMINISTRATOR, TAXICAB AUTHORITY	
U9010	CHIEF, NEVADA HIGHWAY PATROL	
U9033	DEPUTY DIRECTOR, INDUSTRIAL PROGRAMS	
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
NHP	Department of Public Safety, Nevada Highway Patrol
NDOC	Department of Corrections
NDOT	Department of Transportation
NDOW	Department of Wildlife

<u>CLASS CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
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LEGEND (cont.)	
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 Commission on Mineral Resources, Division of Minerals (Minerals) has requested the following positions be approved for pre-employment screening for controlled substances:

AGENCY	CLASS/TITLE CODE	TITLE	POSITION CONTROL NUMBER
Minerals	7.665	Public Service Intern I	09015, 09016, 09017, 09018, 09019, 09020, 09022, 09023
Minerals	U3916	Program Manager, Oil/Gas/Geothermal	0002
Minerals	U3918	Deputy Administrator, Minerals	0006
Minerals	U3919	Chief for Dangerous Mines	0007
Minerals	U3930	Chief for Mine Regulation	0009
Minerals	U3932	Field Specialist, Minerals	0011, 0021, 0031
Minerals	U4706	Administrator, Minerals	0001

Staff recommendation:

Staff recommends approval of all requested positions. Public Service Intern I positions, the Chief for Dangerous Mines, the Chief for Mine Regulation and Field Specialist, Mineral positions 0011 and 0021 investigate and construct fencing and warning signs around abandoned mine features. Additionally, Field Specialist, Minerals may work alone. Department of Transportation positions in the Public Service Intern class series have previously been approved by the Commission. The Administrator, Deputy Administrator, Program Manager, Oil/Gas/Geothermal and Field Specialist, Minerals position 0031 perform duties on drilling and production sites to include inspecting drills while in operation and pressure testing of blowout prevention equipment.



STATE OF NEVADA
 COMMISSION ON MINERAL RESOURCES
DIVISION OF MINERALS
 400 W. King Street, Suite 106
 Carson City, Nevada 89703
 (775) 684-7040 • Fax (775) 684-7052
<http://minerals.nv.gov/>



BRIAN SANDOVAL
 Governor

Las Vegas Office: 2030 E. Flamingo Rd. #220, Las Vegas, NV 89119
 Phone: (702) 486-4343; Fax: (702) 486-4345

RICHARD PERRY
 Administrator

To: Carrie Hughes, Personnel Analyst
 From: Rich Perry, Administrator
 Through: Valerie Kneefel, Administrative Assistant IV
 Subject: Employment Drug Screening-

Public Service Intern Positions

The Division of Minerals has 8 Public Service Intern Positions. These are existing positions that we are requesting have Pre-Employment Drug Testing added.

These Public Service Interns have a potential to impact public safety as it requires incumbents to perform job duties on hazardous mine sites. They drive State vehicles in off road, sometimes hazardous areas to acquire access to mine sites. Pursuant to MSHA field positions, which are all required drug testing, these Public Service Interns being similar in nature should require testing.

Other Positions listed Below:

1. They do work on MSHA regulated mine sites. All MSHA-regulated sites require drug pre-screening of personnel working on-site.
2. Can do work on Oil, Gas and Geothermal drilling and production sites.
3. Operate state-owned 4WD vehicles in off-road conditions.
4. Investigate and construct fencing and warning signs around abandoned mine land features such as shafts, tunnels and pits.

PCN	Class	Title	Change Requested	Justification
09015	07.665	Public Service Intern 1	Add	Positions have a potential to impact public safety as it requires incumbents to perform job duties on hazardous mine sites. Operate state-owned 4WD vehicles in off-

Dennis Bryan; *Small-Scale Mining and Prospecting*
 Fred D. Gibson, Jr.; *General Public*
 Arthur Henderson; *Oil and Gas*

Commission on Mineral Resources
 Richard DeLong, *Chairman; Large-Scale Mining*

John Mudge; *Large-Scale Mining*
 David Parker; *Exploration and Development*
 John H. Snow; *Geothermal Resources*

				road conditions. Investigate and construct fencing and warning signs around abandoned mine land features such as shafts, tunnels and pits
09016	07.665	Public Service Intern 1	Add	Positions have a potential to impact public safety as it requires incumbents to perform job duties on hazardous mine sites. Operate state-owned 4WD vehicles in off-road conditions. Investigate and construct fencing and warning signs around abandoned mine land features such as shafts, tunnels and pits.
09017	07.665	Public Service Intern 1	Add	Positions have a potential to impact public safety as it requires incumbents to perform job duties on hazardous mine sites. Operate state-owned 4WD vehicles in off-road conditions. Investigate and construct fencing and warning signs around abandoned mine land features such as shafts, tunnels and pits.
09018	07.665	Public Service Intern 1	Add	Positions have a potential to impact public safety as it requires incumbents to perform job duties on hazardous mine sites. Operate state-owned 4WD vehicles in off-road conditions. Investigate and construct fencing and warning signs around abandoned mine land features such as shafts, tunnels and pits.
09019	07.665	Public Service Intern 1	Add	Positions have a potential to impact public safety as it requires incumbents to perform job duties on hazardous mine sites. Operate state-owned 4WD vehicles in off-road conditions. Investigate and construct fencing and warning signs around abandoned mine land features such as shafts, tunnels and pits.
09020	07.665	Public Service Intern 1	Add	Positions have a potential to impact public safety as it requires incumbents to perform job duties on hazardous mine sites. Operate state-owned 4WD vehicles in off-road conditions. Investigate and

				construct fencing and warning signs around abandoned mine land features such as shafts, tunnels and pits.
09022	07.665	Public Service Intern 1	Add	Positions have a potential to impact public safety as it requires incumbents to perform job duties on hazardous mine sites. Operate state-owned 4WD vehicles in off-road conditions. Investigate and construct fencing and warning signs around abandoned mine land features such as shafts, tunnels and pits.
09023	07.665	Public Service Intern 1	Add	Positions have a potential to impact public safety as it requires incumbents to perform job duties on hazardous mine sites. Operate state-owned 4WD vehicles in off-road conditions. Investigate and construct fencing and warning signs around abandoned mine land features such as shafts, tunnels and pits.
0001	U4706	Administrator	Add	Can do work on Oil, Gas and Geothermal drilling and production sites. Operate state-owned 4WD vehicles in off-road conditions.
0006	U3918	Deputy Administrator	Add	Can do work on Oil, Gas and Geothermal drilling and production sites. Operate state-owned 4WD vehicles in off-road conditions.
0002	U3916	Oil/Gas and Geothermal Program Manager	Add	Can do work on Oil, Gas and Geothermal drilling and production sites. Operate state-owned 4WD vehicles in off-road conditions.
0007	U3919	Chief for Dangerous Mines	Add	They do work on MSHA regulated mine sites. All MSHA-regulated sites require drug pre-screening of personnel working on-site. Operate state-owned 4WD vehicles in off-road conditions. Investigate and construct fencing and warning signs around abandoned mine

				land features such as shafts, tunnels and pits
0009	U3930	Chief for Mine Regulation	Add	They do work on MSHA regulated mine sites. All MSHA-regulated sites require drug pre-screening of personnel working on-site. Operate state-owned 4WD vehicles in off-road conditions. Investigate and construct fencing and warning signs around abandoned mine land features such as shafts, tunnels and pits.
0021	U3932	Field Specialist	Add	They do work on MSHA regulated mine sites. All MSHA-regulated sites require drug pre-screening of personnel working on-site. Operate state-owned 4WD vehicles in off-road conditions. Investigate and construct fencing and warning signs around abandoned mine land features such as shafts, tunnels and pits.
0011	U3932	Field Specialist	Add	They do work on MSHA regulated mine sites. All MSHA-regulated sites require drug pre-screening of personnel working on-site. Operate state-owned 4WD vehicles in off-road conditions. Investigate and construct fencing and warning signs around abandoned mine land features such as shafts, tunnels and pits.
0031	U3932	Field Specialist	Add	Can do work on Oil, Gas and Geothermal drilling and production sites. Operate state-owned 4WD vehicles in off-road conditions

FOR DISCUSSION AND POSSIBLE ACTION

On July 1, 2014, the Hearings Division of the Department of Administration became the primary hearing officers for employee appeals of dismissals, suspensions, demotions, involuntary transfers, and claims of reprisal or retaliatory action due to the disclosure of improper governmental action, more commonly referred to as “whistleblower” appeals. Additionally, Charles Cockerill was selected as an alternate in the event that there was a conflict and the Hearings Division staff were unable to hear the appeal.

At the September 25, 2015 meeting of the Personnel Commission, the Commission was provided customer satisfaction survey results and case handling statistics for the Hearings Division staff and Charles Cockerill. During this meeting and through a letter addressed to the Commission, Bryan Nix, Esq., Senior Appeals Officer of the Hearings Division, announced that seven Special Appeals Officers have now been appointed by the Governor. Mr. Nix said that it is his intent that the Special Appeals Officers will be handling these cases instead of the regular staff of the Division and this may result in increased costs. Mr. Cockerill also provided a letter to the Commission requesting renewal of his contract.

The current contracts, one with the Hearings Division and one with Charles Cockerill, will expire on June 30, 2016. If the Commission directs the Division of Human Resource Management to revert to the previous method of the Commission interviewing and hiring independent contractors or another method of selection, the Division will need the next several months for the competitive application, interview and appointment by the Commission, and contract approval by the Board of Examiners in order to have hearing officers in place by July 1, 2016. If on the other hand the Commission selects the Hearings Division and/or Charles Cockerill again, the Division will simply pursue an extension of their current contracts in order to have them in place by July 1, 2016.

Recommendation

This Division is concerned that the Hearings Division will be exclusively using Special Hearing Officers for employee appeals and costs may increase. The Hearings Division had committed to having their staff provide this service which would have accomplished the following:

Pros

- Reduced costs
- Consistency in decisions
- No bias towards employees or management due to not having a private law practice where they may represent employees or management
- Case handling
- Record holder
- Professional hearing rooms and recording equipment

Cons

- No video conferencing equipment

Due to some of the Special Appeals Officers never having provided these services and it is unknown what the cost increase will be, the Division recommends a one year renewal and then evaluate again whether to enter into a longer contract. The Division also recommends the

extension of Charles Cockerill's contract for one year so that both contracts can be considered at the same time in the future.

Personnel Commission Meeting
December 4, 2015

FOR INFORMATION ONLY

The minutes of the June 25, 2015 regulation workshop and the enrolled versions of Senate Bill 62, Assembly Bill 436 and Senate Bill 510 have been included for your review and consideration of the regulations.

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
DIVISION OF HUMAN RESOURCE MANAGEMENT

Attorney General's Office
Mock Court Room, 2nd Floor
100 North Carson St.
Carson City, Nevada.

and

Grant Sawyer Building, Room 4500
555 East Washington Avenue
Las Vegas, Nevada

The sites will be connected by videoconference. The public is invited to attend at either location.

REGULATIONS WORKSHOP
MINUTES

Thursday, June 25, 2015

Speakers Present

In Carson City:

Lee-Ann Easton, Administrator, Division of Human Resource Management
Shelley Blotter, Deputy Administrator, Division of Human Resource Management
Michelle Garton, Supervisory Personnel Analyst, Division of Human Resource Management
Carrie Hughes, Personnel Analyst, Division of Human Resource Management
Kimberley King, Human Resources Manager, Department of Transportation
Kareen Masters, Deputy Director, Department of Health and Human Services
Kevin Ranft, Labor Representative, American Federation of State, County and Municipal Employees

Speaker Present

In Las Vegas:

Brian Boughter, Personnel Officer, Department of Corrections

1. CALL TO ORDER

Shelley Blotter: Opened the meeting at 9:00 a.m. She introduced herself and asked everyone to sign-in. She indicated the purpose of the workshop is to solicit comments from affected parties with regard to regulations proposed for permanent adoption. She explained that the regulations maybe heard at a future Personnel Commission meeting. She stated that the format would be that the staff would provide an explanation of the proposed regulation change which would be followed by comments. She indicated that comments would be summarized for the Personnel Commission and

provided to them at the time that it would be proposed for adoption. She noted that there were comment cards available if participants wanted to use that format or comments could be sent through the mail.

2. REVIEW OF PROPOSED CHANGES TO NAC 284:

NAC 284.470 Preparation, Filing, Contents, Discussion and Distribution of Reports, Powers and Duties of Employees, Review, Adjustment of Grievances.

Michelle Garton: Stated that the amendment to NAC 284.470 would clarify the effect that an evaluation would have on the employee's pay and performance rating including different circumstances such as a late evaluation or an evaluation that was not submitted. The goal of the clarification is to encourage supervisors to submit evaluations even though the employee may have already received his or her merit salary increase. She referred to Subsection 4(a) a description of the process as it should be followed, a timely standard or exceeds standard evaluation is submitted, the employee is eligible for a merit increase if they have not reached the top step of his or her grade, and the inclusion of that rating into the personnel file. She noted that Subsection 4(b) states if the evaluation was not filed on time the employee is deemed standard for the purposes of pay and would receive a merit increase if he or she has not reached the top step of his or her grade. The employee's performance rating would be the most recent rating the employee received. She noted that NEATS (Nevada Employee Action and Timekeeping System) was undergoing an upgrade and this would handle all online evaluations. DHRM believes that this will support supervisors in getting evaluations in punctually and simplify the process. She stated that the second amendment allows a designate to be appointed by the appointing authority to extend any timeframes as outlined for the request for review process.

Shelley Blotter: Reviewed how this change affected the process. She noted that if anyone had a supervisor that had submitted an evaluation late and it was past the point where the employee would be eligible for the merit salary increase then they would normally get it. She explained the true change is that in the past it had been assumed that the employee's performance is "meets standards" if there was no new evaluation. The amendment is saying it would only be "meets standards" for the purposes of pay and whatever the evaluation rating is in the system would be what that person had actually been rated.

She asked if there were any comments. There were none in Las Vegas.

Kimberley King: Noted that she agrees with the change as at times the evaluation deadline could be missed while trying to work with an employee and agency wouldn't want then have to worry about the evaluation defaulting to a standard rating.

NAC 284.097 Reviewing Officer defined.

Michelle Garton: Stated that if the proposed amendment to NAC 284.470 is adopted then NAC 284.097 Reviewing Officer defined would need to be amended to change the reference to subsection 7 of NAC 284.470 to subsection 8 because a new subsection was being added to NAC 284.470.

Shelley Blotter: Asked if there were any comments. There were no comments.

NAC 284.52315 "Child" Defined

Michelle Garton: Stated that the change to the regulation would bring it into alignment with federal FMLA (Family and Medical Leave Act) regulations and those regulations had been interpreted to not require an employee to prove that he or she provides both the day-to-day care and the financial support in order to be found to stand in *loco parentis*.

Shelley Blotter: Asked if there were any comments.

Brian Boughter: Asked if there was any proposal on how to document whether the employee had day-to-day care or financially supports a child.

Carrie Hughes: She stated that this was like most of the things that were not addressed on the FMLA certification forms and agency staff could either take a statement either verbally or in writing. She confirmed that there is a provision for the requirement of supporting documentation.

Kareen Masters: Expressed that she had concerns with the concept of patterning state regulations after federal regulations or interpretations as they could change. She referred to the administrator's ruling which stated it was based on a two-page document. She noted that this document contained substantial information which she considered important. She stated that if the document was reviewed the conclusion stated whether any employee stood *in loco parentis* and this would depend on particular facts. She noted that the intention appeared to be that a number of facts would have to be weighed to determine if it would fall within that document. She suggested that they hold true to the federal regulations and perhaps include an informational box to replicate the administrator's ruling or provide an email link. She considered this preferential. She added that it should be kept in mind that the rule of the administrator talks about an individual caring for the child but once you change the 'and' to 'or' you would also have to look at the other part of the equation, e.g. financial support, as one aspect only would not suggest that it was that individual's child.

