

**STATE OF NEVADA  
PERSONNEL COMMISSION**

Carson City at the Legislative Counsel Bureau, 401 S. Carson Street, Room 3138, Carson City, Nevada 89701;  
and via video conference to Las Vegas at the Grant Sawyer State Building, 555 E. Washington Avenue, Room  
4401, Las Vegas, Nevada 89101

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**MEETING MINUTES (Subject to Commission Approval)  
Friday, June 10, 2016**

**COMMISSIONERS PRESENT**

**IN CARSON CITY:** Ms. Catherine Fox, Chair  
Mr. David Read, Commissioner

**STAFF PRESENT IN CARSON CITY:**

Mr. Peter Long, Administrator, DHRM  
Mr. Shane Chesney, Senior Deputy Attorney  
General  
Ms. Tawny Polito, Executive Assistant, DHRM  
Ms. Carrie Lee, Administrative Assistant, DHRM  
Ms. Lisa Friend, Personnel Analyst, DHRM  
Ms. Shelley Blotter, Deputy Administrator, DHRM  
Ms. Keisha Smith, Personnel Analyst, DHRM  
Ms. Rachel Baker, Personnel Analyst, DHRM

**COMMISSIONERS PRESENT**

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

**STAFF PRESENT IN**

**LAS VEGAS:** Heather Dapice, Classification Supervisor, DHRM

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

**Chairperson Fox:** Opened the meeting at 9:00 a.m. She started by taking roll. A quorum was established. She announced that Peter Long was appointed to Administrator for the State of Nevada, Department of Administration, Division of Human Resource Management.

**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.

**Chairperson Fox:** Asked if there were any public comments.

**Renee Baker:** Introduced herself as the Warden at Ely State Prison. She stated she was here to provide public comment for Agenda Item No. VII on behalf of Tammy Moore.

**Chairperson Fox:** Asked Ms. Baker to hold her comments until that agenda item.

**Renee Baker:** Asked if that agenda item could be taken out of order due to the long drive back to Ely that she and Ms. Moore have to make.

**Chairperson Fox:** Stated she did not have an issue with moving the item up on the agenda. She

asked the other Commissioners. There was no objection.

MOTION: Motion to move Agenda Item No. VII to after the approval of the minutes.  
BY: Commissioner Read  
SECOND: Chairperson Fox  
VOTE: Motion passed unanimously

### **III. APPROVAL OF MINUTES OF PREVIOUS MEETING** **Action Item**

#### **A. March 4, 2016**

MOTION: Motion to approve the minutes of the meeting dated December 4, 2015.  
BY: Commissioner Read  
SECOND: Chairperson Fox  
VOTE: Motion passed unanimously.

### **VII. DISCUSSION AND APPROVAL OR DENIAL OF INDIVIDUAL RECRUITMENT** **Action Item**

#### **A. Tammy Moore, Accountant Technician 2** **Department of Corrections, Ely State Prison**

**Chairperson Fox:** Took this agenda item out of order per the request of Renee Baker. She explained the process that they would take and noted there might be questions. She also noted that all of the supporting documentation was in their binders.

**Tammy Moore:** Introduced herself and stated the following:  
First I'd like to thank all of you for this opportunity. It's something that's kind of totally out of my realm. So, I have submitted several applications for Administrative Services Officer II at Ely State Prison. One at Ely State Prison and two elsewhere.

In 2012, I submitted my first application and it was denied. Due to the lack of a bachelor's degree and experience. I did make a phone call and ask the reason why and I spoke to the recruiter and I also spoke to Ms. Lee-Ann Easton. They stated that my experience, which at that time, I had approximately 14 years' experience in assisting and performing the duties of Administrative Officer. They stated my position now, as Accountant Technician 2 did not qualify me as a professional and so all of my experience did not count towards the position.

They did re-evaluate my application. They did come up with a year for my education, which I do have education in that specific business management area. Then they also came up with an additional year for my total duties as Acting Administrative Services Officer.

After further discussion, we had talked about how many more years I needed to qualify. In our discussion, I was told a year—one more year and four months. So, I did not appeal to the next level. I, instead, the Administrative Services Officer was hired. I trained her to do her duties, as I acted as Administrative Services Officer for approximately a year before she was hired, only because the Administrative Services Officer was out on medical leave for about eight months. Warden Baker had asked me if I would consider assisting her and the facility as acting and I chose to do so.

Also in my conversation with the recruiter, I explained that I was acting, quite a few times during leave, during medical leave, during the interim and the recruiter had asked me why did I do this since it was out of my duties as Accountant Technician 2. I explained that I support Department of Corrections. I did it to assist and



help and that I would not tell my Warden no. I was basically told I should've said no and declined to assist.

I did train the Administrative Services Officer 2. I trained the previous one before her. I trained the previous one before her. So, I've trained three Administrative Services Officers at that time to do their duties. Of course, I started in 1994, so things have changed in years. So, I assisted them. I was their right hand man. I learned everything that they did. I performed everything that they asked me to do, even though it was out of my duties as Accountant Technician 2.

Recently, I applied for, I believe it was in February of this year for Administrative Services Officer 1 and an Administrative Services Officer 2. I was denied. I did make another phone call. I did go through the process. I chose to go to the—not only the second level, but this level here. That's why I'm here today is to pretty much support my decision on my appeal.

I have 22 years, well 22 ½ years with the Department of Corrections. I started out as a Management Assistant 2 or a Management Assistant 1 to the Administrative Services Officer (ASO) in 1994, in January of 1994. At the time that I started, I was immediately trained on how to submit budget requests to the Legislature and to the Department of Corrections. I assisted the ASO2 in preparation for all of the budget requests, right when I began employment.

From that time, the ASO had encouraged me to go further with my career and encouraged me to look at an Accountant Technician 2 as he felt the Accountant Technician 2 at our facility was right below him and in the future, I could probably qualify in his position when he left. So, I did. I took the classes. I pulled the specs. I did everything I could to get the position of Accountant Technician 2.

In 2001, I was appointed to that position. I continued to work with the ASO2. He did retire. There was another one that was hired. I did assist him and I trained him in his duties as the retired ASO taught me and helped me with everything so I could train the next one to go on and continue with his job. I did work with that ASO for quite some time, I believe around seven years. Side by side with him, doing the same thing I've been always doing, assisting, helping with budgets, helping with vehicle fleet, helping anything that he needed — budgets, money, moving money, balancing money, reconciling, everything that he needed. After that, after he left, another ASO had come in and applied and I trained her. I think she only worked a year and then she went out on medical leave. I continued on with her duties and I worked for eight months as she was out on medical leave.

She then medically retired and I kept going until the announcement came open and I applied. I was denied and like I said, I did not go to the third level, this level here. I instead waited to get more experience. I had no idea how long this one was going to last. So, she did last until April of this year. Now at this time, I am now Acting Administrative Services Officer 2 for Ely State Prison.

Since I submitted my exhibits, I'm not going to go over that again because I'm sure that you've already read it. Since I submitted this a few weeks ago, I have since completed fixed asset reports for four institutions. I have gone through budget request submission training with our fiscal management. I have re-evaluated budget projections for our four institutions and when I say four institutions, I mean Ely State Prison, Ely Conservation Camp, Wells Conservation Camp and Pioche Conservation Camp. Like I said, I re-evaluated budget projections for the institutions and I have actually found unfortunately multiple errors. I have met with my Warden and I have explained those errors. We actually found money that no one knew we had because of the errors. We have been able to purchase things that we need at our facilities.

Finding those errors, I feel is from my experience of working side by side with who I feel was the best Administrative Services Officer when I started working at Ely State Prison. He taught me everything I pretty much know.

I have also been assisting our budget analyst and helping her decide where we can move our money, within our categories, to best fit our institution. Actually gained a good rapport at fiscal management and I do have support from all of them.

I guess, there's really not much more I can say except for I have done the work, I have proven myself and I mean, anybody can make themselves look really good on paper and the degrees and things like that. I don't dock anybody that's received their degrees because it's hard, I know it's hard. But, I have done the work. I've performed the work. I have proven myself. I have done, I feel a fantastic job at assisting my Warden. I feel that my experience, even though Accountant Technician 2 is not a "professional" position, my experience of doing the job and exceling in the job, I qualify for this position.

I have been working for 22 ½ years. I plan on staying. Obviously. 22 ½ years is a long time. I plan on staying with the Department until I retire, maybe a little bit more after that, because I am not that old. So, that's why I'm here to support my appeal.

**Chairperson Fox:** Asked the Division of Human Resource Management to comment.

**Kara Sullivan:** Introduced herself as Personnel Analyst with the Classification, Compensation and Recruitment Unit for the Division of Human Resources Management. She stated:

I was the recruiter for the both the Administrative Services Officer 1 and 2 recruitments that Tammy Moore applied for and is appealing the denial of her application.

Per the job specifications, there are two ways to qualify for the Administrative Services Officer 1 level. Option 1, Bachelor's degree from an accredited college or university in business administration, accounting, finance or related field and three years of varying professional experience, which included: formulating, developing and monitoring programmer agency budgets; analyzing and interpreting financial information and making recommendations; developing, evaluating or advising programs, organizations or work methods; and/or management responsibility for business operations such as contract and lease administration, purchasing and warehouse operations, buildings and grounds maintenance, food and laundry services, data processing, facilities maintenance and construction, communications equipment or fleet maintenance.

Option 2, an equivalent combination of education and experience on a year for year basis.

The Administrative Services Officer 2 level requires similar qualifications with an additional year of experience required, plus experience in the development, management and evaluation of a large and complex program and/or management of two or more business operations such as contract and lease administration, purchasing and warehouse operations and buildings and grounds maintenance.

Ms. Moore does not have a bachelor's degree, therefore we utilized Option 2, an equivalent combination of education and experience on a year for year basis. Meaning, for the Administrative Services Officer 1 level, Ms. Moore would need seven years of professional experience as previously described and eight years for the Administrative Services Officer 2 level.

Evaluation of Ms. Moore's application determined that she did not meet the required seven and eight years of professional experience as outlined in the minimum qualifications. She was credited for 30 college credits giving her a year of the required experience. She was also credited for her time as an Acting Administrative Services Officer which gave her an additional year of experience for a total of two years, leaving her short five years of the required professional level experience for the Administrative Services Officer 1 level and six years short of the required experience for the Administrative Services Officer 2 level.

This appeal is based on the applicant's opinion that her experience an Accountant Technician 2, Grade 32,

should be considered as professional level qualifying experience. Per the class specifications, duties performed by Accountant Technicians are not professional level and instead are technical in nature. Technical accounting functions involve duties such as payroll, recording financial transactions, posting debits and credits and maintaining balances. Accountant Technicians reconcile and monitor specific accounting and fiscal functions, establishing or using established procedures and guidelines. Reconciliation includes balancing departmental records with reports generated by the State's central accounting system, as well as Federal and other accounting systems. Monitoring includes ensuring accounting functions and activities are in compliance with reporting requirements and grant specifications. Accountant Technicians assist management in the preparation of budgets by coordinating with various sections to ensure budget requests are received and reviewed in a timely manner.