Shelley Blotter: Asked Kareen if she felt it would be preferable to adopt the federal definition of "child" and also "loco parentis" and not try to deal with it at the state level.

Kareen Masters: Agreed as the agencies would be in a difficult position because they would have to conform with both federal and state regulations and if federal law changed they would have this on the books and it could create confusion.

Shelley Blotter: Asked for confirmation that she was suggesting that they repeal the action and then adopt the other sections by reference.

Kareen Masters: Agreed and noted they had done that in other parts of the regulation where they would adopt the definition by reference.

Shelley Blotter: Asked for any other comments including comments on Kareen Masters' suggestion. There were no other comments.

NAC 284.589 Administrative Leave with Pay.

Michelle Garton: Stated that the changes would create consistency in the granting of administrative leave for an employee to prepare or attend hearings related to his or her dismissal, demotion, suspension, involuntary transfer, and/or a claim of retaliation for the disclosure of improper governmental action, otherwise referred to as a 'whistleblower appeal'. She stated that currently the regulation did not specifically provide preparation time for an employee's whistleblower appeal so it would be added. This change would also require the appointing authority to grant the employee administrative leave to attend his or her hearing. She added that the employee would receive administrative leave for preparation and attendance at all hearings before a hearing officer. The current time allowed was 8 hours for preparation but there was no timeframe given for actual attendance at the hearings. She noted that what had been reflected was that administrative leave would be available to the employee for the duration of the hearings. The appointing authority could grant leave time to the employee to make up the difference between the length of the hearing and the remainder of the employee's shift.

Shelley Blotter: Asked for comments and there were none.

NAC 284.394 Transfers Initiated by Appointing Authorities.

Michelle Garton: Stated that the proposed amendment to NAC 284.394 is recommended due to the amendments proposed for NAC 284.589. She noted that the proposal is to remove the last sentence, subsection 5, which stated that the employee might receive administrative leave to prepare for a hearing on any involuntary transfer. If the amendment to NAC 284.589 is adopted, it is unnecessary to have it in NAC 284.394.

Shelley Blotter: Asked for comments and there were none.

NAC 284.778 Request for Hearing and Other Communications.

Michelle Garton: Stated that on July 1, 2014 the Personnel Commission selected the Hearings Division of the Department of Administration as the primary hearing officers for employee appeals. As a result, there is no need to have all the written communication come through the Division of Human Resource Management. She stated that the Hearings Division employs clerks that work for the hearing officers and any written communication would be directed to the clerk who is supporting the hearing officer for that particular hearing.

Shelley Blotter: Asked for comments and there were none.

NAC 284.262 Longevity Pay: Eligibility.

NAC 284.270 Longevity Pay: Required Rating of Performance.

NAC 284.274 Longevity Pay: Dates of Payment and Eligibility, Responsible Agency.

NAC 284.278 Longevity Pay: Formulas for Calculation.

NAC 284.282 Longevity Pay: Particular Circumstances.

NAC 284.284 Longevity Pay: Return to State Service.

Michelle Garton: Stated that these were the regulations related to longevity pay. Assembly Bill 436 of the 2015 Legislative Session repealed NRS 284.177 and NRS 284.179 and these statutes included

the provisions for longevity pay. Therefore DHRM is recommending the repeal of the associated regulations for longevity pay.

Shelley Blotter: Asked for comments and there were none.

NAC 284.656 Notice.

Michelle Garton: Stated that the regulation was related to appeal hearings and concerned notices of dismissal, demotion and suspension of classified State of Nevada employees. She added the intent was to open the method to communicate to an employee by providing for a delivery service or a carrier such as FedEx or UPS or any company providing tracking information and proof of delivery.

Shelley Blotter: Asked for comments and there were none.

NAC 284.726 Access to Confidential Records

Carrie Hughes: Stated that NAC 284.894 required the removal of an applicant who tested positive for the use of a controlled substance from all hiring lists requiring pre-employment testing for a year or until the applicant provided evidence of successful conclusion of a rehabilitation program. She noted that Senate Bill 62 of the 2015 Legislative Session in part amended NRS 284.4068 to allow the Division of Human Resource Management access to those confidential results of applicants' pre-employment test results. She stated that that would allow for the statewide implementation of the requirement in NAC 284.894. She added that the proposed amendment to NAC 284.726 outlined the access in regulation.

Shelley Blotter: Asked for comments.

Kimberley King: Indicated that this was helpful and she supported it.

Shelley Blotter: Stated that currently the Division receives this information anecdotally. She noted that it would allow for a more systematic implementation.

NAC 284.888 Request for Employee to Submit to Screening Test, Interpretation of Grounds, Completion of Required Form.

Carrie Hughes: Stated that effective January 1, 2016 Senate Bill 62 of the 2015 Legislative Session concerned the involvement in a work-related accident or injury, the circumstances being listed in NRS 284.4065 for which an agency could request an employee to submit to an alcohol and/or controlled substance test. She added that SB62 additionally mandated that the Personnel Commission should by regulation define the term "work-related accident or injury" as it was currently used in Subsection 2 of NRS 284.4065. She added that the amendment to NAC 284.888 defined "work-related accident or injury".

Shelley Blotter: Asked for comments.

Kimberley King: Indicated that this was helpful and they supported having it in that section. She asked if they still wanted to retain e) in Subsection in 1.

Carrie Hughes: Indicated it was something to think about but she did not think it hurt. She added it might not be necessary.

Kevin Ranft: Indicated that AFSCME was in support and thought that it would clarify many of the concerns that had been brought forward in the past.

Shelley Blotter: Asked for additional comments.

Kareen Masters: Asked if they were being too restrictive saying it would have to occur on the premises of the workplace as they often had employees who worked out in the field.

Shelley Blotter: Responded that the injury or accident that would happen in the course of employment. She considered that working in the field would fall under the course of employment.

Carrie Hughes: Stated the phrase "premises of the workplace" was picked specifically because it was defined in regulation in NAC 284.0875. She suggested that that section could be reviewed and the description was fairly broad.

NAC 284.448 Time Not Counted Toward Completion of Probationary Period and LCB File Number R138-13 Military Leave with Pay

Carrie Hughes: Stated on June 19th the Personnel Commission approved the amendments to NAC 284.448 in LCB File Number R138-13 as emergency regulations. She added that as emergency regulations were only effective for 120 days they were proposing adopting the amendments as permanent regulations. She noted that both the amendment to NAC 284.448 and LCB File Number R138-13 were intended to bring the regulations into agreement with the statutory change to NRS 281.145 made by Assembly Bill 388 in the 2015 Legislative Session. She stated that the amendments' explanation of proposed changes stated that the amendments were contingent upon the passage and approval of AB388.

She stated that the Governor signed AB388 into law on June 4th. Effective July 1st NRS 281.145 would require the Personnel Commission to prescribe a 12-month period that state agencies would use to determine the eligibility of their employees who were reservists or members of the National Guard who would take military leave without loss of their regular compensation. In LCB File Number R138-13 they were proposing that all state agencies with the exception of the Office of the Military continue to use the calendar year for that purpose. She noted that the Office of the Military requested that they be able to use the federal fiscal year for the purpose due to the funding source and some of their affected positions. She added that all of the existing language in LCB R138-13 would be removed as it was now obsolete due to the amendment to NRS 281.145. She stated that the amendment to NAC 284.448 referenced the change to the period for calculating employees' military leave in NRS 281.145.

Shelley Blotter: Stated that they would be discussing military leave and changes in the law later in the day. This amendment was getting the regulations to conform to what the statute currently provided.

She asked if there were any comments in general and any proposed changes.

3. ADJOURNMENT

Shelley Blotter: Adjourned the Regulations Workshop.

Senate Bill No. 62–Committee on
Legislative Operations and Elections

CHAPTER.....

AN ACT relating to the State Personnel System; requiring the Personnel Commission to adopt certain regulations governing the employment, promotion, dismissal, demotion or suspension of state employees; authorizing the Commission to adopt certain regulations relating to state employees with disabilities and applicants for positions affecting public safety; making various other changes relating to the State Personnel System; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill makes various changes relating to the State Personnel System. Existing law provides that certain promotional appointees who fail to attain permanent status in the position to which they were promoted, or who are dismissed for cause other than misconduct or delinquency, must be restored to the positions from which the appointees were promoted. (NRS 284.300) **Section 1** of this bill requires the Personnel Commission to adopt regulations requiring that a promotional appointee who fails to attain permanent status in the promoted position must be: (1) restored to the position from which he or she was appointed unless doing so would displace another employee with greater seniority; (2) placed in a comparable position for which a vacancy exists; or (3) if no such positions exist, appointed to an equal or lower position for which a vacancy exists or placed on an appropriate reemployment list.

Existing law authorizes the Commission to adopt regulations which provide for filling, under certain circumstances, positions in the classified service of the State without competition. (NRS 284.305) **Section 2** of this bill authorizes the Commission to adopt regulations that provide for filling positions in the classified service without competition by the appointment of current employees with disabilities to certain positions.

Existing law requires an appointing authority to make continued efforts to retain an employee with a disability in state service by making reasonable accommodations. Existing law also requires an appointing authority to consider separation from service or disability retirement if an employee with a disability can no longer perform the essential functions of his or her position with or without reasonable accommodations. (NRS 284.379) **Section 3** of this bill requires an appointing authority to also consider whether an employee with a disability can be appointed to a position at or below the grade level of the employee’s current position before considering separation from service or disability retirement.

If a classified employee is dismissed, involuntarily demoted or suspended, existing law requires the appointing authority to give the employee written notice of that fact, delivered personally or mailed to the employee. (NRS 284.385) **Section 4** of this bill eliminates the requirement for delivery in person or by mail and requires the Commission to adopt regulations setting forth the procedures for properly notifying a classified employee of dismissal, involuntary demotion or suspension.

Existing law provides, with limited exception, that an employee who consumes or is under the influence of alcohol, a controlled substance or certain other drugs is



subject to disciplinary action or required to be referred to an employee assistance program. (NRS 284.4062, 284.4063) **Sections 5 and 6** of this bill authorize the Commission to adopt regulations setting forth the circumstances under which a person who holds a valid registry identification card to engage in the medical use of marijuana is subject to disciplinary action or required to be referred to an employee assistance program.

Existing law authorizes, under certain circumstances, an appointing authority to ask an employee who admits to consuming a controlled substance for the name of the person who prescribed the use of the controlled substance. (NRS 284.4064) **Section 7** of this bill authorizes an appointing authority to ask an employee who admits to consuming marijuana for proof that the employee holds a valid registry identification card to engage in the medical use of marijuana.

Existing law sets forth limited circumstances under which an appointing authority may request an employee to submit to a screening test for alcohol or drugs. (NRS 284.4065) **Section 8** of this bill adds an additional circumstance to authorize an appointing authority to request that an employee submit to a screening test if the employee has or is involved in a work-related accident or injury. **Section 8** also requires the Commission to define by regulation "work-related accident or injury."

Existing law requires an appointing authority to screen an applicant for alcohol and drugs before hiring the applicant for any position of employment that affects public safety. (NRS 284.4066) **Section 9** of this bill authorizes the Commission to adopt regulations relating to applicants for such positions whose screening test indicates the presence of marijuana and who hold valid registry identification cards to engage in the medical use of marijuana.

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 284.300 is hereby amended to read as follows:

284.300 1. ~~Any~~ *The Commission shall adopt regulations requiring that a* promotional appointee who fails to attain permanent status in the position to which the appointee was promoted, or who is dismissed for cause other than misconduct or delinquency on the appointee's part from the position to which the appointee was promoted, either during the probationary period or at the conclusion thereof by reason of the failure of the appointing authority to file a request for the appointee's continuance in the position, ~~shall~~ *must* be ~~restored~~ :

(a) Restored to the position from which the appointee was promoted ~~+~~ *unless the position has been filled by an employee with greater seniority;*

(b) Placed in a position other than the position from which the appointee was promoted and for which a vacancy exists in the class held immediately before the promotion; or

(c) If no position described in paragraph (a) or (b) exists:



(1) Appointed to a position for which a vacancy exists in a class equal to or lower than the class held immediately before the promotion; or

(2) Placed on an appropriate reemployment list.

2. Nothing contained in this section shall be construed to prevent any employee of the classified service from competing for places upon lists of persons eligible for original appointments.

Sec. 2. NRS 284.305 is hereby amended to read as follows:

284.305 1. Except as otherwise provided in subsection 2, positions in the classified service may be filled without competition only as provided in NRS 284.155, **284.300**, 284.307, 284.309, 284.310, 284.315, 284.320, 284.325, 284.327, 284.330, 284.375 and 284.3775.

2. The Commission may adopt regulations which provide for filling positions in the classified service without competition in cases involving:

(a) The appointment, upon approval of the appointing authority, of a current employee with a disability to a position at or below the grade of his or her position if the employee:

(1) Has successfully completed a probationary period for any class he or she has held during continuous classified service; and

(2) Becomes unable to perform the essential functions of his or her position with or without reasonable accommodation;

(b) The demotion of a current employee;

~~(b)~~ *(c) The reemployment of a current or former employee who was or will be adversely affected by layoff, military service, reclassification or a permanent partial disability arising out of and in the course of the employment of the current or former employee; or*

~~(c)~~ *(d) The reappointment of a current employee.*

Sec. 3. NRS 284.379 is hereby amended to read as follows:

284.379 In the employment of a person with a disability in the state service, continued efforts must be made to retain the person by making reasonable accommodations that enable the person to perform the essential functions of ~~the~~ *his or her current* position and to enjoy the benefits and privileges of the ~~person's~~ position. An appointing authority shall consider separation or disability retirement if ~~an~~ :

1. An employee can no longer perform the essential functions of the position with or without reasonable accommodations ~~it~~ ; and

2. Without undue hardship, as that term is defined pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., the employee cannot be appointed to a position for which a



vacancy exists and for which the employee is qualified at or below the grade of the employee's current position.

Sec. 4. NRS 284.385 is hereby amended to read as follows:

284.385 1. An appointing authority may:

(a) Dismiss or demote any permanent classified employee when the appointing authority considers that the good of the public service will be served thereby.

(b) Except as otherwise provided in NRS 284.148, suspend without pay, for disciplinary purposes, a permanent employee for a period not to exceed 30 days.

2. Before a permanent classified employee is dismissed, involuntarily demoted or suspended, the appointing authority must consult with the Attorney General or, if the employee is employed by the Nevada System of Higher Education, the appointing authority's general counsel, regarding the proposed discipline. After such consultation, the appointing authority may take such lawful action regarding the proposed discipline as it deems necessary under the circumstances.

3. A dismissal, involuntary demotion or suspension does not become effective until the employee is notified in writing of the dismissal, involuntary demotion or suspension and the reasons therefor. ~~The notice may be delivered personally to the employee or mailed to the employee at the employee's last known address by registered or certified mail, return receipt requested. If the notice is mailed, the effective date of the dismissal, involuntary demotion or suspension shall be deemed to be the date of delivery or if the letter is returned to the sender, 3 days after mailing.~~ *Commission shall adopt regulations setting forth the procedures for properly notifying the employee of the dismissal, involuntary demotion or suspension and the reasons therefor.*

4. No employee in the classified service may be dismissed for religious or racial reasons.

Sec. 5. NRS 284.4062 is hereby amended to read as follows:

284.4062 1. Except as otherwise provided in ~~subsection 3,~~ *subsections 3 and 4,* an employee who:

(a) Consumes or is under the influence of alcohol while on duty, unless the alcohol is an integral part of a commonly recognized medication which the employee consumes pursuant to the manufacturer's instructions or in accordance with a lawfully issued prescription;

(b) Possesses, consumes or is under the influence of a controlled substance while on duty, at a work site or on state property, except in accordance with a lawfully issued prescription; or



(c) Consumes or is under the influence of any other drug which could interfere with the safe and efficient performance of the employee's duties, unless the drug is an integral part of a commonly recognized medication which the employee consumes pursuant to the manufacturer's instructions or in accordance with a lawfully issued prescription,

↳ is subject to disciplinary action. An appointing authority may summarily discharge an employee who, within a period of 5 years, commits a second act which would subject the employee to disciplinary action pursuant to this subsection.