Ms. Moore's experience, as documented on her application, as an Accountant Technician 2, Grade 32 included: assisting the Administrative Services Officer with justifications for proposals; submitting budget requests for approval by the Administrative Services Officer; reconciliation of budget reports; submitting payroll errors; preparation of travel forms and making travel arrangements; and records maintenance.

The majority of duties Ms. Moore represented on her application as an Accountant Technician 2 reflect she's assisting management and performing account maintenance duties. The duties are technical in nature and would not be considered professional level.

Examples of professional level duties would include: oversight of cost allocation systems; budgetary and fiscal oversight, including forecasting future expenditures, preparing federal accounting reports, contract development including fiscal oversight and negotiations and administration; and implementation of internal control procedures. Professional level duties require the incumbents make independent determinations and recommendations on administering fiscal and budgetary matters.

Based on the before mentioned information, experience as an Accountant Technician 2, Grade 32, cannot be credited toward the required five and six years of experience, as the minimum qualifications for the Administrative Services Officer 1 and 2 levels, Grades 37 and 39, require professional level fiscal management experience. Typical progression to gain qualifying experience from the Accountant Technician series, to the Administrative Services Officer series would include advancement to the Accountant, Management Analyst or Budget Analyst series. These professional level positions help applicants gain the qualifying experience needed for the Administrative Services Officer level, as this series essentially functions as business managers and Chief Financial Officers for divisions and departments.

For these reasons, the Department requested the denial of the appeal.

**Chairperson Fox:** Asked for any public comment on this item.

**Renee Baker:** Introduced herself as the Warden for Ely State Prison. She stated: As I said earlier, I'm here in support of Tammy Moore's appeal for denial of Administrative Service Officer.

Obviously I agree with everything that Tammy mentioned today. What I'd like to first mention is, touch on, and I'm sorry but I forget her name but what she said regarding the professional experience. I know the typical, I guess, progression would be to a Management Analyst or Budget Analyst, well, unfortunately, we don't set people up in the Department to do that, especially if you're at Ely. I think we're all aware of it's really hard to recruit in Ely. I'm not asking for exceptions because it's Ely. That is by no means what I'm asking.

I'm asking to look at what the person does. How many years does it take assisting someone before those years, at least a percentage of those years qualify, gives them percentage towards a year of qualification? We

do that in every series you have a progression for Clerical Trainees up to AAs. We even have AA4s that can go over to classification, based on them working in law libraries. We have the series for Correctional Officers, the hierarchy, you can even jump some of those series. I understand, its state service, but as Administrative Service Officers in every state agency does do a little bit of different things. And so, typically at an institution, the Accountant Technician supports. Just like an Associate Warden supports a Warden, after so many years of an associate warden, you can qualify for a warden because you've assisted in those duties.

She has assisted for 15 years. I've been the Warden for five years at Ely State Prison, this is my fourth recruitment. So, how long does she have to keep training someone and gaining that experience before that experience counts? It clearly says, assisting. Again, in every classification in a state agency, you assist the person above you. That's why it says combination or experience and/or education. Obviously if you don't have the education, it takes that many more years of experience, 15 years.

Again, that's the beauty of state service. People can come in the door at an entry level and work their way up. I did. I came in as a case worker, made it to Warden. Granted, it might not have taken me as long, had I had some education, but there's many people it just takes longer. 22 years dedicated to state service, in Ely to boot. We don't get that in Ely. We do not get that many years of service in Ely, Nevada.

As we all know, the critical labor shortage, and I know that's with officers, but it's just as hard sometimes to recruit non-custody positions. Because of the level we expect people to be at and we can't attract that in Ely. Obviously, this is my fourth recruitment and Ms. Moore has sat in every time and for someone to say to her, well you should tell your Warden no, I think we all know in state service, people act. What do you do, let your budget fall? I mean we're allowed to do that. People can act in those positions, but at what point do we reward that person for 22 years of state service, 15 in the same position, supporting every administrator out there. Whether it was me as the Warden, the previous Warden, previous Administrative Services Officers.

What bothers me is the professional experience. Everything she has on her application is what she does. Had she done that in the private sector, I don't think anyone would question that application. They would say, she qualifies, because they wouldn't know what exactly professional/technical in the private sector. I can tell you from experience, with my last business manager, that's exactly what it was. She came from a different service, knew nothing about state service. Didn't know how to build a budget in state service. Knew nothing about the Department of Corrections. They stamped her as approved because she listed she did all these things. And maybe she did, but when she came in, she didn't know a third of what this person sitting over here knows and she had to train her. Guess what, that person is gone now. She actually took a voluntary demotion to go to Vegas. She doesn't want to be in Ely. So, once again, Tammy steps in.

So, I mean, I could go on and on and I know it comes down to black and white and I get that. I'm not asking to change policies. I'm not asking for that. I know about policy, working for the Department of Corrections. I'm not asking for a policy change. I'm asking to really look at what she's done. She's done the job. I'm obviously here to vouch for her, or I wouldn't have come. I mean, it's very difficult to recruit in Ely. I'm tired of replacing administrative—all levels, let alone administrative levels. I think it's time the state looks at someone who is dedicated to the Department, to her job, to the actual facility. It is unique at Ely. I am also supervising three camps. She's right when she said she found errors.

The Division of Human Resource Management mentioned that experience says responsible—actually in the ASO series it says, experience, it says, responsible for accounting or fiscal management. Well, if you look at accounting specifications, it says they're responsible for accounting duties. Well, it says the ASO is responsible for accounting. It also says in the Account Tech that they supervise. They supervise lower level Accountant Technicians, Accounting Assistants and Clerical. Management of two or more business operations, such as contracts. Well, the business manager at Ely is really obviously busy, three budgets to



manage. So, historically contracts have been a part for the Accountant Technician to monitor. In all honesty, the actual negotiating of those contracts is done in Fiscal Office over in Central Office for the Department of Corrections but they manage it at the institution. It also says, two or more business ops which includes purchasing, warehouse. I had a new warehouse supervisor, I was losing thousands of pounds of meat. Tried to reject somebody because they didn't know what they were doing in the warehouse. So, guess who I put down there for over a year, to get that warehouse back. It was Ms. Moore. So, there's warehouse experience she has. She ran my warehouse.

It also says, two or more business ops such as data processing. Well, we say that a business manager is professional, no disrespect to data processing, but how professional is data processing?

So, again, you can tell I'm passionate about this. She's a great employee. Again, I'm not asking for change in policy. I'm not asking to say, oh we'll let this one go. That's not what this is about. That's why we are before you and we respect your opinions. It's a tough call, I know, but I just think at some point, how many years, 15 years, acting at different times, filling in, supporting that person, just like all our people underneath us support us. As good managers, we train the people underneath us to be able to do that job when we're gone. That's what every business manager has done for this woman. Then we're still faced with, we can't put her in there.

So, I just ask that you really take a good look at it and see that those 15 years assisting someone, has to count, at least. I mean, even if it was half of it, it would be seven and a half years. If half of the time they're assisting.

So, anyways, that's all I have. I really do appreciate your time and hope that you will reconsider.

**Chairperson Fox:** Asked for additional public comment, there was none. She asked for questions from Commissioners.

**Commissioner Mauger:** Asked for confirmation that she had 22 years of services and the position she is requesting is for a permanent position. **Tammy Moore:** Confirmed.

**Commissioner Mauger:** Asked if Ms. Moore felt qualified for the position based on the requirements of this State. **Tammy Moore:** Stated she did.

**Commissioner Sanchez:** Asked how much formal education Ms. Moore had. **Tammy Moore:** Stated, she has 30 college credits towards Business Administration. Most of them are in accounting, financial accounting.

**Commissioner Sanchez:** Asked from which college. **Tammy Moore:** Stated, Great Basin College in Ely.

**Commissioner Sanchez:** Asked if Ms. Moore planned on continuing her education. **Tammy Moore:** Stated that was a good, hard question. She gave a bit of her background and her choices. She stated she felt that continuing her education would not better her in her position given the amount of experience she has.

**Commissioner Sanchez:** Asked if another position for an ASO1 or 2 was opened in another agency or department, would she apply. **Tammy Moore:** Stated that she plans to stay in Ely. She also noted that if she didn't qualify for Ely, she wouldn't qualify for another department.

**Commissioner Spurlock:** Asked Mr. Peter Long to refresh his memory and provide some history and how that history might be applicable to this situation. He further asked that Mr. Long explain any concerns with setting a precedent. **Peter Long:** Confirmed that several years ago there was an audit by the Legislative Commission on recruitment practices that were specific to fiscal classes. He explained that they were accepting lower level experience and not being strict enough on qualifying applicants for both professional level and manager level fiscal positions. The Legislative Auditors actually wanted a requirement that someone

have at least a Bachelor's and preferably a Master's in Business Administration before they be allowed to enter the Manager-type level of fiscal classes.

Their concern was, with the amount of money that this state gets in through the General Fund, through grants etc., and the amount that goes out that they really want qualified people monitoring these accounts, building the budgets for them, etc. If you can imagine like at Taxation or Department of Health and Human Services where billions of dollars flow through those accounts, even a small error can be significant.

We actually implemented written testing for all of the fiscal classes based on that audit, which we still continue. So, we have been extra cautious on reviewing experience and putting them into both professional level, but particularly management level fiscal classes.

And as Ms. Sullivan pointed out, there is a career ladder for these type positions. You go from the technical to the professional in the accounting type fiscal classes, it would be to an Accountant, a Management Analyst, a Budget Analyst etc., before you move into a high level management position. To go from a 32 to a 37 or a 39 is not typical in any job series in state service. That would be precedent setting.

Also, if you were to say that an Accountant Technician, Technical Level Series qualifies for this then I think we would have a difficult time, defending in the future any other Accountant Technician 2s that think they qualify. Or even Accountant Technician 3s, Grade 34, we would have a difficult time saying that they didn't qualify for managerial type classes.

**Commissioner Spurlock:** Provided some examples to explain that sometimes people in lower positions and lower salary grades often times are explaining and training other positions that may be outside of the scope of their position but within the realm of the department.

**Commissioner Read:** Asked when the last time coursework was completed. **Tammy Moore:** Stated 2009.

**Commissioner Read:** Asked why she didn't continue taking credits. **Tammy Moore:** Explained some life challenges and decisions made that didn't allow for the continuation at that time.

**Commissioner Read:** Noted that he feels she would be much stronger in this appeal had she continued the education. He further noted, he doesn't feel that the roadmap for the position has been followed. He asked that she continue her education. He also expressed appreciation for her service to the State.

**Chairperson Fox:** Asked if the current vacancy was for Administrative Officer 1 or 2. **Tammy Moore:** Stated for a 2. **Chairperson Fox:** Asked if the position was vacant. **Renee Baker:** Asked to comment. She noted she has not opened the position yet. **Chairperson Fox:** Asked when the position was opened. **Renee Baker:** Stated that the previous person left in April.

**Chairperson Fox:** Asked Ms. Kara Sullivan, without doing an audit, is the Administrative Officer Job Class the proper job class for the work that's being performed in Ely. **Kara Sullivan:** Noted that generally that was true, based on the program in fiscal oversight, however, she has not studied the position and says that with caution.

**Chairperson Fox:** Asked if Ms. Moore was currently getting 'acting' pay. **Tammy Moore:** Stated she has never received 'acting' pay. **Renee Baker:** Added that in the Department of Corrections, they've never been allowed to pay 'acting' pay. **Peter Long:** Explained that In order to be acting, there's no review done by HR. They can put anyone in to that position that they choose to. There's no evaluation of minimum qualifications, etc., to be in an acting position. Also, there is a regulation that allows for someone who is working out of class to be paid an additional 5% above their salary, but that regulation was suspended by Governor Gibbons when we had financial difficulties and it's still suspended. If Ms. Moore was advised that

she shouldn't do that, I have my doubts that one of my analysts would say that but I'm not challenging Ms. Moore, it would've been more in the context that you're not going to be compensated for it.

**Chairperson Fox:** Asked for clarification that 3-4 recruitments for the position of ASO have been completed.  
**Renee Baker:** Stated that was correct.

**Commissioner Mauger:** Noted he would like to make an observation. This individual is currently filling the position of ASO2, acting. He would assume that she met the criteria to be appointed to that position, because when you get that position whether you're acting or not, you're making the decisions associated with that position. He finds it really difficult that, "I'm good to act it, but I'm not good to get it." The denial letter is one of the most extensive denials that he's seen, in the short period of time he has been on the Commission. He believes what you're afraid of here is to not set a precedent, but you do judge each case on its own merits and those changes or upgrades, whatever, always come before us. If the merits determine that it doesn't, then it's not usually approved. He has a hard time putting his hands around the fact that she's currently doing the job but not qualified to get the job. It doesn't make sense to him and he doesn't agree with it.

**Commissioner Spurlock:** Stated he's seen agencies that struggle with that. It varies from agency to agency. On Tab 7, Page 155, the third paragraph down, the second whole paragraph. It says, the applicant was credited for one year of experience based on college course work and an additional year of experience for her time as the Acting Administrative Services Officer, for a total of two years' experience. The acting time was verified with the Department of Corrections. So, my understanding is, she has been towards the bucket, the total for this experience needed to determine minimum eligibility for the ASOs, we have given her credit for that acting experience, have we not? **Kara Sullivan:** Confirmed they were able to confirm acting time with the department and their practice is to credit that experience.

**Commissioner Spurlock:** Asked for clarification that they did give her credit for the acting time, it just didn't add up to the necessary requirement. **Kara Sullivan:** Confirmed.

**Tammy Moore:** Asked about the testing requirements for an Administrative Services Officer Series and the Accountant Technician Series. She noted it was the same test for both positions. **Peter Long:** Clarified that it is the same test for the entry level exam. The Administrative Services Officer has a second part to the exam that they must take that is based on experience at certain levels and experience.

**Chairperson Fox:** Asked for public comment. **Renee Baker:** Stated, I just want to add, I totally agree with Mr. Read. I understand with more education we probably wouldn't be sitting here today. I understand its choices, however, every state—I'm almost sure every—I haven't read every single one says, combination of education and/or experience. There's Wardens—again, I know it's totally different classifications that don't have education that make it up to a Warden. So, again, at what point do the years in service assisting count? I understand she's gotten some credits for acting, I get that. But where do the credits come in for the years performing that job? And I get we can't change what positions are at Ely and that, the progression as a Management Analyst or Budget Analyst, whatever it is to get to the Business Manager, we can't change that. Nobody is going to give me that position at Ely and reclassify the Accountant Technician. I get that. Our Budget Analysts are in Central Office. Now you have a person who, again, doesn't want to make the life choice to reroute her family and move—leave her house in Ely and wants to stay committed to Ely and the Department of Corrections at Ely State Prison and in some respects she's penalized for it. Yeah, if she would've gotten her education that would've accounted for more, but how many years does it take to override that education? I guess that's the bottom line that I am coming to, because again, I don't expect you to change anything.

**Chairperson Fox:** Noted, from her human resources perspective, there is a significant difference in her mind between technical level experience and professional level experience that using payroll technicians is an



example. At the technician, it's about reconciling pay and making sure employees are paid timely with all the special pays and shift differential and other time considerations that follow the law. But, a Payroll Manager with a Bachelor's Degree in Business Management, its professional level experience managing payroll activities for an organization, which broader and professional level experience that typically requires a Bachelor's Degree. I do see distinctions between technical level experience and professional level experience. I agree with Commissioner Spurlock about that. There are differences there.

**Chairperson Fox:** Asked for additional comments.

**Commissioner Sanchez:** Noted, what is appearing before them today is the qualification of an applicant and the issue centers around equivalency. This is something he's struggled with as an HR Professional. Here we're talking about a college degree and the equivalence of experience. The rigors of academic classes and certain degrees require written papers to be done, presentations to be made, group activities, critical thinking, library research experience, etc. I teach online classes as well and so employees can continue their education without going to an on-ground campus. I have to agree with Commissioner Spurlock, I also teach in a nursing program. Nurses are nurses and you can't change that. But when we're dealing with certain classifications that require college degrees are very specific and very technical. Others may not be. So, we've got to take these issues on a case by case basis, these jobs. We should not, as a Commission, use this as an emotional issue, for a long-term employee and we should not consider an issue as rewarding employees. Rather, we need to look at this as making a decision in an HR operation issue. I think the Division of Human Resource Management has made a compelling argument to deny this particular Appellant.

**Chairperson Fox:** Asked for additional comments.

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| <b>MOTION:</b> | Denial of the Appellant, Ms. Moore, for this particular appeal. |
| <b>BY:</b>     | Commissioner Sanchez  |
| <b>SECOND:</b> | Commissioner Read   |
| <b>VOTE:</b>   | Motion passed 4-1. Commissioner Mauger voted for approval.      |

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

- A. The Nevada Department of Conservation and Natural Resources, Division of Forestry requests the addition of a class to the list approved for pre-employment screening for controlled substances and requests approval of a class specification amendment to include pre-employment screening for controlled substances
  - 1. Class requested for approval of pre-employment screening for controlled substances
  - 9.205 Seasonal Forestry Equipment Operator, PCNs: All
  - 2. Request for approval of class specification change to include pre-employment screening for controlled substances
  - 9.205 Seasonal Forestry Equipment Operator
- B. The Nevada Department of Transportation requests the addition of a position to the list approved for pre-employment screening for controlled substances

6.209 Supervisor III, Associate Engineer, PCN: 018-037

- C. The Nevada System of Higher Education, Business Center North requests the addition of a position to the list approved for pre-employment screening for controlled substances, the approval of removal of classes and positions previously approved for pre-employment screening for controlled substances, and requests approval of class specification amendments to remove pre-employment screening for controlled substances:

1. Position requested for approval of pre-employment screening for controlled substances

7.647 Program Officer II, PCN: 41234

2. Classes and positions requested for removal of pre-employment screening for controlled substances

7.649 Program Officer I, PCN: 41234

10.237 Health Program Specialist I, PCNs: All

10.238 Health Program Specialist II, PCNs: All

10.358 Nurse I, PCNs: All

10.524 Radiation Control Specialist II, PCNs: BCN, UNR – All Environmental Health & Safety PCNs

10.528 Radiation Control Specialist I, PCNs: BCN, UNR – All Environmental Health & Safety PCNs

11.522 Safety Representative, Consultation, PCNs: BCN – All

12.376 Family Services Specialist II, PCN: UNR 42051

3. Request for approval of class specification changes to remove pre-employment screening for controlled substances

10.237 Health Program Specialist I

10.238 Health Program Specialist II

10.524 Radiation Control Specialist II

10.528 Radiation Control Specialist I

11.522 Safety Representative, Consultation

12.376 Family Services Specialist II

**Chairperson Fox:** Took agenda Item No. IV after agenda Item No. VII. She noted that they would hear each section and entertain a motion.

**Carrie Hughes:** Introduced herself as Personnel Analyst with Human Resource Management. She noted,

NRS 284.4066 provides for the pre-employment testing for controlled substances of candidates for positions affecting public safety prior to hire. This State statute requires the appointing authority to identify the specific positions that affect public safety subject to the approval of this Commission. Additionally, federal courts have indicated that pre-employment testing by public entities may constitute a search within the meaning of the Fourth Amendment. And if so, must be justified by a special need that outweighs a reasonable expectation of privacy.

The Department of Conservation and Natural Resources, Division of Forestry, has requested approval of pre-employment testing of Class Code 9.205, Seasonal Forestry Equipment Operator. Approval of this class is recommended due to incumbents being required to maintain a Commercial Driver's License with a Hazardous Materials Endorsement. The Federal Court of Appeals, for the Ninth Circuit, in a decision regarding what types of job meet the safety sensitive standard required of public entities, used operation of vehicles to transport hazardous materials, as an example of a type of position that it would be appropriate to pre-employment drug test. Tom Knight from the Division of Forestry is available to answer any questions you may have.

**Chairperson Fox:** Noted what they would be deciding upon under A would be adding it to the list for pre-employment screening for controlled substances, as well as changes to the class specification to include the language pursuant to NRS 284.4066, positions in this series have been identified as affecting public safety. Persons offered employment must submit to a pre-employment screening for controlled substances. **Carrie Hughes:** Confirmed.

**Chairperson Fox:** Asked if there were any public comments. Mr. Gordon Cornell asked to make a comment.

**Gordon Cornell:** Stated: This is a general comment, a general observation. He is very concerned that the lower level jobs within the State Personnel Department are the ones that are being subjected to drug screening. He does not see any management or mid-level jobs being subjected to the same type of scrutiny. He is definitely not against drug screening. He thinks that it's necessary. However, when he sees mid-level range jobs not going under the same type of scrutiny, or upper level management jobs also receiving the same types of drug testing. Certainly, he thinks even political candidates should even be subjected to drug screening.

He is just very concerned because he sees custodial—he went on the job list when he was looking for jobs, the bottom six jobs—bottoms six require drug screening. None of the other ones did. He looked at the top six, they didn't require drug screening. Nor any of the middle level jobs also require drug screening. He thinks that they need to either test everybody or test no one.

**Chairperson Fox:** Asked if there was additional comment. There was none.

**MOTION:** Motion to approve IV-A, to add pre-employment screening for controlled substances to Seasonal Forestry Equipment Operator, all PCN numbers, as well as changes to the class specification for Seasonal Forestry Equipment Operator to include pre-employment screening language.