2. ~~1A~~ ***Except as otherwise provided in subsection 3, a*** state agency shall refer an employee who:

(a) Tests positive for the first time in a screening test; and

(b) Has committed no other acts for which the employee is subject to termination during the course of conduct giving rise to the screening test,

↳ to an employee assistance program. An employee who fails to accept such a referral or fails to complete such a program successfully is subject to further disciplinary action.

3. ***The Commission may adopt regulations setting forth the circumstances under which a person who holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS is subject to disciplinary action pursuant to subsection 1 or must be referred to an employee assistance program pursuant to subsection 2.***

4. Subsection 1 does not apply to:

(a) An employee who consumes alcohol in the course of the employment of the employee while hosting or attending a special event.

(b) A peace officer who possesses a controlled substance or consumes alcohol within the scope of the peace officer's duties.

Sec. 6. NRS 284.4063 is hereby amended to read as follows:

284.4063 **1.** Except as otherwise provided in ***subsection 2 and*** subsection 5 of NRS 284.4065, an employee who:

~~1A~~ **(a)** Fails to notify the employee's supervisor as soon as possible after consuming any drug which could interfere with the safe and efficient performance of the employee's duties;

~~1B~~ **(b)** Fails or refuses to submit to a screening test as requested by a state agency pursuant to subsection 1 or 2 of NRS 284.4065; or

~~1C~~ **(c)** After taking a screening test which indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by the employee's appointing authority,



that the employee had taken the controlled substance as directed pursuant to a current and lawful prescription issued in the employee's name,

↳ is subject to disciplinary action.

2. The Commission may adopt regulations setting forth the circumstances under which a person who holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS is subject to disciplinary action pursuant to this section.

Sec. 7. NRS 284.4064 is hereby amended to read as follows:

284.4064 1. If an employee informs the employee's appointing authority that the employee has consumed any drug which could interfere with the safe and efficient performance of the employee's duties, the appointing authority may require the employee to obtain clearance from the employee's physician before the employee continues to work.

2. If an appointing authority reasonably believes, based upon objective facts, that an employee's ability to perform the employee's duties safely and efficiently:

(a) May be impaired by the consumption of alcohol or other drugs, it may ask the employee whether the employee has consumed any alcohol or other drugs and, if so:

(1) The amount and types of alcohol or other drugs consumed and the time of consumption; ~~and~~

(2) If a controlled substance *other than marijuana* was consumed, the name of the person who prescribed its use ~~and~~; and

(3) If marijuana was consumed, to provide proof that the employee holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.

(b) Is impaired by the consumption of alcohol or other drugs, it shall prevent the employee from continuing work and transport the employee or cause the employee to be transported safely away from the employee's place of employment in accordance with regulations adopted by the Commission.

Sec. 8. NRS 284.4065 is hereby amended to read as follows:

284.4065 1. Except as otherwise provided in subsection 2, an appointing authority may request an employee to submit to a screening test only if the appointing authority:

(a) Reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs which are impairing the employee's ability to perform the employee's duties safely and efficiently;



(b) Informs the employee of the specific facts supporting its belief pursuant to paragraph (a), and prepares a written record of those facts; and

(c) Informs the employee in writing:

(1) Of whether the test will be for alcohol or drugs, or both;

(2) That the results of the test are not admissible in any criminal proceeding against the employee; and

(3) That the employee may refuse the test, but that the employee's refusal may result in the employee's dismissal or in other disciplinary action being taken against the employee.

2. An appointing authority may request an employee to submit to a screening test if the employee:

(a) Is a law enforcement officer and, during the performance of the employee's duties, the employee discharges a firearm, other than by accident; ~~for~~

(b) During the performance of the employee's duties, drives a motor vehicle in such a manner as to cause bodily injury to the employee or another person or substantial damage to property ~~H~~ ;
or

(c) Has or is involved in a work-related accident or injury.

↳ For the purposes of this subsection, the Commission shall, by regulation, define the ~~term~~ *terms* "substantial damage to ~~property~~" *property* and "work-related accident or injury."

3. An appointing authority may place an employee who submits to a screening test on administrative leave with pay until the appointing authority receives the results of the test.

4. An appointing authority shall:

(a) Within a reasonable time after an employee submits to a screening test to detect the general presence of a controlled substance or any other drug, allow the employee to obtain at the employee's expense an independent test of the employee's urine or blood from a laboratory of the employee's choice which is certified by the United States Department of Health and Human Services.

(b) Within a reasonable time after an employee submits to a screening test to detect the general presence of alcohol, allow the employee to obtain at the employee's expense an independent test of the employee's blood from a laboratory of the employee's choice.

(c) Provide the employee with the written results of the employee's screening test within 3 working days after it receives those results.

5. An employee is not subject to disciplinary action for testing positive in a screening test or refusing to submit to a screening test if



the appointing authority fails to comply with the provisions of this section.

6. An appointing authority shall not use a screening test to harass an employee.

Sec. 9. NRS 284.4066 is hereby amended to read as follows:

284.4066 1. Each appointing authority shall, subject to the approval of the Commission, determine whether each of its positions of employment affects the public safety. The appointing authority shall not hire an applicant for such a position unless the applicant submits to a screening test to detect the general presence of a controlled substance. Notice of the provisions of this section must be given to each applicant for such a position at or before the time of application.

2. An appointing authority ~~may~~ *shall* consider the results of a screening test in determining whether to employ an applicant. If those results indicate the presence of a controlled substance ~~or~~ *other than marijuana*, the appointing authority shall not hire the applicant unless the applicant provides, within 72 hours after being requested, ~~by the appointing authority,~~ proof that the applicant had taken the controlled substance as directed pursuant to a current and lawful prescription issued in the applicant's name.

3. An appointing authority shall, at the request of an applicant, provide the applicant with the results of the applicant's screening test.

4. If the results of a screening test indicate the presence of a controlled substance, the appointing authority shall:

(a) Provide the Administrator with the results of the applicant's screening test.

(b) If applicable, inform the Administrator whether the applicant holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.

5. The Commission may adopt regulations relating to an applicant for a position which affects the public safety who tests positive for marijuana and holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.

Sec. 10. NRS 284.4068 is hereby amended to read as follows:

284.4068 Except as otherwise provided in NRS 239.0115 ~~or~~ *and 284.4066*, the results of a screening test taken pursuant to NRS 284.4061 to 284.407, inclusive, are confidential and:

1. Are not admissible in a criminal proceeding against the person tested;



2. Must be securely maintained by the *Division, the* appointing authority , ~~or~~ the designated representative of the appointing authority *and any other person authorized to receive the results* separately from other files concerning personnel; and

3. Must not be disclosed to any person, except:

(a) Upon the written consent of the person tested;

(b) As required by medical personnel for the diagnosis or treatment of the person tested, if the person is physically unable to give the person's consent to the disclosure;

(c) As required pursuant to a properly issued subpoena;

(d) When relevant in a formal dispute between the appointing authority and the person tested; ~~or~~

(e) As required for the administration of a plan of benefits for employees ~~or~~; *or*

(f) As may be authorized pursuant to regulations adopted by the Commission.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 2, 3, 5, 6, 7, 9 and 10 of this act become effective on July 1, 2015.

3. Sections 1, 4 and 8 of this act become effective:

(a) 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

(b) On January 1, 2016, for all other purposes.



Assembly Bill No. 436–Committee on Ways and Means

CHAPTER.....

AN ACT relating to state employees; revising provisions relating to compensation of state employees to eliminate longevity pay for such employees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for a plan to encourage continuity of service for state employees whereby each employee with 8 years or more of continuous state service is entitled to a semiannual payment which begins at \$75 and increases annually after that for each year of continuous service to a maximum semiannual payment of \$1,175 (referred to commonly as “longevity pay”). (NRS 284.177) **Section 5** of this bill repeals that provision, but does not affect any longevity pay of local governmental employees, and **sections 1 and 2** of this bill make conforming changes to reflect that repeal.

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 281.123 is hereby amended to read as follows:

281.123 1. Except as otherwise provided in subsection 3 or NRS 281.1233, or as authorized by statute referring specifically to that position, the salary of a person employed by the State or any agency of the State must not exceed 95 percent of the salary for the office of Governor during the same period.

2. As used in subsection 1, the term “salary”:

(a) Includes any:

(1) Payment received by an employee for being available to work although the employee was not actually required to perform the work;

(2) Increase in salary provided to compensate for a rise in the cost of living; *and*

(3) ~~Payment received under a plan established to encourage continuity of service; and~~

~~(4)~~ Payment received as compensation for purportedly performing additional duties.

(b) Excludes any:

(1) Payment received as compensation for overtime even if that payment is otherwise authorized by law; and

(2) Rent or utilities supplied to an employee if the employee is required by statute or regulation to live in a particular dwelling.

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3. The provisions of subsection 1 do not apply to the salaries of:

- (a) Dentists and physicians employed full-time by the State; or
- (b) Officers and employees of the Nevada System of Higher Education.

Sec. 2. NRS 284.3775 is hereby amended to read as follows:

284.3775 1. Except as otherwise provided in this section, employees of the Supreme Court, employees of the Court of Appeals, employees in the unclassified service of the Executive Branch of the Government of the State of Nevada, or employees of the Legislative Branch of the Government of the State of Nevada who have served for 4 consecutive months or more are entitled to transfer to a position having similar duties and compensation in the classified service of the State on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority. The benefit conferred by this subsection includes any exemption from the taking of a competitive examination, retention of credits for annual and sick leave, ~~and longevity,~~ and priority on the lists of eligible persons to the extent that such privileges are accorded to employees transferring within the classified service.

2. Except as otherwise provided in subsection 4, the benefits conferred by subsection 1 do not apply to an employee in the unclassified service who is the chief officer of a department or division.

3. Except as otherwise provided in this subsection and subsection 4, a person may not transfer pursuant to subsection 1 to a class composed of:

- (a) Professionally qualified persons; or
- (b) Officers and administrators who set broad policies and exercise responsibility for the execution of those policies.

↳ A person may transfer to a class described in paragraph (a) or (b) if that class is provided for pursuant to subsection 2 of NRS 284.155.

4. The restrictions provided in subsections 2 and 3 do not apply to an employee of the Supreme Court, an employee of the Court of Appeals, an employee in the unclassified service of the Executive Branch of Government or an employee of the Legislative Branch of Government whose appointment to that position was immediately preceded by an appointment in the classified service, except that such an employee may only transfer to a position in the classified service that has duties and compensation that are similar either to

—

the employee's current position or to a position the employee previously held in the classified service.

5. An employee in the classified service of the State who is granted leave without pay to accept a position in the Legislative Branch of Government during a regular or special session:

(a) Is entitled to be restored to the employee's previous position in the classified service upon the completion of the legislative session without loss of seniority or benefits. Seniority must be calculated as if the employee had not taken the leave.

(b) Is eligible to fill vacancies in positions within the classified service to the extent that the employee would be eligible if the employee was not on leave from the employee's position in the classified service.

6. An employee of the Legislative Branch of the Government of the State of Nevada who is employed at the conclusion of a regular session of the Legislature and is eligible at that time pursuant to subsection 1 to transfer to a position having similar duties and compensation in the classified service of the State may transfer to such a position on or before November 1 following session notwithstanding the termination of the employee's employment with the Legislative Branch of Government before that date. For the purposes of this section, the weekly compensation of a person paid a daily salary during a legislative session is seven times the daily salary.

Secs. 3 and 4. (Deleted by amendment.)

Sec. 5. NRS 284.177 and 284.179 are hereby repealed.

Sec. 6. This act becomes effective upon passage and approval.

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Senate Bill No. 510–Committee on
Legislative Operations and Elections

CHAPTER.....

AN ACT relating to the State Personnel System; revising the provisions governing the right of certain employees of the Legislative Branch of the State Government to transfer to positions in the classified service of the State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that certain unclassified employees of the Executive Branch of the State Government and certain employees of the Judicial and Legislative Branches are entitled to transfer to positions having similar duties and compensation in the classified service of the State on the same basis as employees may transfer within the classified service. Such an employee is exempt from any requirement of a competitive examination and is entitled to: (1) retain credits for annual and sick leave and longevity; and (2) priority on the lists of eligible persons, to the extent that those privileges are accorded to employees transferring within the classified service. (NRS 284.3775) This bill revises those provisions so that an employee of the Legislative Branch who has served for 4 consecutive months is entitled to transfer to: (1) any position in the classified service having duties and compensation similar to those of the employee’s position with the Legislative Branch, as under existing law; or (2) any other position in the classified service for which the employee is qualified, regardless of the duties and compensation of 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 284.295 is hereby amended to read as follows:

284.295 1. Vacancies in positions must be filled, so far as practicable, by promotion within a department or agency from among persons holding positions in the classified service. Promotions must be based upon merit and fitness, to be ascertained in accordance with regulations adopted by the Commission. In such regulations, the employee’s efficiency, character, conduct and length of service must all constitute factors. For the purposes of this subsection, a person employed by the Legislative Branch of Government pursuant to subsection ~~4~~ 7 of NRS 284.3775 shall be deemed to hold the position the person held before the legislative session.

2. Eligibility for promotion must be determined on recommendation of the appointing authority and certification by the Administrator that the employee meets the minimum requirements



and demonstrates the employee's qualifications in accordance with regulations adopted by the Commission.

3. The Administrator may provide, in specific cases, for competitive promotional examinations among employees of departments other than that in which a particular vacancy in a higher classification may exist.

4. An advancement in rank or grade or an increase in salary beyond the maximum fixed for the class constitutes a promotion.

Sec. 2. NRS 284.3775 is hereby amended to read as follows:

284.3775 1. Except as otherwise provided in this section, employees of the Supreme Court, employees of the Court of Appeals ~~or~~ **or** employees in the unclassified service of the Executive Branch of the Government of the State of Nevada ~~or employees of the Legislative Branch of the Government of the State of Nevada~~ who have served for 4 consecutive months or more are entitled to transfer to a position having similar duties and compensation in the classified service of the State on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority.

2. An employee of the Legislative Branch of the Government of the State of Nevada who has served for 4 consecutive months or more is entitled to transfer to:

(a) Any position in the classified service of the State having similar duties and compensation; or

(b) Any other position in the classified service of the State for which the employee is qualified, without regard to the duties and compensation of the position.

↳ Except as otherwise provided in this subsection and subsection 6, such an employee is entitled to transfer to such a position on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority.

3. The benefit conferred by ~~this subsection~~ **subsections 1 and 2** includes any exemption from the taking of a competitive examination, retention of credits for annual and sick leave and longevity, and priority on the lists of eligible persons to the extent that such privileges are accorded to employees transferring within the classified service.

~~2.~~ **4.** Except as otherwise provided in subsection ~~4.~~ **6**, the benefits conferred by subsection 1 do not apply to an employee in the unclassified service who is the chief officer of a department or division.



~~13.1~~ 5. Except as otherwise provided in this subsection and subsection ~~14.1~~ 6, a person may not transfer pursuant to subsection 1 to a class composed of:

(a) Professionally qualified persons; or

(b) Officers and administrators who set broad policies and exercise responsibility for the execution of those policies.

↳ A person may transfer to a class described in paragraph (a) or (b) if that class is provided for pursuant to subsection 2 of NRS 284.155.