**BY:** Chairperson Fox

**SECOND:** Commissioner Read

**VOTE:** Motion passed unanimously

**Carrie Hughes:** Noted the Nevada Department of Transportation has requested approval of pre-employment testing of Position 018-037, Supervisor III, Associate Engineer. We are recommending approval of this position as the incumbent will be performing duties on or in close proximity to roadways with traffic present. Additionally, positions in the same class have previously been approved for pre-employment drug testing by

the Commission. A member of the Department of Transportation is available to answer any questions.

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

**MOTION:** Motion to approve IV-B, to add the position of Supervisor III, Associate Engineer, PCN Number: 018-037 to the list approved for pre-employment screening for controlled substances.  
**BY:** Chairperson Fox  
**SECOND:** Commissioner Read  
**VOTE:** Motion passed unanimously.

**Commissioner Spurlock:** Noted, thought it was appropriate that the citizen that just made a public comment on the prior item, this might help alleviate his concerns that we're not testing enough supervisory or professional jobs. This is a supervisor and it's a professional engineer. He can obviously do a little more research or he can ask the Personnel Department and they'll probably explain to him that it has everything to do with safety issues, proximity to dangers, handling of cash, handling of drugs, things like that. I just thought it was interesting that the very next item after he had made his concern known that we were approving a supervisor level and a professional level job because it did fit that criteria. **Chairperson Fox:** Noted the same.

**Carrie Hughes:** Noted, the Nevada System of Higher Education, Business Center North has requested approval of pre-employment testing of Position 41234, Program Officer II. We are recommending approval of this position as Business Center North has indicated that the position physically handles and transports lab waste; both chemical and biological at multiple campuses. Additionally, Business Center North has indicated that the duties for which the position was approved for pre-employment drug testing by the Commission, when classified as a Program Officer I are still duties of the position.

Business Center North has also requested removal of the requirement for pre-employment testing from the positions listed in Agenda Item IV-C2. We are recommending removal of these positions as these positions have either been moved to another class, have been reclassified as administrative faculty or are no longer being filled by Business Center North.

If approval of pre-employment drug testing is removed from Health Program Specialist I and II, the Radiation Control Specialist I and II, Safety Representative Consultation and Family Services Specialist II positions, we are requesting approval of a change to the appropriate class series specification to reflect the removal of the requirement for pre-employment screening for controlled substances.

Unfortunately, Business Center North does not have a representative available, however, I can answer questions based upon my conversations with Business Center North.

**Commissioner Mauger:** Asked if some of these positions that are being asked for removal had been before the Board prior to approve the position. **Carrie Hughes:** Confirmed this. **Commissioner Mauger:** Asked, When it says, removal of pre-employment screening, so somewhere you felt that the screening process should be applied to those classes, now you don't. Is there a rationale for that? I mean, some of these you've answered, like a Radiation Control Tech, that's pretty sensitive stuff, so is the other—the other ones on here. I'm just asking what the rationale is to approve in one meeting and then remove them in the next. I understand, on some of these you answered. There's a lot of sensitive areas that maybe I need to hear it again. **Carrie Hughes:** Noted, while she can't speak to each specific position or class that is mentioned, for example, one of the points that she did discuss with Business Center North was, they pointed out that some of these would still be pre-employment tested. One that they mentioned was the Health Specialist Series. Those were actually, at least one of those positions was moved over into the Microbiologist class code, which is required to have pre-employment testing. What was also pointed out by Business Center North is that those positions

that moved into Administrative Faculty, while they don't do pre-employment testing, they do do background checks on these individuals. And of course, some of these are being removed simply because Business Center North is no longer using the positions.

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

**MOTION:** Motion to approve IV-C, to add Program Officer II, PCN: 41234 to the positions to be pre-employment screened for controlled substance. Additionally, IV-C2, the classes for positions for removal from pre-employment screening because they've been reclassified to another position or no longer used by the Nevada System of Higher Education Business Center north to include: Program Officer I, PCN: 41234; Health Program Specialist I, all PCNs; Health Program Specialist II, all PCNs; Nurse I, Radiation Control Specialist II, Radiation Control Specialist I, Safety Representative, Consultation and Family Services Specialist II. Additionally, appropriate changes will be made to the class specifications to remove the pre-employment screening for the identified classes in 3, Health Program Specialist I, Health Program Specialist II, Radiation Control Specialist II, Radiation Control Specialist I, Safety Representative, Consultation and Family Services Specialist II.

**BY:** Chairperson Fox

**SECOND:** Commissioner Read

**VOTE:** Motion passed unanimously.

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

**A. LCB File No. R060-16**

**Sec. 1. NAC 284.204 Adjustment of steps within same grade.**

**Michelle Garton:** Introduced herself as Supervisory Personnel Analyst for the Division of Human Resource Management's Consultation and Accountability Unit.

She presented a regulation amendment proposed for NAC 284.204 and LCB File No: R060-16. The first change to this regulation is in Subsection 1, which adds departments to clarify that a pay adjustment to resolve an equity issue is intended to be among positions in a particular department or agency and is not among positions across different departments or agencies.

The next change to this regulation removes the requirement for an appointing authority to ensure that an adjustment will not create an inequity. This is intended to allow departments or agencies to address difficult recruiting problems or hire a person with superior education and experience without being required to adjust the pay of a number of other employees which may not be fiscally feasible.

Next, department has also added, in Subsection 3, to clarify that the effective date of an adjustment of steps approved by the Division of Human Resource Management, is the date that it is received by the Personnel Office of the department or agency or by the Division of Human Resource Management.

The final change to this regulation relates to the revocation of an adjustment of steps that was made due to a difficult recruiting problem. Paragraph b of Subsection 4 explains that such an adjustment of steps may be revoked when the employee changes positions to a different location, within his or her current department or agency or a different department or agency where a difficult recruiting problem does not exist.

For example, an appointing authority may revoke an adjustment of steps when an employee transfers from Elko, where a difficult recruiting problem exists, to Reno, where no difficult recruiting problem exists.

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

MOTION: Motion to approve Item V-A, LCB File No: R060-16.  
BY: Commissioner Read  
SECOND: Chairperson Fox  
VOTE: Motion passed unanimously.

**VI. DISCUSSION AND APPROVAL OR DENIAL OF CLASS SPECIFICATION  
MAINTENANCE REVIEW OF CLASSES RECOMMENDED FOR REVISIONS AND  
ABOLISHMENT  
Action Item**

- A. Clerical & Related Services
  - 1. Subgroup: Legal Support Services
    - a. 2.154 Legal Office Manager Series
- B. Fiscal Management & Staff Services
  - 1. Subgroup: Financial
    - a. 7.135 Accountant Series
  - 2. Subgroup: Revenue Collections & Management
    - a. 7.223 Tax Manager
    - b. 7.263 Contributions Examiner Series
  - 3. Subgroup: Personnel & Training
    - a. 7.507 Equal Employment Opportunity Officer
  - 4. Subgroup: Actuarial/Research/Grants Analysis
    - a. 7.707 Chief Economist
    - b. 7.718 Executive Branch Economist
    - c. 7.719 Economist Series
- C. Medical, Health & Related Services
  - 1. Subgroup: Health Related Services
    - a. 10.222 Registered Dietitian Series
    - b. 10.243 Workers' Compensation Nurse Series
  - 2. Subgroup: Public Health Dental
    - a. 10.265 Dental Equipment Technician
  - 3. Subgroup: Health & Support Services
    - a. 10.340 Consumer Services Coordinator
  - 4. Subgroup: Environmental & Health Protection
    - a. 10.500 Deputy Administrator, Health
  - 5. Subgroup: Laboratory Services
    - a. 10.707 Chemist Series
- D. Social Services & Rehabilitation
  - 1. Subgroup: Employment Security Claims Examination & Placement
    - a. 12.144 ESD Program Chief
  - 2. Subgroup: Social Services
    - a. 12.368 Crime Victim Compensation Specialist
  - 3. Subgroup: Rehabilitation
    - a. 12.423 Client Assistance Specialist
    - b. 12.455 Rehabilitation Manager Series

**Lisa Friend:** Introduced herself as Personnel Analyst with the Division of Human Resource Management Classification Unit. She presented Item VI-A, the Legal Office Manager Series Class Specifications. In conjunction with the biennial class specification maintenance review project, this series was reviewed by subject matter experts in the various agencies utilizing the classes and agency human resource staff. It was determined that minor revisions be made to the class concept to better reflect common duties that may be performed by legal secretaries. Human Resource Management also recommended changes be made to the education and experience to maintain formatting consistency with other class specifications.



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

MOTION: Approval of Item VI-A, Clerical and Related Services  
BY: Commissioner Read  
SECOND: Chairperson Fox  
VOTE: Motion passed unanimously.

**Rachel Baker:** Introduced herself as Personnel Analyst with the Division of Human Resource Management, Compensation, Classification and Recruitment Unit. She presented Item VI-B-1a on the agenda, the Accountant Series.

The class specification for Accountant was reviewed by Human Resource Management personnel and subject matter experts (SMEs) at those agencies utilizing the classes. It was determined that the concepts minimum qualifications and knowledge, skills and abilities are consistent with current expectations and no changes are necessary.

She also presented VI-B-2a on the agenda, the Tax Manager. In consultation with SMEs from Taxation, Human Resource Management determined that the concept minimum qualifications and knowledge, skills and abilities are consistent with current expectations and no changes are necessary. A minor addition was made to the equivalent combination of education and experience for consistency in formatting.

**Keisha Smith:** Introduced herself as Personnel Analyst with the Division of Human Resource Management, Compensation, Classification and Recruitment Unit. She presented Item VI-B-2b on the agenda. With regards to Item VI-B-2B, working with the subject matter experts, the Contribution Examiner Series classification specification was reviewed during this biennial class specification maintenance review. In conjunction with the Department of Employment, Training and Rehabilitation which utilizes this classification, it was determined that minor revisions be made to the class concepts and minimum qualifications to maintain consistency with formatting structure and language used. It is recommended that the class specification be revised with minor, non-substantial changes to the minimum qualification revisions by replacing federal regulations and state statutes with rules, regulations and laws within class level 2, to maintain consistency in the language used in all three class levels.

**Rachel Baker:** Stated, with regards to Agenda Items VI-B-3a, the Equal Employment Opportunity Officer, Human Resource Management recommends revisions be made to update the duty statements. The knowledge, skills and abilities were also updated accordingly. The minimum qualifications were revised to reflect standard verbiage used and to expand the type of relevant and acceptable experience.

**Heather Dapice:** Introduced herself as Supervisory Personnel Analyst with the Compensation, Classification and Recruitment section with the Division of Human Resource Management. She presented the recommendation for changes to the class specifications for the Chief Economist, Executive Branch Economist and Economist Series. This is Item VI-B4-a, b and c on the agenda.