~~14.1~~ 6. The restrictions provided in subsections ~~12.1~~ 4 and ~~13.1~~ 5 do not apply to ~~1an1~~ :

(a) *An employee of the Legislative Branch of Government; or*

(b) *An employee of the Supreme Court, an employee of the Court of Appeals ~~11~~ or an employee in the unclassified service of the Executive Branch of Government ~~for an employee of the Legislative Branch of Government~~ whose appointment to that position was immediately preceded by an appointment in the classified service, except that ~~1such1~~ an employee *described in this paragraph* may only transfer to a position in the classified service that has duties and compensation that are similar either to the employee's current position or to a position the employee previously held in the classified service.*

~~15.1~~ 7. An employee in the classified service of the State who is granted leave without pay to accept a position in the Legislative Branch of Government during a regular or special session:

(a) Is entitled to be restored to the employee's previous position in the classified service upon the completion of the legislative session without loss of seniority or benefits. Seniority must be calculated as if the employee had not taken the leave.

(b) Is eligible to fill vacancies in positions within the classified service to the extent that the employee would be eligible if the employee was not on leave from the employee's position in the classified service.

~~16.1~~ 8. An employee of the Legislative Branch of the Government of the State of Nevada who is employed at the conclusion of a regular session of the Legislature and is eligible at that time pursuant to subsection ~~11~~ 2 to transfer to a position ~~having similar duties and compensation~~ in the classified service of the State may transfer to such a position on or before November 1 following session notwithstanding the termination of the employee's employment with the Legislative Branch of Government before that date.



9. For the purposes of this section, the weekly compensation of ~~to a person~~ *an employee of the Legislative Branch of Government* *who is* paid a daily salary during a legislative session is seven times the daily salary.

Sec. 3. This act becomes effective upon passage and approval.



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:** [Brackets] and ~~strikeouts~~ signify language that is to be removed. Language to be inserted is in ***bold italics***.

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. R041-15

The Division of Human Resource Management recommends the amendment to NAC 284.097, which will be necessary if the amendment to NAC 284.470, as described below, is adopted by the Commission. A new subsection was added to NAC 284.470 which changes the reference to it in NAC 284.097.

The Division of Human Resource Management recommends the first amendment to NAC 284.470 to clarify the effect of a timely or late filed report on performance, or when one is not filed at all, on an employee's pay and performance rating. The intent of this proposed amendment is to encourage supervisors to submit a report on performance for every employee even if the merit salary increase has already been received.

When a report is filed on time, an employee will receive his or her merit salary increase, if he or she is not already at the highest step in the grade. Also, the performance rating on the report will be shown in his or her personnel file. When a report on performance is filed late, an employee will receive his or her merit salary increase, if he or she has not already achieved the highest step in the grade. If a report on performance is subsequently filed, the employee's personnel file will be updated at that time to show the rating received.

The Division of Human Resource Management recommends the second amendment to NAC 284.470, due to the passage and approval of Assembly Bill 436 of the 2015 Legislative Session, which repealed the longevity statutes. This amendment removes the requirement that the report on performance contain a statement that substandard reports affect an employee's eligibility for longevity pay.

The third amendment to this regulation allows for a designee of the appointing authority to extend timeframes when an employee requests a review of his or her report on performance. This will keep the process moving forward even when the appointing authority is unavailable.

These proposed changes were discussed at a workshop on June 25, 2015, and there was testimony by the Human Resource Manager of the Nevada Department of Transportation supporting the changes.

LCB File No. R041-15

Section 1. NAC 284.097 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, is contingent upon the adoption of the amendments to NAC 284.470. Subsection 2 of NAC 284.097 refers to paragraph (b) of subsection 7 of NAC 284.470. A new subsection was added to NAC 284.470, which resulted in the necessity to renumber subsections 4 through 12 of NAC 284.470. As such, the reference to paragraph (b) of subsection 7 of NAC 284.470, will now be paragraph (b) of subsection 9 of NAC 284.470.

NAC 284.097 “Reviewing officer” defined. (NRS 284.065) “Reviewing officer” means:

1. The supervisor of the person who prepared a report on performance of an employee; or
 2. Such other person designated by the appointing authority,
- ↪ who reviews the report on performance upon the request of the employee pursuant to paragraph (b) of subsection ~~7~~ 9 of NAC 284.470.

(Added to NAC by Personnel Comm’n by R038-03, eff. 10-30-2003; A by R144-05, 12-29-2005; R056-10, 10-26-2011)

Section 2. NAC 284.470 is hereby amended to read as follows:

Explanation of Proposed Change: The first amendment to this regulation, proposed by the Division of Human Resource Management (DHRM), clarifies the effect of a report on performance that is filed timely, untimely or not at all for purposes of both pay and performance rating. The second amendment to this regulation, also proposed by the Division, will allow an appointing authority to designate an individual to act on his or her behalf when agreeing to an extension of a time period as provided in subsection 13 of this regulation. The Consultation & Accountability Unit of the Division receives many inquiries surrounding this regulation as it is currently written, and it is important for supervisors and employees to understand the effect each scenario has both on the employer and employees in terms of pay and performance rating.

Through this proposed change, DHRM intends to encourage that a report of performance be submitted for all employees, even if the times specified in statute have not been met and the employee has received his or her merit salary increase (MSI). A report of performance serves as a summary of an employee's performance during a certain period, recognizing good performance, noting deficiencies when necessary, and documenting employee development plans. When a report on performance is not submitted for an employee, the employee's positive or negative performance typically is undocumented. Additionally, if a report on performance is not submitted for an employee who has applied for a transfer or a promotion to another agency, a current summary of his or her performance will not be available to an agency when making its hiring decision.

When a report on performance is filed with DHRM on or before the times prescribed by NRS 284.340, and the employee has achieved an overall rating of meets or exceeds standards, he or she is eligible for an MSI, unless the top step of his or her grade has been attained. Also under these circumstances, the employee's file of employment will reflect the rating received on the report on performance that has been timely filed.

If a report on performance is not filed on or before the time as specified in NRS 284.340, the employee will receive his or her MSI, unless the top step of his or her grade has been attained. If a report on performance is filed after the time as specified, the new rating will be reflected in the employee's file of employment at the time the report on performance is submitted to DHRM.

If a report of performance is not filed on or before the times as specified in NRS 284.340 and a subsequent report on performance for the rating period is not filed, the employee will be considered standard for pay purposes only and will receive his or her MSI, unless the top step of the grade has been attained. In this situation, the employee's file of employment will display no actual performance rating for that period.

Currently, the Nevada Employee Action and Timekeeping System (NEATS) is undergoing an upgrade to electronically capture the duties assigned, essential functions, and work performance standards for a position. It will also allow this data to be updated and archive previous versions for historical purposes. Additionally it will automatically populate an employee's evaluation with the employee's most up-to-date work performance standards. The supervisor will then complete the employee's evaluation online in the system. After the supervisor and employee have met, the

employee and subsequent levels of approval will be applied online. We believe these system improvements will support a supervisor's ability to submit timely performance evaluations.

The amendment to subsection 13 authorizes an appointing authority to appoint a designee to extend the date related to 90 day follow-up evaluations for a substandard rating on a report on performance, or to extend the timelines for either a request for review by a reviewing officer, or the period of time for the reviewing officer to respond to such a request.

NAC 284.470 Preparation, filing, contents, discussion and distribution of reports; powers and duties of employees; review; adjustment of grievances. (NRS 284.065, 284.155, 284.340, 284.383, 284.384)

1. A person shall not complete a report on performance unless he or she has completed the training provided or approved by the Administrator concerning the preparation of a report on performance.

2. A report on performance must be prepared on the form prescribed by the Division of Human Resource Management.

3. A report on performance must be filed at the times prescribed by NRS 284.340, but may be filed more frequently at the discretion of the supervisor of the employee.

4. If a report on performance is filed on or before the times specified in NRS 284.340, the overall rating of performance of the employee will be reflected in the employee's file of employment and the employee will receive a merit pay increase if he or she is otherwise eligible for the increase pursuant to NAC 284.194.

5. If a report on performance is not filed on or before the times specified in NRS 284.340, the performance of the employee shall be deemed to be standard ~~+~~ ~~---4.]~~ *for the purpose of determining the salary of the employee and the employee will receive a merit pay increase if he or she is otherwise eligible for the increase pursuant to NAC 284.194. If an untimely report on performance:*

(a) Is filed thereafter, the employee's file of employment will be updated to reflect the overall rating of performance of the employee as reported, but that rating will not affect any merit pay increase to which the employee is otherwise entitled.

(b) Is not filed thereafter, the employee's file of employment will not include an overall rating of performance of the employee for that period of evaluation.

6. If the performance of an employee falls below standard, his or her supervisor shall inform the employee promptly and specifically of the deficiencies in the performance of the employee regardless of whether a report on performance of the employee is completed or filed.

~~[5.]~~ 7. If any information that would have affected the rating of performance of an employee during a period of evaluation becomes available after the date on which the report on performance of the employee is filed for that period, the information may be included in the report on performance for the current period of evaluation and taken into consideration in determining the rating of performance for the current period of evaluation.

~~[6.]~~ 8. When a report on performance is given which reports the overall rating of performance of an employee as substandard:

(a) The report must contain a written notice that such reports affect ~~[both]~~ merit pay increases ~~;~~ ~~[and the employee's eligibility for longevity pay;]~~ and

(b) An additional report on the performance of the employee must, in accordance with subsection 4 of NRS 284.340, be filed at least once every 90 days after the initial report that

includes the substandard rating until the performance of the employee improves to standard or disciplinary action is taken against the employee.

~~§ 7~~ **9.** Except as otherwise provided in subsection ~~§ 8~~ **10**, the preparation of each report on performance must include a discussion between the employee and his or her immediate supervisor. Within 10 working days after the discussion takes place:

(a) The employee must complete and sign the appropriate section on the report on performance and return the report to the supervisor for forwarding to the reviewing officer or appointing authority.

(b) If the employee contests the report on performance and requests a review, he or she must respond to the report in writing, identify the specific points of contention, if such specificity is provided, and return the response to the supervisor. Except as otherwise provided in this paragraph, the reviewing officer shall respond in writing on a form prescribed by the Division of Human Resource Management within 10 working days after the supervisor receives the request for review. If the reviewing officer is not the appointing authority, the reviewing officer must submit to the appointing authority a recommendation to uphold or modify the report on performance. The appointing authority shall review the recommendation of the reviewing officer regarding the contested report on performance and render a final decision to the employee within 10 working days after receiving the recommendation.

~~§ 8~~ **10.** If an employee is unavailable for a discussion of the report on performance pursuant to subsection ~~§ 7~~ **9** because of an extended absence, the immediate supervisor of the employee shall cause the report to be mailed to the employee. Within 10 working days after the date on which the employee receives the report:

(a) The employee must complete and sign the appropriate section on the report on performance and mail the report to the supervisor for forwarding to the appointing authority or reviewing officer.

(b) If the employee contests the report on performance and requests a review, he or she must respond to the report in writing, identify any specific point of contention, if the report provides such specificity, and mail the response to the supervisor. Except as otherwise provided in this paragraph, the reviewing officer shall respond in writing on a form prescribed by the Division of Human Resource Management within 10 working days after the supervisor receives the request for review. If the reviewing officer is not the appointing authority, the reviewing officer must submit to the appointing authority a recommendation to uphold or modify the report on performance. The appointing authority shall review the recommendation of the reviewing officer regarding the report on performance and render a final decision to the employee within 10 working days after receiving the recommendation. For the purposes of this paragraph, a report on performance or request for review is deemed to have been received on the third day after the date on which the report or request is postmarked.

~~§ 9~~ **11.** A copy of each report on performance and, if applicable, any written response to such a report requested by an employee pursuant to subsection ~~§ 7~~ **9** or ~~§ 8~~ **10** must be provided to the employee and filed with the Division of Human Resource Management.

~~§ 10~~ **12.** If any written comments are added to a report on performance after a copy of the report has been provided to the employee pursuant to subsection ~~§ 9~~ **11**:

(a) A copy of the revised report which includes the written comments must be provided to the employee; and

(b) The employee may respond, in writing, to the additional comments in the revised report not later than 10 working days after receiving a copy of the revised report and submit the response to the Division of Human Resource Management for inclusion in his or her file of employment.

~~11.~~ **13.** An employee and his or her appointing authority *or the designee of the appointing authority* may agree in writing to extend one or more of the periods prescribed in subsection ~~7~~ **9** or ~~8~~.

~~12.~~ **10.**

14. If a reviewing officer fails to respond to a request for review from an employee within the time required by this section, the employee may institute the procedure for the adjustment of a grievance pursuant to NAC 284.658 to 284.6957, inclusive.

[Personnel Div., Rule IX § A, eff. 8-11-73; A 12-28-75]—(NAC A by Dep't of Personnel, 10-26-84; 9-17-87; 10-18-89; 11-16-95; R031-98, 4-17-98; A by Personnel Comm'n by R065-98, 7-24-98; A by Dep't of Personnel by R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm'n by R069-02, 8-14-2002; R096-03, 10-30-2003; R144-05, 12-29-2005; R174-08, 9-29-2008; R056-10, 10-26-2011; R007-11, 10-26-2011)

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:** [Brackets] and ~~strikeouts~~ signify language that is to be removed. Language to be inserted is in ***bold italics***.

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. R042-15

The Division of Human Resource Management recommends the amendments to NAC 284.589, to:

- Create consistency by granting up to 8 hours of administrative leave for an employee to prepare for each hearing related to his or her appeal of a dismissal, suspension, demotion, involuntary transfer, and a claim of reprisal or retaliatory action due to the disclosure of improper governmental action, more commonly referred to as “whistleblower” appeals. Previously, preparation time was not specifically provided for whistleblower appeals. Additionally, this amendment consolidates language granting administrative leave for preparation for a hearing regarding an involuntary transfer into the administrative leave regulation rather than a separate regulation. Note: An employee would only receive up to 8 hours per hearing even if there was more than one type of discipline that has been appealed and is being heard at the same hearing.
- Move granting of administrative leave to attend one’s own hearing regarding the issues listed from a permissive subsection to one in which an appointing authority is required to grant the leave. The granting of administrative leave to witnesses to attend these types of hearings will remain permissive. No comments were received regarding these proposed changes during the workshop on June 25, 2015.

If the amendments to NAC 284.589 are adopted, the Division of Human Resource Management recommends adopting the proposed amendment to NAC 284.394. The proposed amendment to NAC 284.589, as described above, will consolidate language regarding leave time to prepare for an appeal hearing into one regulation. Therefore, such language in NAC 284.394 is no longer necessary and is recommended for removal. The Division of Human Resource Management intends to include an informational note in the publication *Rules for State Personnel Administration*, directing individuals to NAC 284.589. There were no comments related to this proposed amendment at the workshop held on June 25, 2015.

The Division of Human Resource Management recommends the amendment to NAC 284.778. This amendment is based on the decision by the Commission to select the Hearings Division of the Department of Administration to act as the primary hearing officers for employee appeals, from July 1, 2014 through June 30, 2016. In the event of a conflict of interest, an independent hearing officer is also contracted to hear these appeals. This amendment is intended to improve efficiency in the process by requiring that any written communication directed to a hearing officer be sent to the clerk assigned to that hearing officer who may or may not be employed by the Division of Human Resource Management. There were no comments related to this proposed amendment at the workshop held on June 25, 2015.

The Division of Human Resource Management also recommends the amendment to NAC 284.656 due to the passage and approval of Senate Bill 62 of the 2015 Legislative Session. This bill amended NRS 284.385 to require that the Commission adopt regulations related to providing notice to a classified employee of his or her dismissal, involuntary demotion or suspension of State of Nevada employees in the classified service. The preferred method of delivery is in-person but if the employee is not available the proposed regulation would allow for delivery services other than just the U.S. Postal Service. There were no comments for or against the proposed changes to NAC 284.656 during the workshop held on June 25, 2015.

The last section of this file makes the effective date of sections 1, 2, and 4 upon filing with the Secretary of State. Section 3 becomes effective on January 1, 2016 to conform to the effective date of the applicable section in SB 62.

Section 1. NAC 284.394 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, will create consistency with NAC 284.394, which pertains to transfers initiated by appointing authorities, also referred to as involuntary transfers, and NAC 284.6561, which pertains to hearings regarding a dismissal, suspension or demotion.

NAC 284.589 currently requires, under certain circumstances, the granting of administrative leave to an employee so that he or she can appear at a hearing regarding his or her dismissal, suspension or a demotion. The first proposed amendment to NAC 284.589 will require the granting of administrative leave for an employee to appear at his or her hearing related to an involuntary transfer, as well as a claim of reprisal or retaliation based on the disclosure of improper governmental action.

Also, NAC 284.589 currently requires, under certain circumstances, that 8 hours of administrative leave be granted to an employee so that he or she can prepare for a hearing regarding an involuntary transfer, a dismissal, a suspension or a demotion. The second proposed amendment to NAC 284.589 will require the granting of 8 hours administrative leave for an employee to prepare for his or her hearing related to a claim of reprisal or retaliation based on the disclosure of improper governmental action.

Because the granting of administrative leave for these purposes will now be outlined in NAC 284.589, it is unnecessary to include in NAC 284.394 that an employee has the ability to request such leave.

The Division of Human Resource Management intends to include an informational note, such as the example below, in the *Rules for State Personnel Administration* publication explaining that administrative leave must be granted, under certain circumstances, to an employee to prepare for and attend a hearing regarding an appeal of his or her involuntary transfer. The informational note will ensure that it is clear that administrative leave may still be requested for this type of appeal hearing, and will direct individuals to the administrative leave regulation, NAC 284.589.

INFORMATIONAL NOTE: NAC 284.589 provides for, under certain circumstances, 8 hours of administrative leave to prepare for an appeal hearing regarding an involuntary transfer, as well as administrative leave to attend such hearings.

NAC 284.394 Transfers initiated by appointing authorities. (NRS 284.065, 284.155, 284.375)

1. Except as otherwise provided in subsection 2, an appointing authority may, after giving 5 working days' notice, transfer for the convenience of this State any employee to another position in:
 - (a) The same class; or
 - (b) A comparable class with the approval of the Division of Human Resource Management.

2. The notice required by subsection 1 need not be given if the transfer does not exceed 10 working days. If a bona fide or justifiable emergency exists, a transfer may be made immediately with the prior approval of the Division of Human Resource Management.

3. A transfer pursuant to this section must not be made to harass or discipline an employee.

4. A permanent employee who is required to transfer to a different geographical location and who declines the transfer has the same rights provided in NAC 284.630 as an employee who is laid off.

5. If an employee requests a hearing to appeal an involuntary transfer pursuant to NRS 284.376, the appointing authority may temporarily assign the employee, on a per diem basis, to transfer pending disposition of the appeal. ~~[The employee may request leave pursuant to NAC 284.589 to prepare for the hearing relating to the involuntary transfer.]~~

6. As used in this section, “geographical location” has the meaning ascribed to it in NAC 284.612.

[Personnel Div., Rule VI § D subsec. 5, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-18-89; A by Personnel Comm’n by R183-03, 1-27-2004)

Section 2. NAC 284.589 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, will create consistency between hearings related to the dismissal, suspension or demotion of an employee, hearings related to the involuntary transfer of an employee and hearings related to a claim of reprisal or retaliation due to the disclosure of improper governmental action. Because employee preparation for, and his or her attendance at, such hearings is necessary so that the hearing officer can gather information from both parties, this change will mandate the approval of administrative leave for these purposes. The appearance of witnesses at such hearings will be allowable for all of the types of hearings listed above.

Currently the regulation allows, under certain circumstances, the granting of administrative leave for the attendance of an employee and any witnesses at all hearings related to the dismissal, suspension or demotion of an employee. With the amendment to subsection 4(f), the granting of administrative leave for these hearings will continue to be allowable for witnesses to attend such hearings. Also, the granting of administrative leave will be allowable for witnesses to attend hearings related to the involuntary transfer of an employee, as well as hearings related to a claim of reprisal or retaliation due to the disclosure of improper governmental action. It is important that the granting of administrative leave to witnesses remain allowable rather than mandatory so agencies can ensure proper staffing levels.

Subsection 6 of NAC 284.589 currently requires the granting of 8 hours of administrative leave for an employee to prepare for hearings related to his or her dismissal, suspension or demotion, as well as hearings related to his or her involuntary transfer. The amendment to move subsection 4(f) to this subsection will also require the granting of 8 hours of administrative leave for an employee to prepare for hearings related to a claim of reprisal or retaliation due to the disclosure of improper governmental action.

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 ~~§~~, *as amended by section 8 of Senate Bill No. 62, chapter 225, Statutes of Nevada 2015, at page 1049*; 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 or a witness at a hearing of the Committee.

(f) His or her appearance as ~~[an appellant or]~~ a witness at a hearing ~~[conducted pursuant to NRS 284.390 by a hearing officer of the Division of Human Resource Management.]~~ *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 ~~[all hearings]~~ *any hearing described in paragraph (e).*

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

(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.

~~[(e) Up to 8 hours for preparation for all hearings regarding an involuntary transfer of the employee.]~~

(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)

Section 3. NAC 284.656 is hereby amended to read as follows:

Explanation of Proposed Change: S.B. 62 of the 2015 Legislative Session amends NRS 284.385, which is related to the dismissal, involuntary demotion and suspension of State of Nevada employees in the classified service. The requirement for delivery in person or by mail in subsection 3 of NRS 284.385 has been removed. Language has been added to the statute requiring that regulations be adopted setting forth the procedures for properly notifying a classified employee of dismissal, involuntary demotion or suspension.

The preferred method of delivery is in-person but if the employee is not available the proposed regulation would allow for delivery services other than just the U.S. Postal Service. This amendment, proposed by the Division of Human Resource Management, will provide increased speed of delivery and reliability by modernizing methods by which agencies may provide notice of the disciplinary actions listed above. The amendment will allow agencies to use alternative carriers such as Federal Express or United Parcel Service, as long as the carrier provides proof that the notice was sent and that it was delivered.

NAC 284.656 Notice. (NRS 284.065, 284.155, 284.383, 284.385, 284.390) Except as otherwise provided in NAC 284.6563, if an appointing authority proposes that a permanent employee be dismissed, suspended or demoted, the following procedure for providing notice of the proposed action must be followed:

1. The employee must be given at least 10 working days' written notice of the proposed action on the form provided by the Division of Human Resource Management.
2. The notice may be given in person or by ~~{mail.}~~ *means of any delivery service that provides a written or electronic record of the date the notice was sent and the date the notice was received.* If ~~{it is mailed,}~~ the notice *is sent by means of a delivery service, the notice* must be ~~{mailed}~~ *sent* to the employee's last known address . ~~{by registered or certified mail, return receipt requested. The date stamped on the receipt by the postal service is the date of delivery.}~~ If the notice is returned without ~~{a return receipt signed}~~ *having been received* by the employee, the employee's date of receipt shall be deemed to be the third day after the date ~~{of the mailing.}~~ *the notice was sent.*
3. The notice must:
 - (a) Specify the proposed date on which the action is effective.
 - (b) Inform the employee that a hearing has been scheduled on his or her behalf in the manner prescribed in NAC 284.6561 and specify the date, time and place of the hearing.
 - (c) Specify the charges, the reasons for them and the cause of action contained in NAC 284.646 or 284.650 on which the proposed action is based.
4. The notice of the proposed action must be signed by the appointing authority or his or her designated representative before the notice is given to the employee.
5. Upon its receipt, the employee must be asked to sign the notice. If he or she refuses to sign the notice, the refusal must be noted on the notice. The employee's signature is not an admission by him or her of any of the allegations set forth in the notice.
6. If the employee does not understand the reasons for the proposed action or the procedures related to disciplinary actions, including, without limitation, the right to notice, a hearing and an appeal, the employee may seek an explanation from the appointing authority or another person in the agency familiar with the procedure.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 7-21-89; 8-1-91; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 11-12-93; 11-16-95; 11-16-95; A by Personnel Comm'n by R063-09, 11-25-2009)

Section 4. NAC 284.778 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, improves efficiency and creates added flexibility in the process of employee appeals. At its January 10, 2014 meeting, the Personnel Commission selected the Hearings Division of the Department of Administration to act as the primary hearing officers for employee appeals beginning July 1, 2014. Also selected was one contracted hearing officer to hear employee appeals when a conflict of interest exists.

Prior July 1, 2014, all employee appeal hearings were heard by contracted hearing officers, and the Hearing Clerk of the Division of Human Resource Management served as the clerk to each of them. The Hearings Division directly employs clerks who are assigned to the hearing officers of that Division. It is much more efficient for written communications to be sent directly to either the hearing officer or his or her assigned clerk of the Hearings Division, rather than these communications being routed through the Division of Human Resource Management.

The amendment to this regulation creates added flexibility to the process by broadening the contact for written communications to a “general” hearing clerk, rather than a hearing clerk specific to the Division of Human Resource Management. This will allow the regulation to apply to all types of hearing officers the Personnel Commission may select to hear employee appeals.

NAC 284.778 Request for hearing and other communications. (NRS 281.641, 284.065, 284.155, 284.376, 284.390)

1. A request for an appeal must be addressed to the Administrator and submitted on the form provided by the Division of Human Resource Management.
2. A copy of any written communication directed to a hearing officer must be sent to the ~~[Hearing Clerk of the Division of Human Resource Management.]~~ *clerk assigned to the hearing officer.*
3. A party shall not communicate with a hearing officer regarding the merits of a case:
 - (a) Except in the presence of all parties to the hearing; or
 - (b) Unless all parties to the hearing are notified of the communication in advance.
4. Unless otherwise agreed upon in writing by all parties, an offer or demand of settlement made by a party must not be disclosed to or proposed by a hearing officer before the issuance of a final decision by the hearing officer.

[Personnel Div., Hearings Procedures § (A) subsec. (1), eff. 11-28-65; A 6-9-74]—(NAC A by Dep’t of Personnel, 10-26-84; A by Personnel Comm’n by R192-09, 6-30-2010, eff. 7-1-2010; R011-11, 10-26-2011)

Section 5.

Explanation: This section provides the effective dates for each of the regulations in this file. The effective date of Section 3 is January 1, 2016 in order to conform to the effective date in the applicable provision of SB 62.

1. This section and sections 1, 2, and 4 of this regulation become effective upon filing with the Secretary of State.
2. Section 3 of this regulation becomes effective on January 1, 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:** [Brackets] and ~~strikeouts~~ signify language that is to be removed. Language to be inserted is in ***bold italics***.

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. R043-15

The Division of Human Resource Management recommends the first amendment to NAC 284.398, based on the passage and approval of Senate Bill 510 of the 2015 Legislative Session. This bill changed the reference to subsection 6 of NRS 284.3775 to subsection 8.

The Division also recommends the second amendment to NAC 284.398, based on the passage and approval of Assembly Bill 436 of the 2015 Legislative Session. This bill repealed NRS 284.177 and 284.179, the statutes related to longevity pay, effective June 9, 2015. This amendment removes longevity as a consideration when an employee transfers into the classified service.

The Division of Human Resource Management recommends the amendment to NAC 284.470, to be consistent with the other changes proposed in LCB File R043-15. The change is due to the passage and approval of Assembly Bill 436 of the 2015 Legislative Session, which repealed the longevity statutes. This amendment removes the requirement that the report on performance contain a statement that substandard reports affect an employee's eligibility for longevity pay.

The Division of Human Resource Management also recommends the amendment to NAC 284.580, due to the passage of Senate Bill 510 of the 2015 Legislative Session. The amendment removes the reference to NAC 284.282, which is related to longevity pay, from subsection 4 of NAC 284.580.

The Division of Human Resource Management recommends the repeal of NAC 284.262 through 284.284, inclusive, based on the passage and approval of Assembly Bill 436 of the 2015 Legislative Session. This bill repealed NRS 284.177 and 284.179, the statutes related to longevity pay, effective June 9, 2015. There were no comments related to the proposed repeal of these regulations during the workshop held on June 25, 2015.

Section 1. NAC 284.398 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Legislative Counsel Bureau, changes the reference to NRS 284.3775 due to the changes to that statute upon the passage and approval of Senate Bill 510 of the 2015 Legislative Session. The amendment also removes longevity from the regulation due to the repeal of NRS 284.177 and 284.179 as a result of the passage and approval of Assembly Bill 436 of the 2015 Legislative Session.

NAC 284.398 Transfers to classified service; certain transfers to unclassified service. (NRS 284.065, 284.155, 284.375)

1. An unclassified employee who has less than 4 months of service and whose appointment was immediately preceded by an appointment in the classified service in which the person was a permanent employee may transfer back into the classified service under the same conditions and with the same benefits as classified employees, except that the duties and compensation of the position to which the person is transferred must be similar, as determined by the Division of Human Resource Management, to either the unclassified position or to a previously held classified position.

2. Employees of any governmental agency which is acquired for administration by the State pursuant to NRS 284.022 may transfer into the classified service or unclassified service with the rights and benefits authorized by the Legislature.

3. An employee who transfers into the classified service:

(a) Must complete an application and meet the minimum qualifications for the class of the position to which he or she is transferring;

(b) Must have his or her date of transfer and appointment to the classified position effective immediately following the last day of employment in the unclassified or nonclassified position unless he or she was employed as a legislative employee at the conclusion of a regular session of the Legislature to whom subsection ~~6~~ 8 of NRS 284.3775 , *as amended by section 2 of Senate Bill No. 510, chapter 355, Statutes of Nevada 2015, at page 1993*, applies; and

(c) May retain the credits which he or she has earned for annual and sick leave . ~~and longevity.~~

[Personnel Div., Rule VI § D subsec. 6, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-14-88; 1-22-90; 8-1-91; 3-23-94; R146-01, 1-18-2002; A by Personnel Comm'n by R183-03, 1-27-2004)

Section 2. NAC 284.470 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Legislative Counsel Bureau, removes longevity from the regulation due to the repeal of NRS 284.177 and 284.179 as a result of the passage and approval of Assembly Bill 436 of the 2015 Legislative Session.

NAC 284.470 Preparation, filing, contents, discussion and distribution of reports; powers and duties of employees; review; adjustment of grievances. (NRS 284.065, 284.155, 284.340, 284.383, 284.384)

1. A person shall not complete a report on performance unless he or she has completed the training provided or approved by the Administrator concerning the preparation of a report on performance.

2. A report on performance must be prepared on the form prescribed by the Division of Human Resource Management.

3. A report on performance must be filed at the times prescribed by NRS 284.340, but may be filed more frequently at the discretion of the supervisor of the employee. If a report on performance is not filed on or before the times specified in NRS 284.340, the performance of the employee shall be deemed to be standard.

4. If the performance of an employee falls below standard, his or her supervisor shall inform the employee promptly and specifically of the deficiencies in the performance of the employee regardless of whether a report on performance of the employee is completed or filed.

5. If any information that would have affected the rating of performance of an employee during a period of evaluation becomes available after the date on which the report on performance of the employee is filed for that period, the information may be included in the report on performance for the current period of evaluation and taken into consideration in determining the rating of performance for the current period of evaluation.

6. When a report on performance is given which reports the overall rating of performance of an employee as substandard:

(a) The report must contain a written notice that such reports affect ~~both~~ merit pay increases ; ~~and the employee's eligibility for longevity pay;~~ and

(b) An additional report on the performance of the employee must, in accordance with subsection 4 of NRS 284.340, be filed at least once every 90 days after the initial report that includes the substandard rating until the performance of the employee improves to standard or disciplinary action is taken against the employee.

7. Except as otherwise provided in subsection 8, the preparation of each report on performance must include a discussion between the employee and his or her immediate supervisor. Within 10 working days after the discussion takes place:

(a) The employee must complete and sign the appropriate section on the report on performance and return the report to the supervisor for forwarding to the reviewing officer or appointing authority.