In consultation with subject matter experts from various departments it was recommended that the Chief Economist be combined into the Economist series and the Economist IV be removed from this series, retitled to Executive Branch Economist and be placed into its own series. As a result, the duty statement for the Chief Economist Series were moved to the class concept with minor revisions to the duty statements of the combined class specifications and minor changes to the minimal qualification to account for these changes and to maintain consistency with formatting and structure.

The class concept for the Economist IV was combined with the previous duty statements to create the new series concept for the Executive Branch Economist. Minor revisions were made to the minimum qualifications to account for these changes.



Throughout the process, management within the affected departments participated by offering recommendations in reviewing changes as the process progressed. It is therefore recommended that the changes to these class concepts be approved effective this date.

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

**MOTION:** Approval of Item VI-B, class specification changes for the Fiscal Management & Staff Services Series, Subgroup Financial.  
**BY:** Chairperson Fox  
**SECOND:** Commissioner Read  
**VOTE:** Motion passed unanimously.

**Rachel Baker:** Presented Item No. VI-C-1a and b, the Registered Dietician and Workers Compensation Nurse Series. With regard to the Registered Dietician Series, in conjunction with the biennial class specification maintenance review and subject matter experts from the divisions within the Department of Health and Human Services, as well as the Nevada State Veterans Home that utilizes these classes, the Division of Human Resources Management recommends revisions to the series and class concepts to update and accurately describe the duties performed by incumbents and to reflect agency program changes.

The minimum qualifications of the levels have been modified to expand and clarify the type of relevant and acceptable experience required. Furthermore, the knowledge skills and abilities of the classes were updated accordingly and to maintain consistency in current formatting.

With regard to the Workers Compensation Nurse, Human Resource Management recommends that the series be abolished. During this review it was determined that there are no classified positions within state service within the Nevada System for Higher Education.

With regard to Item VI-C-2a on the Agenda, the Dental Equipment Technician. In consultation with the subject matter expert from the University of Nevada, Las Vegas, Human Resource Management determined that the concept minimum qualifications and knowledge, skills and abilities are consistent with current expectations and no changes were necessary. A minor addition was made to the equivalent combination of education and experience for consistency in formatting.

With regard to Agenda Item VI-C-3a, the Consumer Services Coordinator. In conjunction with the biennial class specification maintenance review and in consultation with the subject matter expert from the divisions of Public and Behavioral Health, Human Resource Management recommends revisions be made to the concept to reflect changes to titles and division names. Additionally, revisions were made to update duty statements. A special requirement was added to require that an incumbent be a peer supporter at the time of the appointment. A peer supporter is a qualified individual who is currently or was previously diagnosed with a mental and/or behavior or health disorder and who possesses the skills and abilities to work collaboratively with and under the clinical and direct supervision of a qualified mental health professional.

Also, Human Resource Management recommends the addition of an informational note to reflect that the incumbent must have the ability to meet the qualifications of a qualified behavioral aide, as outlined in the medical services manual. In addition, minor modifications to the education and experience, as well as the knowledge skills and abilities were made to account for consistencies in formatting and structure and to recognize the type of knowledge, skills and abilities required to perform the duties of the position.

Regarding Agenda Item VI-C-4a, the Deputy Administrator, Health. Human Resource Management determined that with the merging of the Health Division with the Mental Health Services functions of the Mental Health and Developmental Services Division, which resulted in the creation of the Division of Public

and Behavioral Health, there was no longer a need for maintaining the Deputy Administrator, Health classification. Therefore, Human Resource Management recommends this classification be abolished.

**Lisa Friend:** Presented, Item VI-C-5a, the Chemist Series class specification. The class was reviewed by Department of Transportation, Department of Agriculture, BCN Human Resource staff and agency human resource staff. It was determined that minor revisions be made to the series concept to account for changes in verbiage used and duties performed by chemists. Human Resource Management also recommended changes be made to the knowledge, skills and abilities, to reflect what is required in order to perform duties outlined and maintained formatting consistency with other class specifications. We respectfully request your approval for these class specifications effective today.

**Chairperson Fox:** Asked if there were any questions. There were none.

|                |   |
|----------------|---|
| <b>MOTION:</b> | Approval of Item VI-C, Medical, Health and Related Services, Subgroups 1-5. |
| <b>BY:</b>     | Chairperson Fox   |
| <b>SECOND:</b> | Commissioner Sanchez  |
| <b>VOTE:</b>   | Motion passed unanimously.  |

**Heather Dapice:** Presented Item VI-D-1a on the agenda. The class specification for ESD Program Chief was reviewed by management and agency human resource staff at the Department of Employment, Training and Rehabilitation. It was determined that the concepts, minimum qualifications, knowledge, skills and abilities are consistent with current expectations. It is therefore recommended that no changes to the class specification are necessary at this time.

**Rachel Baker:** Concerning Item VI-D-2a on the agenda, Crime Victim Compensation Specialist. In consultation with the subject matter expert from the Department of Administration Hearings Division, Victims of Crime Program, Human Resource Management determined that the concept, minimum qualifications and knowledge skills and abilities were consistent with current expectations and no changes were necessary. A minor addition was made to the equivalent combination of education and experience for consistency in formatting.

In conjunction with the class specification maintenance review project conducted by Human Resource Management, it is recommended that Item VI-D-3a, Client Assistance Specialist be abolished.

During this review it was determined that this class was used primarily by the Department of Employment, Training and Rehabilitation, however there are currently no positions in this class within State classified service and there are no plans for the agency to utilize it in the future.

**Heather Dapice:** Presented the recommendation for the Rehabilitation Manager series, VI-D-3b on the agenda. The class specification for the Rehabilitation Manager series was reviewed by management and agency human resource staff, the Department of Employment, Training and Rehabilitation. It was determined that the concepts, minimum qualifications, knowledge, skills and abilities are consistent with current expectations. It is therefore recommend that there are no changes to the class specification are necessary at this time.

**Chairperson Fox:** Asked if there were any questions. There were none.

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|----------------|---|
| <b>MOTION:</b> | Approval of Item VI-D, Social Services and Rehabilitation, Specifically the Subgroup Employment Security Claims, examination placement for the EDS Program Chief, the Social Services Subgroup. Crime Victim Compensation Specialist, Rehabilitation Subgroup and Client Assisted Specialist and Rehabilitation Manager Series. |
|----------------|---|

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

#### **VIII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES**

**Postings:** #19-16, #20-16, #21-16, #22-16, #23-16, #24-16, #25-16, #26-16, #27-16, #28-16, #29-16, #30-16, #31-16, #32-16, #33-16, #34-16, #35-16, #36-16, #37-16.

**Chairperson Fox:** Stated that no action was required on the part of the Commission.

#### **IX. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS**

**Chairperson Fox:** Stated that the next meeting is certain for September 30, 2016. The next meeting would be in December 09, 2016.

#### **X. 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.

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

#### **X. ADJOURNMENT**

**Chairperson Fox:** Adjourned the meeting.

**FOR DISCUSSION AND POSSIBLE ACTION**

**Prohibitions and Penalties**

In accordance with NAC 284.742, an agency shall develop policies that describe activities considered inconsistent, incompatible or in conflict with employees' duties and penalties for such. These policies are subject to the approval of the Personnel Commission.

**Department of Public Safety - DHRM Recommendation**

The Department of Public Safety has updated their Prohibitions and Penalties previously approved by the Personnel Commission and in effect since September 28, 2011. Prior to the submitted revised version, department employees and the employee associations were requested to submit comments and suggestions. Please note the discipline level in items # L-11, # O-2 and # O-9 were elevated to a higher level than all other agencies due to violations of these types could compromise the agency's operations. Otherwise, the items submitted for approval have been reviewed by the Division and are generally consistent with those already approved by the Commission. Revisions have been tracked with new matter in blue italics and deletions as red strikethroughs. Prohibitions that were relocated from a section to a more appropriate section were not noted since language had been previously approved by the Commission.



## DEPARTMENT POLICY MANUAL **STANDING ORDER**

|  |   |   |
|--|---|---|
| <b>AG REVIEW BY:</b><br><del>Cynthia Hoover, Esq.</del>                              | <b>ORIGINATION DATE:</b><br>05/13/11  | <b>APPROVED BY:</b><br><del>Chris Perry</del> <b>James M. Wright, Director</b><br><i>Original signature on file</i> |
| <b>REFERENCES:</b><br><del>Related NRS, NAC, SAM,</del><br><del>USC, CFR, etc.</del> | <b>DATE EFFECTIVE:</b><br>06/01/11  | <b>SUBJECT:</b><br><b>Disciplinary Policy</b>   |
| <b>PROCESSED BY:</b><br>Director's Office  | <b>REVISION DATE:</b><br><del>09/28/2011</del><br>Approved by the<br>Personnel Commission | <b>STANDING ORDER NUMBER:</b><br><del>04/001/11</del><br><del>Lexipol Policy 341340</del>                           |

## Disciplinary Policy

### **341.1 340.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide employees of this Department with guidelines for their conduct in order that they may participate in meeting the goals of this Department in serving the community. This policy shall apply to all sworn and non-sworn members of this Department. This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action (NRS 289.010(4) and NAC 284.650, NAC 284.653, and/or NAC 284.738 to NAC 284.771).

This policy should be included in an employee's new hire packet. The Department's Human Resources staff should ensure that new employees read and understand the Disciplinary Policy.

### **341.2 340.2 DISCIPLINE POLICY**

The continued employment of every employee of this Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on - or off-duty, may be cause for disciplinary action (NRS 284.385(1)(a), NRS 289.057).

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties, that have an adverse impact, that may be indicative of unfitness for his/her position or that brings discredit or embarrassment to the Department or its employees.

### **341.2.1 340.2.1 LAWFUL ORDERS**

Employees shall comply with lawful directives and orders from any supervisor or person in position



of authority.

An employee who believes any written or verbal order to be in conflict with another order or to be unlawful shall:

- (a) Immediately inform the supervisor issuing the order, the employee's immediate supervisor or the concerned Division Chief of the conflict or error of the order.
- (b) Provide details explaining the grounds for the belief of the conflict or error of the order.
- (c) Request clarification, guidance and direction regarding following the order.
- (d) Request the order in writing should the *perceived* conflict or error be unresolved.
- (e) Inform the supervisor if they intend to disobey an unlawful order.

An employee's election to disobey an order they believe to be unlawful is not a bar to discipline should the order be determined as lawful.

#### ~~341.2.2~~ 340.2.2 DEFINITIONS

**MISCONDUCT** - Conduct that includes, but not limited to, violations of law, administrative code, regulation, policy, and/or procedure.

**COMPLAINT** - Any anonymous, identified or third-party allegation, complaint, or grievance regarding employee misconduct or poor performance.