(b) If the employee contests the report on performance and requests a review, he or she must respond to the report in writing, identify the specific points of contention, if such specificity is provided, and return the response to the supervisor. Except as otherwise provided in this paragraph, the reviewing officer shall respond in writing on a form prescribed by the Division of Human Resource Management within 10 working days after the supervisor receives the request for review. If the reviewing officer is not the appointing authority, the reviewing officer must submit to the

appointing authority a recommendation to uphold or modify the report on performance. The appointing authority shall review the recommendation of the reviewing officer regarding the contested report on performance and render a final decision to the employee within 10 working days after receiving the recommendation.

8. If an employee is unavailable for a discussion of the report on performance pursuant to subsection 7 because of an extended absence, the immediate supervisor of the employee shall cause the report to be mailed to the employee. Within 10 working days after the date on which the employee receives the report:

(a) The employee must complete and sign the appropriate section on the report on performance and mail the report to the supervisor for forwarding to the appointing authority or reviewing officer.

(b) If the employee contests the report on performance and requests a review, he or she must respond to the report in writing, identify any specific point of contention, if the report provides such specificity, and mail the response to the supervisor. Except as otherwise provided in this paragraph, the reviewing officer shall respond in writing on a form prescribed by the Division of Human Resource Management within 10 working days after the supervisor receives the request for review. If the reviewing officer is not the appointing authority, the reviewing officer must submit to the appointing authority a recommendation to uphold or modify the report on performance. The appointing authority shall review the recommendation of the reviewing officer regarding the report on performance and render a final decision to the employee within 10 working days after receiving the recommendation. For the purposes of this paragraph, a report on performance or request for review is deemed to have been received on the third day after the date on which the report or request is postmarked.

9. A copy of each report on performance and, if applicable, any written response to such a report requested by an employee pursuant to subsection 7 or 8 must be provided to the employee and filed with the Division of Human Resource Management.

10. If any written comments are added to a report on performance after a copy of the report has been provided to the employee pursuant to subsection 9:

(a) A copy of the revised report which includes the written comments must be provided to the employee; and

(b) The employee may respond, in writing, to the additional comments in the revised report not later than 10 working days after receiving a copy of the revised report and submit the response to the Division of Human Resource Management for inclusion in his or her file of employment.

11. An employee and his or her appointing authority may agree in writing to extend one or more of the periods prescribed in subsection 7 or 8.

12. If a reviewing officer fails to respond to a request for review from an employee within the time required by this section, the employee may institute the procedure for the adjustment of a grievance pursuant to NAC 284.658 to 284.6957, inclusive.

[Personnel Div., Rule IX § A, eff. 8-11-73; A 12-28-75]—(NAC A by Dep't of Personnel, 10-26-84; 9-17-87; 10-18-89; 11-16-95; R031-98, 4-17-98; A by Personnel Comm'n by R065-98, 7-24-98; A by Dep't of Personnel by R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm'n by R069-02, 8-14-2002; R096-03, 10-30-2003; R144-05, 12-29-2005; R174-08, 9-29-2008; R056-10, 10-26-2011; R007-11, 10-26-2011)

Section 3. NAC 284.580 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Legislative Counsel Bureau, removes NAC 284.282, related to longevity, from the regulation due to the repeal of NRS 284.177 and 284.179 as a result of the passage and approval of Assembly Bill 436 of the 2015 Legislative Session.

NAC 284.580 Leave of absence without pay during fiscal emergency of State or agency. (NRS 284.065, 284.155, 284.175, 284.345, 284.360)

1. Upon the request of an appointing authority, the Department of Administration may authorize the appointing authority to place a nonexempt employee on a leave of absence without pay for a fiscal emergency of the State or an agency during any period for which the Governor has declared that the State or an agency will experience a shortfall in revenue or for any other reason is in a state of fiscal emergency.

2. All employees in the same classification must be treated equitably with respect to being placed on a leave of absence without pay pursuant to this section unless an employee volunteers to be placed on such a leave of absence.

3. The appointing authority shall reduce the pay of an employee who is placed on a leave of absence without pay pursuant to subsection 1 by an amount equal to the pay that the employee would otherwise receive for the hours for which the leave is approved.

4. The hours for which payment is withheld pursuant to subsection 3:

(a) Must be treated as hours in paid status for the purposes of NAC 284.182, 284.255, ~~284.282,~~ 284.448, 284.538, 284.5385, 284.544 and 284.614.

(b) Must not be considered as time worked in calculating overtime.

5. Regardless of whether an employee volunteers to be placed on a leave of absence pursuant to subsection 1, after notifying the employee in writing and allowing a reasonable period for the employee to return to work, an appointing authority:

(a) Shall revoke the placement of any employee on a leave of absence without pay pursuant to subsection 1 upon a declaration by the Governor that the fiscal emergency no longer exists.

(b) May revoke the placement of any employee on any leave of absence without pay pursuant to subsection 1 for any other bona fide reason.

(Added to NAC by Dep't of Personnel, eff. 9-16-92; A 11-12-93; 3-23-94; R147-01, 1-22-2002; A by Personnel Comm'n by R096-03, 10-30-2003)

Section 4. NAC 284.262, 284.270, 284.274, 284.278, 284.282 and 284.284 are hereby repealed:

Explanation of proposed change: Assembly Bill 436 of the 2015 Legislative Session repeals NRS 284.177 and NRS 284.179, which include the provisions associated with longevity pay. As a result, the regulations surrounding longevity pay, NAC 284.262 through 284.284, inclusive, must be repealed.

NAC 284.262 Longevity pay: Eligibility. (NRS 284.065, 284.155, 284.175) Classified and unclassified employees are eligible for longevity pay pursuant to NRS 284.177.

[Personnel Div., Rule III § M subsec. 1, eff. 8-11-73; A 9-6-74; 2-5-82]—(NAC A by Dep't of Personnel by R147-01, eff. 1-22-2002)

NAC 284.270 Longevity pay: Required rating of performance. (NRS 284.065, 284.155, 284.175, 284.335)

1. For an employee to be eligible for longevity pay pursuant to NRS 284.177, he or she must receive a rating of performance of standard or better on his or her most recent report on performance.

2. An employee's performance will be deemed to be standard on the date on which the report on performance was due if:

(a) The employee's performance was not rated during the previous 12 months; or

(b) A subsequent report on performance was not filed after the employee received a substandard rating of performance pursuant to the provisions of subsection 4 of NRS 284.340.

[Personnel Div., Rule III § M subsec. 3, eff. 8-11-73; A 9-6-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 7-22-87; 10-18-89; 11-16-95; R147-01, 1-22-2002)

NAC 284.274 Longevity pay: Dates of payment and eligibility; responsible agency. (NRS 284.065, 284.155, 284.175)

1. After 8 years of continuous service, an employee is eligible for longevity pay in semiannual payments on December 31 and June 30.

2. Except as otherwise provided in NAC 284.282, such employees who are eligible and have not been separated from state service as of these dates will receive longevity pay.

3. An agency is responsible for the payment of longevity pay due an employee if that employee is employed by the agency on the date on which the employee becomes eligible for the semiannual payment.

[Personnel Div., Rule III § M subsec. 4, eff. 8-11-73; A 9-6-74; 4-14-76; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 12-17-87; 7-14-88; 7-21-89; 3-1-96; A by Personnel Comm'n by R065-98, 7-24-98, eff. 1-1-99; A by Dep't of Personnel by R147-01, eff. 1-22-2002)

NAC 284.278 Longevity pay: Formulas for calculation. (NRS 284.065, 284.155, 284.175)

1. Except as otherwise provided in subsection 2, longevity pay for nonexempt employees must be calculated based on the following formula:

The number of hours
worked during the 6-month

$$\frac{\text{qualifying period}}{\text{Total full-time equivalent hours for the pay class designation during the 6-month qualifying period}} \times \text{longevity increment} = \text{longevity payment for the 6-month period}$$

2. Longevity pay for exempt classified employees and exempt unclassified employees must be calculated based on the following formula:

$$\frac{\text{The number of 8-hour days worked during the 6-month qualifying period}}{\text{Total full-time equivalent 8-hour days for the pay class designation during the 6-month qualifying period}} \times \text{longevity increment} = \text{longevity payment for the 6-month period}$$

3. As used in this section, “hours worked” includes only the base hours for the pay class designation.

[Personnel Div., Rule III § M subsec. 6, eff. 9-6-74; A and renumbered as subsec. 5, 2-5-82]— (NAC A by Dep’t of Personnel, 10-26-84; 9-13-91; 3-23-94; R031-98, 4-17-98; R058-01, 9-6-2001; R147-01, 1-22-2002)

NAC 284.282 Longevity pay: Particular circumstances. (NRS 284.065, 284.155, 284.175, 284.345, 284.355, 284.3626)

1. Except as otherwise provided in NAC 284.580 for a leave of absence without pay during a fiscal emergency, an employee who is on leave without pay or catastrophic leave, or any combination of both, for the entire 6-month period of qualification is not entitled to longevity pay for that period.

2. The payment for longevity pay for a full-time employee will not be prorated pursuant to NAC 284.278 if he or she:

(a) Is an exempt classified employee or exempt unclassified employee and he or she uses an amount of leave without pay or catastrophic leave, or any combination of both, that equals 30 days or less in a calendar year; or

(b) Is a nonexempt employee, the base hours established for his or her pay class designation are 40 hours per week or 80 hours biweekly and he or she uses 240 hours or less of leave without pay or catastrophic leave, or any combination of both, in a calendar year.

3. If the base hours established for a pay class designation exceed 40 hours per week or 80 hours biweekly, an employee in that pay class designation must be allotted leave without pay and catastrophic leave in proportion to his or her base hours and full-time equivalency. The longevity pay of such an employee will not be prorated unless his or her use of leave without pay and catastrophic leave proportionally exceeds the limits set forth in subsections 2 and 4.

4. A part-time employee must be allotted leave without pay and catastrophic leave in proportion to his or her base hours and the full-time equivalency for his or her pay class designation. The longevity pay of such an employee will not be prorated unless his or her use of

leave without pay and catastrophic leave proportionally exceeds the limit set for a full-time employee in his or her pay class designation pursuant to subsection 2.

5. An employee who retires pursuant to the provisions of chapter 286 of NRS or who dies during the 6-month qualifying period is eligible for longevity pay according to the applicable formula in NAC 284.278.

6. An employee who is laid off and is rehired within 1 year after the date of layoff is eligible for the longevity pay he or she would have earned if he or she had not been laid off. The longevity pay must be calculated as if the employee had been on leave without pay pursuant to subsection 2.

7. A person with a permanent disability arising from a work-related injury or occupational disease who is reemployed following a separation from state service within 1 year after the date on which he or she sustained the permanent disability as determined pursuant to NAC 284.6013 is eligible for the longevity pay he or she would have earned if he or she had not been separated from state service. The longevity pay of such an employee must be calculated as if the employee had been on leave without pay pursuant to subsection 2.

8. An employee is eligible to earn service credit for the calculation of longevity pay when he or she is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS and he or she uses accrued sick leave, accrued annual leave or accrued compensatory time to meet the difference between his or her normal pay and the benefits he or she receives. Such an employee ceases to earn service credit for the calculation of longevity pay when he or she is placed on a leave of absence without pay or catastrophic leave.

9. Service in a seasonal position must be credited toward the calculation of longevity pay if the employee is employed on December 31 and June 30 and if the requirements for eligibility for longevity pay have been met. If an employee in a seasonal position is not on the payroll on those two dates and he is reemployed within 12 months, the employee is entitled to receive prorated longevity pay for his or her service during the previous longevity period.

10. If a person is on leave of absence without pay for military service pursuant to NRS 284.359 or is reemployed within 90 days after the military service, the time during which he or she was not in paid status because of his or her military service will be counted as service credit for the calculation of longevity pay. The person is eligible for longevity pay for the time he or she is in paid status in accordance with the provisions of subsection 2.

11. If a nonclassified employee or an employee covered by NRS 284.022 is appointed without a break in service to the classified or unclassified service, the previous time served is counted for the purpose of calculating longevity pay, but the employee is not eligible for any retroactive longevity pay.

[Personnel Div., Rule III § M subsec. 7, eff. 9-6-74; A and renumbered as subsec. 6, 2-5-82]— (NAC A by Dep't of Personnel, 10-26-84; 12-17-87; 7-14-88; 7-21-89; 9-13-91; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95; 3-1-96; 10-27-97; R031-98, 4-17-98; R147-01, 1-22-2002; A by Personnel Comm'n by R142-05, 12-29-2005)

NAC 284.284 Longevity pay: Return to state service. (NRS 284.065, 284.155, 284.175)

1. An employee who was eligible for longevity pay and who separated from state service before July 1, 1981, and returns to state service retains his or her eligibility for longevity pay.

2. For the purposes of this section, the employee will receive the same semiannual rate of payment that he or she received at the time of his or her separation from service. However, the employee may not receive any semiannual increases until he or she has again served the same

number of years without a break in service that he or she had served at the time of his or her separation from service plus 1 year.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by R147-01, 1-22-2002; A by Personnel Comm'n by R038-03, 10-30-2003)

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:** [Brackets] and ~~strikeouts~~ signify language that is to be removed. Language to be inserted is in ***bold italics***.

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. R044-15

The recommended amendment to NAC 284.726 is related to NAC 284.894, which requires the removal of an applicant who tests positive for the use of a controlled substance from hiring lists requiring pre-employment testing for a year or until an applicant provides evidence of the successful completion of a rehabilitation program. Senate Bill 62 of the 2015 Legislative Session, in part, amended NRS 284.4068 to allow the Division of Human Resource Management access to the confidential results of applicants' pre-employment drug test results to allow for statewide implementation of NAC 284.894. The recommended amendment to NAC 284.726 outlines this access in regulation. Public comment in support of the proposed amendment was given by the Human Resource Management Manager of the Department of Transportation during the workshop on June 25, 2015.

Effective January 1, 2016, Senate Bill 62 of the 2015 Legislative Session adds involvement in a work-related accident or injury to the circumstances listed in NRS 284.4065 for which an agency can request an employee to submit to alcohol and controlled substance tests. The amended language of NRS 284.4065, effective January 1st, mandates that, "the Commission shall, by regulation, define... "work-related accident or injury,"" which the recommended amendment to NAC 284.888 does. Public comment was received in support of this amendment by the Human Resource Manager of the Nevada Department of Transportation and a labor representative of the American Federation of State, County and Municipal Employees ("AFSCME"), during the workshop held on June 25, 2015. The representative of the Nevada Department of Transportation suggested that paragraph (e) in subsection 1 may no longer be necessary due to this definition. After consideration, the removal of paragraph (e) in subsection 1 is proposed. Additionally, a representative of the Department of Health and Human Services expressed concern regarding whether this definition would cover employees who worked in the field. A representative of the Division of Human Resource Management provided feedback during the workshop that this issue had been considered and the phrase "premises of the workplace" was used due to its broad definition in NAC 284.0875.

Section 1. NAC 284.726 is hereby amended to read as follows:

Explanation of Proposed Change: S.B. 62 of the 2015 Legislative Session clarifies that the Division of Human Resource Management may be provided information regarding an applicant's pre-employment drug test result. The Division's access to this information allows for the removal of an applicant who tests positive from all hiring lists for positions which require pre-employment testing pursuant to NAC 284.894.

NAC 284.726 Access to confidential records. (NRS 284.065, 284.155, 284.335, 284.407)

1. Except as otherwise provided in this subsection ~~1~~ **and subsection 2**, access to materials for an examination and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his or her designated representative. If the name of the applicant is not disclosed and the information is used for the purposes of subparagraph (2) of paragraph (a) of subsection 1 of NAC 284.204, information relating to the education and experience of an applicant may be made available to any affected applicant, employee or the designated representative of either.