**ADVERSE IMPACT** - Conduct which impairs the performance of a job or causes discredit to the agency.

**FALSE STATEMENT** - Any manner of communication, including but not limited to, oral, written and electronic, made by a Department employee when the employee:

- Knew or evidence demonstrates the employee should have known the statement was false at the time it was made; or
- Fails to correct any statement upon learning the statement was false.

**MISLEADING STATEMENT** - Any manner of communication, including but not limited to, oral, written and electronic, made by a Department employee when the employee:

- Knew or evidence demonstrates the employee should have known the statement was inaccurate.
- Intentionally provided information in an inaccurate context;
- Intentionally provided information designed to misdirect or lead others astray;
- Intentionally withheld information that is known or reasonably believed to be relevant; or
- Intentionally failed to provide a complete and accurate account of matters that were known by the employee.

**POOR PERFORMANCE** - Failure to meet a standard for the performance of work expected of an employee *as detailed in the job description or the employee's work performance standards.*

### ~~341.3~~ 340.3 CONDUCT WHICH MAY RESULT IN CORRECTIVE/DISCIPLINARY ACTION

Appropriate corrective or disciplinary action may be taken for prohibitions established by statute or regulation and/or for prohibitions established by the Department and include:

- (a) *Any act of commission and/or omission that constitute misconduct.*
- (b) *Any activity that is incompatible with an employee's conditions of employment established by law, regulation, standard, or which violates a provision of ~~outlined in~~ the Nevada Administrative Code (NAC) , including NAC 284.650, NAC 284.653, and NAC 284.738 through 284.771 inclusive.*
- (c) *Any violation of any Department policy, rule, regulation, procedure or other directive including any activity outlined in the Prohibitions/Class of Offense Guide below ~~(Policy §-341.3.1).~~*
- (d) Failure of an employee to abide by the standards of ethical conduct.

Any infraction may be deemed sufficient cause for ~~C~~corrective or ~~D~~disciplinary action up to and including termination.

#### ~~341.3.1 CORRECTIVE AND DISCIPLINARY ACTION PROCESS~~

~~Corrective and disciplinary action shall follow the progressive disciplinary guidelines of the Prohibitions and Class of Offense Guide, NRS 284 and NAC 284. Progressive discipline normally follows this course, in sequence, however accelerated action may be taken in proportion to the seriousness of the offense.~~

- ~~————— LETTER OF INSTRUCTION: By the supervisor(s) responsible for the employee's activities. This activity is intended to provide the employee with information and instruction or training, and establishes documentation that the employee has been made aware of his/her responsibility with regard to a particular situation or set of circumstances. The Letter of Instruction is not part of the disciplinary process and therefore is not included in the order of discipline that follows.~~
- ~~————— 1. ORAL WARNING: By the supervisor(s) responsible for the employee's activities. This action may be either oral or written, or both. Oral warnings reduced to writing are maintained in the supervisor's file. Oral Warnings are not forwarded to the employee's departmental personnel file or to the State Department of Personnel, Records Division.~~
- ~~————— 2. WRITTEN REPRIMAND: By the supervisor(s) responsible for the employee's activities. This action shall be both oral and written. Written Reprimands must be on the standardized NPD-52 form. It must be signed by the supervisor and employee, a copy given to the employee, and a copy sent to the DPS Human Resources Office. A copy will be placed in the employee's departmental personnel file and a copy will be forwarded to the State Department of Personnel, Records Division. If employee refuses to sign the form, state this fact on the form and obtain the signature of a witness.~~
- ~~————— 3. SUSPENSION: Without pay for a period of no more than 30 working days. A Specificity of Charges (NPD-41) is required. Refer to Specificity of Charges Policy 04.2.021.~~
- ~~————— 4. DEMOTION: To a lower class. A Specificity of Charges (NPD-41) is required. Refer to Specificity of Charges Policy 04.2.021.~~



- ~~5. DISMISSAL: Termination from state service. A Specificity of Charges (NPD 41) is required. Refer to Specificity of Charges Policy 04.2.021.~~

### **340.3.2 PROHIBITIONS AND CLASS OF OFFENSE GUIDE**

~~The Department has developed a Prohibitions/Class of Offense Guide which describes prohibited employee conduct, and a Chart of Corrective/Disciplinary Sanctions which prescribes recommended penalties for inappropriate conduct.~~

~~Grave acts of misconduct may warrant dismissal of an employee without previous corrective action or progressive discipline. However, less serious acts of misconduct may warrant the use of progressive discipline, i.e., lesser to greater discipline to give an employee a chance to reform his or her conduct. Progressive discipline may begin with corrective action or proceed to a written reprimand, suspension for up to 30 calendar days, demotion or dismissal, depending on the level of seriousness of the offense.~~

~~Appointing Authorities and employees must recognize that penalty schedules cannot accurately, fairly, or consistently address every situation. Appointing Authorities must conduct an individual analysis of each employee for each incident and exercise professional judgment and discretion, and then recommend a penalty based upon the need to modify an employee's behavior, set expectations for other employees, and maintain the public trust. There is no requirement that charges similar in nature must result in identical penalties.~~

~~Appointing Authorities should determine if arrests or convictions have an adverse impact on the employment of the employee by the State, and if an adverse impact is found, the appointing authority may immediately dismiss an employee.~~

~~In cases involving more than one sustained violation, disciplinary action should begin with the most serious violation. Other related violations may then be considered as aggravating circumstances when determining the appropriate penalty from within the minimum and maximum recommended range.~~

### **~~341.3.1~~ 340.3.1 PROHIBITIONS/CLASS OF OFFENSE GUIDE**

The Department has developed a list of prohibitions which describes prohibited employee conduct; and has assigned a class of offense for each prohibition. An all-encompassing list of Do's and Don'ts is not possible. Supervisors should continually reiterate the Department's philosophy, values and expectations.

The following Prohibitions and Class of Offense Guide describes causes for corrective/disciplinary action. This is not intended to cover every possible type of misconduct and does not preclude the recommendation of corrective or disciplinary action for specific action or inaction that is detrimental to *effective or* efficient Department service (NRS 284.385(1) (a), NRS 289.057(1)).

The Chart of Corrective/Disciplinary Sanctions ascribes an available range of Corrective/Disciplinary action for each Class of prohibited activity. This chart indicates the suggested level of discipline, from less serious to more serious, for ~~the~~ *each* Class of ~~Offense~~ and for 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> offenses. Penalties for prohibited activities should be assessed based upon criteria established in the Chart of Corrective/Disciplinary Sanctions.

| <b>Chart of Corrective/Disciplinary Sanctions</b> |                        |                        |                        |                        |                        |                |
|---|------------------------|------------------------|------------------------|------------------------|------------------------|----------------|
| <b>Class</b>                                      | <b>First Offense</b>   |                        | <b>Second Offense</b>  |                        | <b>Third Offense</b>   |                |
|   | <b>Minimum</b>         | <b>Maximum</b>         | <b>Minimum</b>         | <b>Maximum</b>         | <b>Minimum</b>         | <b>Maximum</b> |
| <b>1</b>  | Oral Warning           | Written Reprimand      | Written Reprimand      | Suspension             | Suspension             | Dismissal      |
| <b>2</b>  | Written Reprimand      | Suspension             | Suspension             | Suspension<br>Demotion | Suspension<br>Demotion | Dismissal      |
| <b>3</b>  | Suspension             | Suspension<br>Demotion | Suspension<br>Demotion | Dismissal              | Dismissal              | N/A            |
| <b>4</b>  | Suspension<br>Demotion | Dismissal              | Suspension<br>Demotion | Dismissal              | Dismissal              | N/A            |
| <b>5</b>  | Dismissal              | Dismissal              |                        |                        |                        |                |

(a) Attendance

1. Unauthorized absence from duty or failure to report to work or to place of assignment at time specified without reasonable excuse and fully prepared to perform duties in the prescribed manner. **Class 1-3**
2. Failure to notify supervisor or designated representative promptly when unable to report for work because of illness, injury or other reason. Notification must occur for each shift unless otherwise pre-arranged. **Class 1**
3. Frequent or continual tardiness on scheduled days of work. **Class 1-3**
4. Unauthorized absence from duty without leave after having been denied permission to take such leave. **Class 2**
5. Use of sick leave for a reason not authorized by NAC 284.554. **Class 2**
6. Leaving a work area or a job during duty hours without reasonable excuse and authorization or when specifically instructed to remain in work area or at the job. **Class 2-5**
7. Failure to report to work or call supervisor for three (3) consecutive work days without permission or justification. **Class 5**
8. Failure to report to duty as ordered during public safety emergencies. **Class 2-5**
9. *Engaging in any strike, including but not limited to, a concerted failure to report for duty, willful absence from ones position, unauthorized holidays, the stoppage of work or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of employment. **Class 5***

9.

(b) Confidentiality

1. Unauthorized, intentional or improper disclosure of designated confidential



information materials, data, forms, or reports, including Criminal Justice Information System (CJIS) and/or other criminal justice information. **Class 4**

2. Making public any investigation or proposed movement or business of the Department to any unauthorized person. **Class 4**

3. The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the expressed authorization of the Director of Public Safety or his/her designee. **Class 4**

(c) Discourtesy

1. Using insulting, intimidating, abusive, harsh, indecent or profane language to a member of the public, a fellow employee, a subordinate, or a supervisor. **Class 2**

2. Bullying, discourteous, or disrespectful treatment of any member of the public or the Department. **Class 2**

~~3. Bullying, discourteous, or disrespectful treatment of any member of this department (NAC 284.650). Class 2~~

~~4.~~ Causing discord among employees to the detriment of morale. **Class 1**

(d) Discrimination and Harassment

1. Discriminate against, oppress or provide favoritism to any person on the basis of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or condition, *genetic information*, gender identity or expression or intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful, or other violations of *Title VI and* Title VII of the Civil Rights Act and State law. **Class 4**

2. Engaging in sexual harassment as defined in NAC 284, the Governor's policy, or Departmental policy against another employee, a client, or any other person in the workplace. **Class 4**

3. Creating or endorsing a hostile work environment. **Class 4-5**

4. Racial profiling ~~as defined in~~ (NRS 289.820). **Class 2 4 - 5**

(e) Dishonesty

1. The willful falsification of any prescribed report. **Class 5**

2. The willful falsification of any work related records **Class 5**

3. The willful making of misleading entries or statements in any report or other document with the intent to deceive **Class 5**

4. Soliciting or accepting a bribe. **Class 5**

~~5. Soliciting or accepting a gratuity. Class 2~~

~~6-5.~~ Making unauthorized Departmental transactions for personal profit accepting or soliciting *of* rewards, fees, gifts gratuities, or money for service *relating to the*

*performance of the employee's duties contrary to the rules of the Department and/or laws of the State.* ~~where acceptance has potential to create potential to compromise the ability to provide service in a fair and impartial manner.~~

**Class 2-4**

- ~~7.6.~~ Embezzlement or misappropriation of Departmental funds or other funds which come into the employee's possession by reason of their official position for personal gain.

**Class 5**

- ~~8.7.~~ Unauthorized taking, ~~using~~, loaning, selling, giving away or appropriating any State/federal government/Department/other employee property for the personal use of the employee or any unauthorized person(s).

**Class 2 - 5**

8. *Misappropriation or misuse of Department personnel or services.*

**Class 4**

9. Negligent inaccurate preparation of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents resulting in personal gain that is not subsequently reported.

**Class 4**

(f) Inappropriate Driving/Traffic Collisions

1. Traffic Accident/Incident while operating a Department vehicle, including any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of or impacting employment. *Refer to policy titled Traffic Accident/Incident Review Board* ~~Policy Manual §503.~~

**Class 1-5**

2. Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

**Class 1**

3. Operating State vehicles without proper authorization or credentials.

**Class 2**

(g) False and/or Misleading Statements

1. Knowingly providing false or misleading statements, either verbally or in written reports or other documents, concerning actions related to the performance of official duties or providing false or misleading statements in response to any question or request for information in any official investigation, interview, hearing or judicial proceeding.

**Class 5**

2. Knowingly providing false/misleading statements to a supervisor at any time.

**Class 5**

3. Failure to disclose, misrepresenting, or willful concealment of material facts by omission from reports or records, or the making of any false or misleading statement on any application, examination form or other official document, report or form.

**Class 5**

4. Failing to participate in or failure to demonstrate reasonable recall of events, whether criminal or Departmental, which take place in their presence in connection with any investigation or in the reporting of any Department related business.

**Class 4**

5. Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official



standing of the Department or members thereof.

**Class 5**

~~5.6.~~ Deliberately making false statements about a fellow employee or supervisor.

**Class 2 -5**

~~6.~~

(h) Firearms Misuse

1. Unintentional discharge of a firearm, for sworn employee (No injury or substantial damage). **Class 1**
2. Unintentional discharge of a firearm, for sworn employee (Resulting in injury or substantial damage). **Class 4**
3. Bringing onto State property or buildings without authorization any firearm or other implement considered to be a weapon and not required for the performance of the employee's current job duties, ~~to include firearms covered by concealed weapons permits.~~ **Class 4**

(i) Fraud in Securing Employment

1. Falsification of application for employment or other personnel records with respect to a material point relating to education & training or employment history & experience which would have adversely affected selection for appointment. **Class 5**
2. Taking for another person, or permitting another person to take for you, an examination or a portion thereof. **Class 5**
3. Refusal upon hire to sign the Acknowledgment of Receipt of Prohibitions and Penalties. **Class 5**
4. Refusal, upon hire, to sign the Acknowledge of the Governor's Policy Against Sexual Harassment and Discrimination. **Class 5**

(j) Insubordination

1. Willful disobedience or insubordination to constituted authorities, including refusal or deliberate failure to comply, carry out, or follow lawful regulations, policies, directives, orders, and/or instructions properly issued from any supervisor, superior, or other person in a position of authority. **Class 2-5**

(k) Misuse of Intoxicant (Alcoholic Beverages, Narcotics, Habit Forming Drugs)

1. Unlawfully possessing, manufacturing, distributing, selling, giving, consuming or being under the influence of alcohol, narcotics, drugs or other controlled substances while on duty (includes meal periods and work breaks), at ~~any the premises of the~~ worksite or while in uniform when off duty. An employee who is authorized to consume alcohol as part of a duty assignment is not permitted to do so to such a degree that it may impair on-duty performance. **Class 4**
2. Inability to perform the duties of the position because of being under the influence of an alcoholic beverage, narcotics or drugs, or any other controlled substance (includes prescription medication without prior notification to a Department supervisor). (NRS 284.4062). **Class 4**

3. Failure to notify a supervisor after consuming any drug, alcohol and/or other substance which could interfere with the safe and efficient performance of duties.  
**Class 4**
4. Driving under the influence or any other offense for which driving under the influence is an element of the offense, and the offense occurred while driving a State vehicle or a privately owned vehicle while on State business.  
**Class 4**
- 4.5. *Driving under the influence or any other offense for which driving under the influence is an element of the offense while off-duty and holding the position of a sworn officer with the Department.*  
**Class 4**
- 5.6. Failure by an employee who is suspended or demoted pursuant to an intoxicant related offense to complete any rehabilitation program recommended as part of an employee assistance effort.  
**Class 5**
- 6.7. Convicted of violating any State or federal law prohibiting the sale, manufacture, distribution, dispensing, and/or possession of a controlled substance.  
**Class 5**
- 7.8. Failure to report a conviction of any alcohol or drug related offense to the appointing authority within five (5) working days after it occurs.  
**Class 5**
- 8.9. Refusal to submit to a screening test for any drug and/or alcohol test when there is reasonable belief an employee is under the influence of drugs and/ or alcohol or the test is mandated by federal or state law or regulation.  
**Class 5**
- 9.10. Failure to pass any drug and/or alcohol test mandated by federal or State law or regulation.  
**Class 4**

(I) Misuse of Information Technology

1. Use that interferes with employee performance or Departmental functions to include the downloading, installing and using entertainment software such as games or other non-work related materials.  
**Class 1**
2. The inappropriate introduction or use of unauthorized computer hardware or software, including the downloading to Department computers of inappropriate or unauthorized materials from any source.  
**Class 2**
3. Unauthorized use of Department data or programs for other than the administration of Department duties, responsibilities, and business.  
**Class 2**
4. *Negligent Use that violates software licensing agreements, property rights or copyright laws, or related laws.*  
**Class 2**
5. *Willful use that violates software licensing, agreements, property rights or copyright laws.*  
**Class 4**
6. Revealing passwords or using another person's user identification or password.  
**Class 2**
7. Using Department systems to misrepresent oneself on the Internet as another person without authorization.  
**Class 3**
8. Negligent use of information technology that results in the introduction of computer viruses, system monitoring devices or devices that can cause damage or limit access



to the equipment, software, or data.

**Class 21**

9. Knowing and willful sabotage of information technology resources such as the introduction of computer viruses, system monitoring devices, or a device that can cause damage or limit access to the equipment, software, or data. **Class 5**
10. Attempting to, or intentionally using e-mail or Internet facilities to disable, impair, overload or disrupt computer or network performance, services or equipment, or to circumvent any system intended to protect privacy or security of another user or the system or to harass other users. **Class 5**
11. Using State information technology resources, including but not limited to computing and communications equipment, services or facilities for soliciting business, selling products or otherwise engaging in commercial activities, or for personal use. **Class 23**
12. Misuse or abuse of the email system; or other violations of the Computer Usage Policies regarding email. **Class 1-3**
13. Use of Department e-mail or internet system that violates any law. **Class 4**
14. Intentionally viewing or distributing pornographic material on any computer owned by the State, unless such viewing or distributing is a requirement of the employee's position. **Class 5**
15. Using Department/ State information technology resources to access Criminal Justice Information System (CJIS) and/or other criminal justice information without authorization or for other than official purposes. **Class 54**
16. Malicious and willful alteration, deletion, or other destruction of documents, data, information or other materials stored on any Department information technology system. **Class 5**
17. Use to inappropriately seek, distribute, obtain copies of, modify, or distribute information, files, or other data that is private, confidential or not open to public inspection. **Class 5**
18. Use to inappropriately forge a digital signature. **Class 5**

(m) Misuse of State Property

1. Using or possessing state owned or leased property without proper authorization and in accordance with Departmental policy or for other than official use. **Class 1**
2. *Authorizing the use of state owned or leased property for other than official use.* **Class 1**
3. Jeopardizing the security of Departmental property. **Class 24**
4. Negligent destruction of or damage to State material, property or equipment. **Class 24**
5. Willful or inexcusable destruction of or damage to State material, property or equipment. **Class 4**
6. Waste or loss of State material, property or equipment. **Class 24**



7. Failure to have State vehicles or equipment properly maintained and/or serviced resulting in damage to equipment or personal injury. **Class 2~~4~~**
8. Releasing a paycheck before the appropriate time. **Class 2**
9. Requesting, receiving and cashing a paycheck before the State's designated payday. **Class 2**
10. Rendering of services or goods that is not in accordance with Departmental or divisional policies. **Class 1**

(n) *Misuse of State Records*

~~(n)~~

1. *Unauthorized and willful destruction or alteration of Departmental records.* **Class 4**
2. *Negligent destruction of State records.* **Class 1**
3. *Unauthorized removal of personal records, correspondence or documents from Departmental or State files.* **Class 4**

(o) *Neglect of Duty*

1. Failure to maintain appropriate personal appearance standards. **Class 1**
2. Failure to maintain proper work performance including, but not limited to, any failure or refusal of an employee to properly perform the function and duties of an assigned position and/or incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse. **Class 2~~4~~**
3. Any ~~knowing or~~ negligent violation of the provisions of the Department manual, operating procedures or other written directives. **Class 1**
- ~~3.4.~~ *Any knowing violation of the provisions of the Department manual, operating procedures or other written directives.* **Class 2**
- ~~4.5.~~ Violating Department safety standards or safe working practices. **Class 1~~2~~**
6. *Failure to familiarize oneself and be responsible for compliance with the Department manual, operating procedures or other written directives of the Department.* **Class 1**
- ~~5.7.~~ Failure to cooperate in work related projects with other employees and/or supervisors. **Class 1**
- ~~6.8.~~ Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned. **Class 1**
- ~~7.9.~~ Negligently failing to prepare or maintain prescribed records or reports, or negligently withholding information regarding the job from supervisors or other persons having the necessity for such information. **Class 1~~2~~**
- ~~8.10.~~ Knowingly failing to appropriately and timely report any on-the-job or work-related

- accident or injury, including accident involving State equipment or vehicles (~~Policy Manual 502 and 503~~) assigned to the employee. **Class 42**
- ~~9.11.~~ Negligent inaccurate preparation of financial records, such as travel, payroll, ~~time and attendance records, leave records,~~ purchase vouchers, or their supporting documents, no personal gain. **Class 1**
- ~~12.~~ *Negligent inaccurate preparation of time and attendance records including leave requests, overtime, compensatory time, or any leave record.* **Class 2**
- ~~10.13.~~ Negligently failing to properly account for State or federal funds where it is a known requirement of the position. **Class 2**
- ~~14.~~ Endangering self, fellow employees, or public through negligent violation of Department or division policy as contained in performance standards, safety rules, procedures and any other ~~S~~state and federal laws, regulations or guidelines. **Class 2**
- ~~11.15.~~ Endangering self, fellow employees, or public through willful violation of Department or division policy as contained in performance standards, safety rules, procedures and any other State and federal laws, regulations or guidelines. **Class 3**
- ~~12.16.~~ Failure to maintain valid required and current licenses (including driver's license), certifications, and permits, including the suspension, revocation, cancellation or lapsing of such license, certificate or permit when the possession is required as an essential function of the job. (~~NAG~~) **Class 45**
- ~~13.17.~~ Failure to furnish name, identification number and badge number to any person who requests the information except when the withholding of such information is necessary for the performance of specific law enforcement duties or as otherwise authorized by a supervisor. **Class 1**
- ~~18.~~ ~~Disregard and/or deliberate~~ *Negligent* failure to take reasonable enforcement action while on-duty and when required by law, statute, resolution or approved Department policy, practices or procedures. **Class 2**
- ~~14.19.~~ *Deliberate failure to take reasonable enforcement action while on-duty and when required by law, statute, resolution or approved Department policy, practices or procedures.* **Class 3**
- ~~20.~~ *Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within Department facilities or to use required protective clothing or equipment.* **Class 1**
- ~~15.21.~~ Carelessness, indifference, ~~laziness, loafing, failure to put in a full day's work~~ and/or inattention to duty, including engaging in any personal activity or personal business while on-duty. **Class 1**
- ~~22.~~ *Loafing during on-duty time or assignments; wasting time; failure to put in a full day's work.* **Class 1**
- ~~23.~~ *Unauthorized sleeping on-duty.* **Class 2**
- ~~16.24.~~ Failure to notify the Department within 24 hours of any change in residence address



~~or, home~~ -phone number ~~or marital status~~.