2. Except as otherwise provided in *NRS 284.4068, as amended by section 10 of Senate Bill No. 62, chapter 225, Statutes of Nevada 2015, at page 1050, access to information concerning the results of an applicant's screening test which indicate the presence of a controlled substance is limited to the appointing authority or his or her designated representative and the Administrator or his or her designated representative.*

3. *Except as otherwise provided in* subsections ~~3 and 4~~ **4 and 5**, access to an employee's file of employment containing any of the items listed in paragraphs (g) to (j), inclusive, of subsection 1 of NAC 284.718 is limited to:

- (a) The employee.
- (b) The employee's representative when a signed authorization from the employee is presented or is in his or her employment file.
- (c) The appointing authority or a designated representative of the agency by which the employee is employed.
- (d) The Administrator or a designated representative.
- (e) An appointing authority, or a designated representative, who is considering the employee for employment in the agency.
- (f) Persons who are authorized pursuant to any state or federal law or an order of a court.
- (g) The State Board of Examiners if the Board is considering a claim against the State of Nevada filed pursuant to chapter 41 of NRS which involves the employee.
- (h) Persons who are involved in processing records for the transaction of business within and between state agencies.
- (i) Persons who are involved in processing records for the transaction of business that is authorized by the employee.

~~3~~ **4.** Information concerning the health, medical condition or disability of an employee or a member of his or her immediate family must be kept separate from the employee's file in a locked cabinet. Except as otherwise provided in subsection ~~9~~ **10**, access to such information is limited to the employee, his or her current supervisor, and the appointing authority or a designated representative.

~~[4.]~~ 5. Except as otherwise provided in subsection ~~[9.]~~ 10, access to information concerning the employee's usage or balance of annual leave and sick leave is limited to the employee, the employee's immediate supervisor and the employee's appointing authority or the designated representative of the appointing authority.

~~[5.]~~ 6. Except as otherwise provided in subsection ~~[9.]~~ 10, access to any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct is limited to:

- (a) The employee.
- (b) The Administrator or a designated representative of the Administrator.
- (c) The appointing authority or a designated representative of the agency with which the employee is employed.
- (d) Persons who are authorized pursuant to any state or federal law or an order of a court.
- (e) The Governor or a designated representative of the Governor.

~~[6.]~~ 7. Except as otherwise provided in subsection ~~[9.]~~ 10, access to any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct is limited to:

- (a) The employee.
- (b) The appointing authority or a designated representative of the agency by which the employee is employed.
- (c) Persons who are authorized pursuant to any state or federal law or an order of a court.
- (d) The Governor or a designated representative of the Governor.

~~[7.]~~ 8. Except as otherwise provided by specific statute, records maintained by an employee assistance program offered by the State of Nevada must not be released without written permission signed by the employee to whom the records pertain.

~~[8.]~~ 9. Upon request, the Division of Human Resource Management will provide the personal mailing address of any employee on file with the Division of Human Resource Management to the State Controller's Office and the Internal Revenue Service.

~~[9.]~~ 10. The Administrator or the appointing authority, or a designated representative, shall authorize the release of any confidential records under his or her control which are requested by the Employee-Management Committee, a hearings officer, the Commission, the Committee on Catastrophic Leave created pursuant to NRS 284.3627, the Nevada Equal Rights Commission or a court.

[Personnel Div., Rule XVI part § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 9-30-88; 7-21-89; 8-14-90; 7-6-92; 3-23-94; R042-99, 9-27-99; R082-00, 8-2-2000; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm'n by R068-03, 10-30-2003; R024-05, 10-31-2005; R141-07, 1-30-2008; R065-09, 10-27-2009, R059-10, 10-15-2010; R137-12 & R045-13, 10-23-2013)

Section 2. NAC 284.888 is hereby amended to read as follows:

Explanation of Proposed Change: The following amendment, proposed by the Division of Human Resource Management, is required by S.B. 62 of the 2015 Legislative Session and defines “work-related accident or injury” pursuant to NRS 284.4065. This definition encompasses the basis for testing that was previously outlined in subsection 1(e), therefore we propose removing subsection 1(e) from the regulation.

NAC 284.888 Request for employee to submit to screening test: Interpretation of grounds; completion of required form. (NRS 284.065, 284.155, 284.407)

1. Objective facts upon which an appointing authority may base a reasonable belief that an employee is under the influence of alcohol or drugs which impair the ability of the employee to perform his or her duties safely and efficiently include, but are not limited to:

(a) Abnormal conduct or erratic behavior by the employee that is not otherwise normally explainable;

(b) The odor of alcohol or a controlled substance on the breath of the employee;

(c) Observation of the employee consuming alcohol; *or*

(d) Observation of the employee possessing a controlled substance or using a controlled substance that is reported by a credible source . ~~;~~ ~~or~~

~~(e) The occurrence of any accident while the employee is on the premises of the workplace for which the employee receives medical treatment.]~~

2. Except as otherwise provided in subsection 3, before requiring an employee to submit to a screening test, the supervisor of the employee must complete a form provided by the Division of Human Resource Management.

3. The provisions of subsection 2 do not apply if an appointing authority requests an employee to submit to a screening test pursuant to paragraph (b) of subsection 2 of NRS 284.4065. ~~[As used in]~~

4. For the purposes of subsection 2 of NRS 284.4065 ~~["substantial"]~~, *as amended by section 8 of Senate Bill No. 62, chapter 225, Statutes of Nevada 2015, at page 1049:*

(a) “Substantial damage to property” includes, but is not limited to:

~~[(a)]~~ *(1)* The operation of a motor vehicle in such a manner as to cause more than \$500 worth of property damage; or

~~[(b)]~~ *(2)* The operation of a motor vehicle in such a manner as to cause two property accidents within a 1-year period.

(b) “Work-related accident or injury” means an accident or injury that occurs in the course of employment or that involves an employee on the premises of the workplace.

(Added to NAC by Dep’t of Personnel, eff. 12-26-91; A by Personnel Comm’n by R066-09, 10-27-2009; R193-09, 4-20-2010; R010-11, 10-26-2011)

Section 3.

Explanation: This section provides the effective dates for each of the regulations in this file. The effective date of Section 3 is January 1, 2016 in order to conform to the effective date in the applicable provision of SB 62.

1. This section and section 1 of this regulation become effective upon filing with the Secretary of State.
2. Section 2 of this regulation becomes effective on January 1, 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:** [Brackets] and ~~strikeouts~~ signify language that is to be removed. Language to be inserted is in ***bold italics***.

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. R102-15

The Division of Human Resource Management recommends the amendments to NAC 284.462. Effective January 1, 2016, Senate Bill (SB) 62 of the 2015 Legislative Session amends NRS 284.300, requiring the Personnel Commission to adopt regulations related to the restoration of a “promotional appointee who fails to attain permanent status in the position to which the appointee was promoted...” which the amendment to NAC 284.462 does. Public comment was received in support of this amendment by the Human Resource Managers of the Nevada Department of Motor Vehicles and the Nevada Department of Transportation. Additionally, a representative of the Department of Health and Human Services also commented in support of this amendment.

The language in subsection 6 of NAC 284.462, the calculation of an employee’s seniority for this regulation, is largely based on NAC 284.632, the regulation that outlines the calculation of seniority for layoff. During the drafting process, the reference to unclassified employees was placed into the regulation, although only classified employee are eligible for restoration. The Division of Human Resource Management is prepared to recommend the removal of the highlighted language in subparagraph (1) of paragraph (b) of subsection 6.

If the amendments to NAC 284.462 are adopted, the Division of Human Resource Management recommends the amendments to NAC 284.088, 284.182 and 284.444.

The last section makes the regulations in this file effective on January 1, 2016 to conform to the effective date of the applicable section in SB 62.

LCB File No. R102-15

Section 1. NAC 284.088 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Legislative Counsel Bureau, makes a conforming change based on the proposed amendment to NAC 284.462, which is included in this LCB File.

NAC 284.088 “Promotion” defined. (NRS 284.065) “Promotion” means an advancement to a position in a class which has a higher grade than the class previously held. ~~[The term does not include the restoration of a promoted employee to his or her former position pursuant to NAC 284.462.]~~

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A by Personnel Comm’n by R183-03, 1-27-2004)

Section 2. NAC 284.182 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Legislative Counsel Bureau, makes a conforming change based on the proposed amendment to NAC 284.462, which is included in this LCB File.

NAC 284.182 Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date. (NRS 284.065, 284.155, 284.175)

1. An employee receives a new pay progression date if he or she is:
 - (a) Promoted to a position that results in an increase of two grades or more; or
 - (b) Reinstated.
2. An employee who is:
 - (a) Promoted to a position that results in an increase of one grade;
 - (b) In a position that is reclassified to a higher class as a result of an individual classification study or an occupational study;
 - (c) Transferred to a position without receiving an increase in grade;
 - (d) Reappointed to a position at a grade that he or she formerly held;
 - (e) Reemployed and has remained continuously employed; or
 - (f) Demoted,

↳ retains the pay progression date held before the action described in paragraphs (a) to (f), inclusive, occurred.
3. If a person who is eligible for military reemployment is reemployed, he or she retains the pay progression date held when separated from this State for his or her service in the military.
4. If an employee was promoted but is being restored to his or her former position *or class* pursuant to the provisions of NAC 284.462, the date of appointment and pay progression date of the former position must be restored. *If, pursuant to subparagraph (1) of paragraph (c) of subsection 2 of NAC 284.462, the employee is placed in a position in a class equal to or lower than the class of the position held by the employee immediately before the promotion, the pay progression date of the former position must be restored.*
5. Except as otherwise provided in this subsection and subsection 6, an employee's pay progression date must be adjusted:
 - (a) To equal 1 year of full-time equivalent service for an employee who changes from full-time employment to part-time employment or from part-time employment to full-time employment; or
 - (b) On a day-for-day basis for the amount of time the employee:
 - (1) Was separated from state service if the employee is reemployed within 1 year after the date on which he or she was laid off or received a seasonal separation.
 - (2) Was separated from state service if the employee is a person with a permanent disability arising from a work-related injury or occupational disease who is reemployed within 1 year after the date on which he or she sustained the permanent disability as determined pursuant to NAC 284.6013.
 - (3) Was on leave without pay, or on catastrophic leave, if the employee is:
 - (I) A nonexempt employee and the leave without pay or catastrophic leave was in excess of 240 hours; or
 - (II) An exempt classified employee and the leave without pay or catastrophic leave was in excess of 30 working days,

↳ in a year, except for leave without pay for a work-related injury or illness pursuant to NRS 281.390 or on a military leave of absence pursuant to NRS 284.359 or a leave of absence without pay during a fiscal emergency pursuant to NAC 284.580. An employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his or her pay class designation. As used in this subparagraph, “year” means a period equal to 12 months of full-time equivalent service measured backward from the employee’s pay progression date.

6. If the number of total hours of leave without pay or catastrophic leave of a nonexempt employee that exceed 240 hours is less than 1 day of full-time equivalent service for the pay class designation of the employee, an adjustment will not be made for those hours.

7. If an employee is on leave without pay, or on catastrophic leave, on his or her pay progression date, any adjustment to his pay progression date will be made after he or she returns to work.

[Personnel Div., Rule III part § G, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; 8-28-85; 5-27-86; 8-22-86; 4-19-88; 7-21-89; 10-18-89; 3-27-92; 7-6-92; 9-16-92; 11-16-95; 3-1-96; 10-27-97; R043-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm’n by R182-03, 1-27-2004; R022-05, 10-31-2005; R142-05, 12-29-2005)

Section 3. NAC 284.444 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Legislative Counsel Bureau, makes a conforming change based on the proposed amendment to NAC 284.462, which is included in this LCB File.

NAC 284.444 Application of probationary period. (NRS 284.065, 284.155, 284.290)

1. A probationary employee who transfers:
 - (a) Within the same class must serve the remaining portion of the probationary period.
 - (b) From one class to another class must serve a new probationary period.
2. An employee who transfers from the unclassified or nonclassified service to the classified service must serve a new probationary period. Except for those unclassified employees who transfer pursuant to subsection 2 of NAC 284.398, the status of a permanent employee may not be attained until the satisfactory completion of the probationary period.
3. An employee who is reinstated must serve a new probationary period unless it is waived in writing by the appointing authority. If an appointing authority waives the probationary period, the status of the appointment of the employee is permanent.
4. A probationary employee who is reappointed must serve a new probationary period.
5. A permanent employee who is reappointed to a class:
 - (a) At a higher grade level must serve a trial period unless it is waived by the appointing authority.
 - (b) At the same grade level or a lower grade level is not required to serve a probationary period.
6. An employee who is laid off, but who is reemployed within 1 year, must serve a new probationary period if reemployed in a different class or in a different department than that from which he or she was laid off, and the employee is subject to the provisions of subsection 8 of NAC 284.630.
7. A person with a permanent disability arising from a work-related injury or occupational disease who is reemployed in a different class or option than his or her regular position must serve a new probationary period as required by NAC 284.6018.
8. A person who is on a military leave of absence pursuant to NRS 284.359 is entitled to return to the status of appointment held at the time he or she commenced the military leave of absence. If the employee did not complete the probationary period, he or she will only be required to complete the remaining portion thereof. Upon successful completion of the probationary period, permanent status must be granted to the employee as of the date on which permanent status would have been granted if the employee had not taken a military leave of absence.
9. Promotion to a vacant position requires a new probationary period. Promotions which result from reclassification are governed by NAC 284.134 and 284.138.
10. Except as otherwise provided in subsection 11:
 - (a) No probationary period will be required if a permanent employee is demoted.
 - (b) A new probationary period will be required if a probationary employee is demoted.
11. An employee who is restored to his or her former position *or class* pursuant to NAC 284.462 following a promotional appointment must serve the portion of the ~~probationary~~ trial period which was remaining at the time of the promotion. *No probationary period is required if, pursuant to subparagraph (1) of paragraph (c) of subsection 2 of NAC 284.462, an employee is*

placed in a position in a class equal to or lower than the class held by the employee immediately before the promotion.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-21-89; 8-1-91; 12-26-91; 3-1-96; A by Personnel Comm'n by R142-05 & R143-05, 12-29-2005; R141-07, 1-30-2008)

Section 4. NAC 284.462 is hereby amended to read as follows:

Explanation of Proposed Change: S.B. 62 of the 2015 Legislative Session amends NRS 284.300 requiring the Personnel Commission to adopt regulations regarding an employee who fails to attain permanent status in the position to which the appointee was promoted, i.e., didn't pass his or her trial period, or who is dismissed for cause other than misconduct or delinquency on the appointee's part, i.e., laid off, from the position to which the employee was promoted.

This amendment, proposed by the Division of Human Resource Management, makes NAC 284.462 consistent with the revisions to NRS 284.300, changes eligibility for restoration to those employees who have completed an initial probationary period, includes the a reference to NAC 284.632 for the procedures for calculating seniority for restoration, and clarifies that placement into a vacant position at the same or lower grade will be in the agency in which the employee was employed prior to promotion. Additionally, the amendment addresses what happens to an employee when he or she is displaced by another employee with greater seniority.

At the Personnel Commission meeting on December 4, 2015, the Division of Human Resource Management will recommend the removal of the highlighted language in subparagraph (1) of paragraph (b) of subsection 6, because only classified employees are eligible for restoration, and that language would not apply.

NAC 284.462 Restoration of promoted employee to former position. (NRS 284.065, 284.155, 284.290)

1. For the purposes of this section only "promotion" means any movement into a vacant position which has a higher grade than the position previously occupied by a classified employee who has ~~["served 6 months of continuous (full-time equivalent) service.]"~~ *completed an initial probationary period.*

2. An employee *who is* promoted ~~["pursuant to subsection 1 who"]~~ *and* fails to attain permanent status in the position to which he or she was promoted or who is dismissed for a cause other than misconduct or delinquency on his or her part from the position to which he or she was promoted, either during the probationary period *for that position* or at its conclusion, must, *in the following order*, be ~~["restored"]~~ :

(a) *Restored* to the position from which ~~["he or she"]~~ *the employee* was promoted ~~[";"]~~, *unless that position is held by an employee with greater seniority;*

(b) *If the position from which the employee was promoted is held by an employee with greater seniority, appointed to another position in the agency from which the employee was promoted:*

(1) *For which a vacancy exists; and*

(2) *Which is in the same class as the position held by the employee immediately before the promotion; or*

(c) *If the position from which the employee was promoted is held by an employee with greater seniority and a position described in paragraph (b) does not exist:*

(1) *Appointed to a position in the agency from which the employee was promoted:*

(I) *For which a vacancy exists;*

(II) *Within a class equal to or lower than the class of the position held by the employee immediately before the promotion; and*

(III) *For which the employee meets the minimum qualifications; or*

(2) Placed on the reemployment list for other classes for which the employee meets the minimum qualifications.

3. If an employee fails to attain permanent status and is restored to his or her former position ~~[] or otherwise placed pursuant to subsection 2,~~ the appointing authority which ~~[is effecting the restoration]~~ *takes such action* must give written notice to the agency from which the employee was promoted at least 30 calendar days before the effective date ~~[] of the action.~~ The agency which is taking *the* action ~~[to restore the employee to his or her former position]~~ is liable for the payment of the employee during this 30-day period unless the agency ~~[to which]~~ *receiving* the employee ~~[is being restored]~~ agrees to accept the employee before the expiration of that period. An employee does not gain permanent status if ~~[a report of separation or notice of intent to restore an employee to his or her former position]~~ *notice of the action* has been provided to the employee and filed with the Division of Human Resource Management on or before the last day of his or her ~~[probationary]~~ *trial* period, even though the ~~[separation or restoration]~~ *action* takes place after the last day of the ~~[probationary]~~ *trial* period.

4. *If an employee is restored to the position from which he or she was promoted and displaces an employee with less seniority pursuant to paragraph (a) of subsection 2, the displaced employee must be placed, in the following order, unless the displaced employee waives his or her rights to be placed pursuant to this subsection:*

(a) In a vacant position in the agency with which the displaced employee is employed in the same class;

(b) In a vacant position in the agency with which the displaced employee is employed in a comparable class for which the employee meets the minimum qualifications;

(c) In a vacant position in the agency with which the displaced employee is employed in a class with a lower grade that is closest to the grade most recently held by the employee for which the employee meets the minimum qualifications; or

(d) If a vacant position is not available for the employee pursuant to paragraph (a), (b) or (c) and the employee has attained permanent status with the State, the employee must be placed on the reemployment list for other classes for which the employee meets the minimum qualifications.

5. A demotion from probationary status in a higher class to the former lower level class may not be appealed.

6. *For the purposes of calculating an employee's seniority for paragraph (a) of subsection 2:*

(a) Except as otherwise provided in this section, the total number of years of continuous full-time equivalent service up to the effective date of the rejection from probationary status must be included.

(b) Except as otherwise provided in subsection 7, the sum of the calculation made pursuant to paragraph (a) or, if applicable, subsection 10 must be reduced by the following periods if those periods occurred during the 36 months immediately preceding the date of the notification of rejection from probationary status:

(1) For a nonexempt employee, any combination of leave without pay and catastrophic leave in excess of 240 hours in the period preceding the date of the notification of rejection from probationary status equal to 12 months of full-time equivalent service;

(2) For an exempt classified employee or exempt unclassified employee, any combination of leave without pay and catastrophic leave in excess of 30 working days in the period preceding the date of the notification of rejection from probationary status equal to 12 months of full-time equivalent service; and

(3) Any time covered by a report on performance which rated the employee below standard, excluding evaluations received within 75 calendar days before the notification of rejection from probationary status.

7. For the purposes of the reduction in the calculation of seniority required by paragraph (b) of subsection 6:

(a) The reduction may not include:

(1) A leave of absence without pay during a fiscal emergency of the State or an agency pursuant to NAC 284.580;

(2) A leave of absence without pay for a work-related injury or illness pursuant to NRS 281.390; or

(3) A military leave of absence pursuant to NRS 284.359.

(b) As set forth in subparagraphs (1) and (2) of paragraph (b) of subsection 6, an employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his or her pay class designation.

8. For the purposes of calculating an employee's seniority for paragraph (a) of subsection 2, if seniority is otherwise equal, seniority must be determined in the following order:

(a) Total time within the occupational group;

(b) Total time within the department; and

(c) By lot.

9. For the purposes of calculating seniority for reemployment, if seniority is otherwise equal, seniority must be determined by lot.

10. A department may request from the Commission approval to calculate the number of years of continuous full-time equivalent service of an employee of the department by doubling the time spent by the employee in his or her present occupational group as categorized by NRS 284.171 and adding that amount to the time spent by the employee in all former occupational groups up to the date of rejection from probationary status. If the Commission approves the request of the department to calculate the number of years of service pursuant to this section, the department shall use this method to calculate the number of years of service:

(a) Only to determine whether an employee will be restored to the position from which the employee was promoted and not for the placement of an employee on a reemployment list; and

(b) Until the department seeks from and is granted approval by the Commission to revert to the method of calculating the number of years of service set forth in paragraph (a) of subsection 6.

[Personnel Div., Rule VIII § C subsec. 4, eff. 8-11-73; A 4-14-76]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89)

Section 5.

Explanation: This section provides the effective date for each of the regulations in LCB File No. R102-15.

This regulation becomes effective on January 1, 2016.

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: **December 04, 2015.**

Item VII-A-1-a:

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.653	Public Service Intern II	29	E	7.653	No Change	29	E
7.665	Public Service Intern I	27	E	7.665	No Change	27	E

EXPLANATION OF CHANGE

The Nevada Department of Administration, Division of Human Resource Management conducted a class specification maintenance review for Public Service Intern series. In consultation with management and agency Human Resource staff from agencies 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.

Under general supervision, Public Service Interns receive training and complete a variety of assignments in staff activities directly relating to their major course of study in order to enhance their academic training. Incumbents may be employed to intern in any professional occupation in State service. This class may also be used when specific residency or practical experience is a requirement for certification or registration.

Note: Changes, additions and/or deletions on the class specification are noted in red.

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
PUBLIC SERVICE INTERN II	29	E	7.653
PUBLIC SERVICE INTERN I	27	E	7.665

SERIES CONCEPT

Under general supervision, Public Service Interns receive training and complete a variety of assignments in staff activities directly relating to their major course of study in order to enhance their academic training. Incumbents may be employed to intern in any professional occupation in State service. This class may also be used when specific residency or practical experience is a requirement for certification or registration.

Assist the regular staff in performing the duties required in carrying out the purpose and function of the work unit such as administering a program, serving clientele, or conducting research in a particular field of study.

Receive instruction from staff; observe and apply agency methods, practices and procedures to activities and projects.

Assist staff in experimental and research work.

Gather and analyze data and prepare reports summarizing conclusions.

Perform related duties as assigned.

CLASS CONCEPTS

Public Service Intern II: Public Service Intern II's perform the range of duties described in the series concept while enrolled in a program of post graduate study.

Public Service Intern I: Public Service Intern I's perform the range of duties described in the series concept while enrolled in a program of undergraduate study.

MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENT:

- * 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.
- * 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 pre-employment screening for controlled substances.

INFORMATIONAL NOTES:

- * Employment is not to exceed six months from the date of graduation.
- * Employment in this class will not lead to permanent status in State service.

MINIMUM QUALIFICATIONS (cont'd)

PUBLIC SERVICE INTERN II

EDUCATION AND EXPERIENCE: Bachelor's degree related to the field of employment and enrollment and continued successful performance in an academic graduate program related to the field of employment at an accredited college or university. (*See Special Requirement and Informational Notes*)

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

General knowledge of: principles and practices of the professional occupation of interest. **Ability to:** compose reports of work activities.

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

Working knowledge of: principles and practices of public service administration related to the field of study.

PUBLIC SERVICE INTERN I

EDUCATION AND EXPERIENCE: Graduation from high school or the equivalent and enrollment and continued successful performance in an academic program related to the field of employment at an accredited college or university. (*See Special Requirement and Informational Notes*)

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

General knowledge of: principles and practices of the professional occupation of interest. **Ability to:** compose reports of work activities.

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

Working knowledge of: principles and practices of public service administration related to the field of study.

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>7.653</u>	<u>7.665</u>
ESTABLISHED:	4/1/66	4/1/66
REVISED:	6/16/69	6/16/69
REVISED:	8/13/79-3	8/13/79-3
REVISED:	8/29/79-3	8/29/79-3
REVISED:	12/14/79-3	12/14/79-3
REVISED:	3/27/80-3	3/27/80-3
REVISED:	7/1/93P	7/1/93P
	3/9/93PC	3/9/93PC
REVISED:	6/15/98UC	6/15/98UC
REVISED:	12/04/15RNC	12/04/15RNC

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#: 22-15

Effective: 07/30/15

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
9.317	Highway Equipment Mechanic III	35	G	9.317	No Change	35	G
9.318	Highway Equipment Mechanic II	34	G	9.318	Highway Equipment Mechanic II	34	G
9.321	Highway Equipment Mechanic I	33	G	9.321	No Change	33	G

BASIS FOR RECOMMENDATION

At the request of the Nevada Department of Transportation, the Division of Human Resource Management recommends minor revisions be made to the minimum qualifications of the Highway Equipment Mechanic II. These minor revisions will assist the department in recruiting efforts by broadening acceptable experience to increase the number of qualified candidates.

Currently, the minimum qualifications for the Highway Equipment Mechanic II class do not include one year of experience as a Highway Equipment Mechanic I in Nevada State service as part of the qualifications. In order to improve recruitment efforts and to maintain consistency with standard equivalency language, Human Resource Management recommends adding this statement.

The Nevada Department of Transportation supports these changes.

POSTING#: 23-15
Effective: 07/30/15

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.211	Executive Branch Auditor IV	44	B	7.211	No Change	44	B
7.212	Executive Branch Auditor III	42	B	7.212	<i>Executive Branch Auditor III</i>	42	B
7.213	Executive Branch Auditor II	41	B	7.213	<i>Executive Branch Auditor II</i>	41	B
7.214	Executive Branch Auditor I	39	B	7.214	<i>Executive Branch Auditor I</i>	39	B

BASIS FOR RECOMMENDATION

At the request of the Division of Internal Audits, Human Resource Management worked with a Subject Matter Expert (SME) and recommends minor changes be made to the class concepts of the Executive Branch Auditor I, II and III in order to update responsibilities of incumbents at these levels.

Executive Branch Auditors plan, organize and conduct comprehensive reviews of programs and activities of executive branch agencies in accordance with the standards of the Institute of Internal Auditors. Auditing duties include thorough analysis and evaluation of the agency’s mission, goals and objectives; conduct audits of organizational units, programs and functional activities of an assigned executive branch agency; and determine the source and extent of information to be reviewed; Incumbents also conduct comprehensive internal audits which may encompass financial, compliance and performance audits; and gather audit information and evidence by meeting with agency officials and personnel, interviewing employees at all levels of the organization, and observing and documenting work practices and processes. They also document audit findings and develop work papers detailing the specific information reviewed, questions raised, and other audit activities; write audit recommendations for correcting unsatisfactory conditions, improving agency or program operations, and reducing cost; and perform follow-up reviews to determine adequacy of corrective actions taken to improve deficient conditions.

The Division of Internal Audits support the recommendation.

POSTING#: 24-15
Effective: 07/31/15

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
12.532	Head Group Supervisor	39*	D	<i>12.532</i>	<i>Head Group Supervisor</i>	<i>39*</i>	<i>D</i>
12.534	Assistant Head Group Supervisor	36*	D	<i>12.534</i>	<i>Assistant Head Group Supervisor</i>	<i>36*</i>	<i>D</i>

**Reflects a 2-grade, special salary adjustment authorized by the 2005 Legislature to improve recruitment and retention.*

BASIS FOR RECOMMENDATION

Upon request and working with Subject Matter Experts (SMEs) from the Division of Child and Family Services, Human Resource Management recommends minor revisions be made to update formatting and language within the series concept and minimum qualifications for Head Group and Assistant Head Group Supervisor.

A change was made to the minimum qualifications of the Assistant Head Group Supervisor to reflect a title change within a minimum qualifications equivalency statement from “Senior Group Supervisor” to “Group Supervisor IV.” Additionally, revisions were made to update the knowledge, skills and abilities required to perform the duties of the positions.

Head Group Supervisors and Assistant Head Group Supervisors supervise the care and custody of youth in a detention facility by: scheduling and planning work activities of "home life" staff; monitor the work performance of subordinate supervisors and professional staff through direct observation and review of work activities and completed reports and forms; maintain the safety and security of facility by observing the movement and activities of wards; and coordinate and manage emergency situations involving runaways, hostile or aggressive behavior and the medical needs of wards by overseeing or assisting in the restraint, treatment, counseling, or transportation of wards. Incumbents maintain and monitor treatment plans of wards ensuring treatment schedules and goals are followed and proper documentation is provided in accordance with institutional and agency policy and procedure; and oversee the distribution of prescribed medication as designated by the institutional doctor or nurse. They also assist in the release and pickup of wards by compiling release packets and providing transportation to predetermined destination; and assist in the hiring process by participating in the recruitment, testing and interviewing of qualified applicants and establishing a list of desirable candidates.

POSTING#: 25-15
Effective: 08/26/15

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
	<i>New</i>			<i>9,500</i>	<i>Park Maintenance Specialist</i>	<i>33</i>	<i>G</i>

BASIS FOR RECOMMENDATION

The Department of Conservation and Natural Resources, Division of State Parks, employs Maintenance Repair Specialists throughout Nevada who are responsible for every aspect of maintenance of the park to which they are assigned including the associated structural, electrical, water, sewage and road repairs. Therefore, Human Resource Management recommends establishing a new class titled Park Maintenance Specialist. Employees must possess an exceptional number of job skills as well as possess a water system distribution certificate in order to perform the duties associated with park maintenance. Additionally, incumbents in this class must possess a Commercial Driver’s License (CDL) due to the equipment operation and transport functions associated with road and utility maintenance.

Incumbents in this class perform a variety of skilled work in two or more of the mechanical and construction trades in order to repair, construct, and/or maintain buildings, grounds and equipment. In addition, function as the assistant to the supervisor in the area of facility management by participating in project planning; review work completed by contractors for compliance with plans and specifications; develop maintenance policies and procedures for the facility; provide information regarding facility needs and estimated costs for inclusion in the facility budget. They maintain, repair, and modify public water systems, plumbing systems and fixtures; install and repair hot water heaters; repair three-phase electric well pumps, telemetry and controls; review blueprints and schematics; calculate load requirements; install and maintain solar panels, inverters and trackers; and prepare surfaces, and apply paint with brushes and airless spray equipment. Additionally, incumbents perform mechanical work to ensure maintenance equipment is in proper working order; and repair carburetors. They also prepare and submit project updates to Facility Manager/Supervisor and Park Supervisor, identify issues and propose solutions; and may serve as a lead worker for first line supervisor to semi-skilled or general labor staff such as maintenance repair workers, park aids, and inmate crew supervisors; or they may serve as construction project coordinator for project manager to contractors and subcontractors.

As a result of the 2015 Legislative Session, and through the budget review process, the request to allocate these positions at grade 33- which recognizes the broad areas of responsibility - was approved. Human Resource Management therefore recommends that the Park Maintenance Specialist be allocated at grade 33, and placed in the Mechanical & Construction Trades Group, Skilled Trades and Allied subgroup. During this review, Human Resource Management worked closely with staff from Nevada Division of State Parks who assisted in developing the class specification and supports the new class specification.

POSTING#: 26-15
Effective: 08/31/15

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.812	Communications Director, NDOT***	42	A		<i>ABOLISHED</i>		

BASIS FOR RECOMMENDATION

The Communications Director, NDOT class was scheduled to be abolished through attrition. As a result of the 2015 Legislative Session, the incumbent was moved from the classified to unclassified system. Working with the Nevada Department of Transportation, Human Resource Management determined that the position is vacant, will not be used in the future and should be abolished.

The Nevada Department of Transportation supports abolishing the class specification.