**Class 1**

~~17-25.~~ Failure of any employee to promptly and fully report any misconduct including activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy to include the suspected abuse or neglect of any person or the denial of any person's rights. (Penalty tied to level of underlying misconduct) **Class 1-5**

~~18-26.~~ Negligently abridging or denying the rights of any person as specified in NRS or ~~D~~epartment or division policy/directive/procedure. **Class 2**

~~19-27.~~ Failure of any employee to promptly and fully report activities that have resulted in official contact with/by any other law enforcement agency. **Class 2**

~~20-28.~~ Failure to take a complaint from a person in a professional and courteous manner and/or failure to act promptly and judiciously upon receipt of complaint in compliance with Department procedures. **Class 1**

~~21-29.~~ Negligent failure to handle property or evidence in a manner which preserves the integrity of its use in criminal and/or administrative proceedings. **Class 2**

~~22-30.~~ Intentional failure to handle property or evidence in a manner which preserves the integrity of its use in criminal and/or administrative proceedings. **Class 4**

~~23-31.~~ Failure to obey a lawful subpoena to provide testimony to a court or administrative body during any hearing or proceeding, which requires testimony. Only the court, prosecutor, or other hearing official may grant the authorization to waive court or hearing appearances. **Class 2**

~~24-32.~~ Failure of an employee, who is designated as a supervisor to fulfill their supervisory responsibilities, including but not limited to ensuring that employees adhere to the policies and procedures of this Department and the actions of all personnel comply with all laws and taking corrective disciplinary action where such action is needed, preparing timely reports of performance, and accounting for employees' time. **Class 1**

~~25-33.~~ Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy. (Penalty tied to level of underlying misconduct). **Class 1-5**

~~26-34.~~ Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties. **Class 1**

~~35.~~ Neglecting to participate in required firearms qualification. **Class ~~1~~2**

~~27-36.~~ *Willful failure to participate in required firearms qualification.* **Class 4**

(p) Political Activity

1. Directly or indirectly solicit, or be involved in soliciting or receiving any assessment, subscription, monetary, or non-monetary contribution for a political purpose from anyone who is in the same Department and who is a subordinate of the solicitor. **Class 2**

2. Engage in political activity during the hours of employment for the purpose of

- improving the chance of a political party or individual seeking office including solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on Department property. **Class 2**
3. Unauthorized solicitations, speeches or distribution of campaign literature for or against any political candidate or position while in any way representing himself/herself as a member of this Department. **Class 2**
  4. Engage in political activity for the purpose of securing preference for promotion, transfer or salary advancement. **Class 2**
  5. As an employee administering federally aided programs, engage in political activities at any time, which are forbidden by federal law. **Class 2**
  6. Unauthorized attendance while on-duty at official legislative or political sessions. **Class 1**

(q) Inappropriate Relationships

1. Borrowing items from a known victim, witness, suspect, defendant or other Department client and/or Department contact, selling to or trading items with such an individual or entering into a transaction with such an individual involving the transfer of that individual's property for personal use or gain. **Class 2**
2. Having personal or business relationships with program participants, *offenders*, grantees or licensees for the purpose of, or which results in, any program advantages, considerations or benefits to either party which exceeds normal entitlement. **Class 2**
3. Soliciting known victim, witness, suspect, defendant, *offender* or other Department client and/ or Department contact for the establishment or maintenance of a private professional practice similar to their work activities. **Class 2**
4. Entering into an inappropriate, social, dating, romantic or sexual relationship with any known victim, witness, suspect, ~~probationer, parolee,~~ defendant, *offender* or other Department client *and/or* Department contact, when said employee is involved in ~~a department case~~ *supervision* or delivery of service to such individual. **Class 4**
5. *Establishing an inappropriate social or dating relationship with a known victim, witness, suspect, defendant or other Department client and/or Department contact involved in a Department case while such case is being investigated or prosecuted as a result of such investigation.* **Class 4**
- ~~5.6.~~ Unwelcome solicitation of a *personal or* sexual relationship while on-duty or through the use of official capacity. **Class 5**
- ~~6.7.~~ Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact. **Class 5**
- ~~7.8.~~ Associating *socially* with any member of a criminal gang, organized crime *and/or* criminal syndicate, ~~or person who engage in or are continuing to engage in serious violation of laws~~ when a Department member knew or reasonably should have known of the criminal nature of the organization. This includes any



organization involved in a definable criminal activity or enterprise except where specifically directed and authorized by the Department. **Class 4**

9. Substantiated, active, continuing association on a personal rather than official basis with persons who engage in or are continuing to engage in serious violations of State or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department. **Class 4**

10. *Joining a criminal gang, organized crime and/or criminal syndicate when a Department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise except where specifically directed and authorized by the Department.* **Class 5**

~~8.~~

(r) Unbecoming Conduct

1. Activity which is incompatible with an employee's conditions of employment established by law or which violates a provision of NAC 284.653 or NAC 284.738 to NAC 284.771, inclusive (NAC 284.650). (Penalty tied to level of underlying misconduct). **Class 1-5**

~~2. Any act on or off duty which reflects discredit to the Department; failure to conduct oneself in a professional manner while meeting the responsibilities to the public, the Department and to each other; disgraceful personal conduct which impairs job performance. Class 2~~

- ~~3.~~2. Failure to represent the Department in a professional manner during any court and/or administrative proceeding. **Class 1**

- ~~4.~~3. Misrepresentation of official capacity or authority. **Class 2**

- ~~5.~~4. Willfully abridging or denying the rights of persons as specified in NRS or Department or Division policy/directive/procedure. **Class 4**

- ~~6.~~5. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct. **Class 4**

- ~~7.~~6. ~~Violation~~ **Conviction** of any criminal act or willful violation of law (other than minor traffic offense) related to their work activity or ~~violation conviction~~ of any criminal act involving moral turpitude when it is related to the employee's work. **Class 4**

- ~~8.~~7. Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions; while on Department premises; at any work site; while on duty or while in uniform; while using any Department equipment or systems; any online gambling while on duty. Gambling activity undertaken as part of an employee's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition. **Class 4**

- ~~9.~~8. Intentionally viewing or distributing pornographic material at the premises of the



- workplace unless such viewing or distributing is a requirement of the employee's position. **Class 5**
- ~~40-9~~. Engaging in unlawful or unauthorized electronic surveillance or recording of conversations or actions of persons in facilities owned or leased by the State of Nevada. **Class 3**
- ~~44-10~~. The unauthorized use of any badge, uniform, identification card or other Department equipment or property for personal gain or any other improper purpose. **Class 3**
- ~~42-11~~. Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Department business or activity (*NAC 284.750*). **Class 3**
- ~~13-12~~. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Director of Public Safety of such action. **Class 2**
- ~~14-13~~. Using Department resources in association with any portion of an employee's independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records. **Class 3**
- ~~15-14~~. The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose. **Class 4**
- ~~16-15~~. The unequal or disparate exercise of authority on the part of a supervisor toward any employee because of, anger or for malicious or other improper purpose. **Class 32**
- ~~17-16~~. Concealing, attempting to conceal, removing or destroying evidence of defective or incompetent work. **Class 2**
- ~~18-17~~. Engaging in outside employment or in a private business without the approval of the Division Chief or Director. **Class 1**
- ~~19-18~~. Engaging in unauthorized outside employment activity or enterprise which the appointing authority considers to be inconsistent, incompatible, or a conflict of interest with DPS employment. **Class 2**
- ~~20-19~~. Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof. **Class 1**
- ~~24-20~~. Smoking in a State building, *vehicle* or facility. **Class 1**
- ~~22-21~~. Arresting traffic violators by non-uniformed or off-duty sworn staff except when the violation is especially flagrant or there are reasonable grounds to believe the violator will endanger other drivers or property if allowed to proceed. Such traffic stops shall only be made while driving a Department marked and/or properly equipped emergency vehicle. **Class 2**
- ~~23-22~~. Engaging in any investigation or official action which is not part of their assigned duties without the authorization of a supervisor or commander unless the circumstances demand immediate action. **Class 2**

~~24.~~23. Residing outside of the State of Nevada unless authorized by their Division Chief or Director. **Class 1**

24. Willfully recommending or suggesting the use of a product or service such as an attorney, bail bondsman, funeral home or medical service. **Class 1**

25. *Making disparaging remarks, false or otherwise, or engaging in conduct concerning duly constituted authority to the extent that such remarks or conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member of the Department or the public.* **Class 1**

~~25.~~

~~26. Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Director of Public Safety. Class 1~~

~~27.~~26. Willful violations of the Department's social networking policy. **Class 1-5**

27. Unauthorized possession of, loss of or damage to the property of others or endangering it through unreasonable carelessness or maliciousness. **Class 2**

28. The willful and unauthorized concealing, removal, stealing, tampering, alteration, destruction and/or mutilation of any department record, public record, book, paper report or document, including but not limited to incident reports, financial records such as travel, payroll, purchase vouchers and supporting documents, time and attendance records to include leave requests, overtime, compensatory time, or other leave records. *Official Department reports may be removed and/or copied only as allowed by law and Department policy. (NAC 284.650 and NAC 284.5255).* **Class 4**

29. The willful concealing, altering, falsifying, destroying, removing, tampering or withholding any property or evidence associated with any criminal or administrative investigation, including misconduct or performance investigations, arrests, or other administrative or enforcement actions. **Class 4.5**

30. *Conviction by a court of a misdemeanor or felony crime of domestic violence, or a conviction as a result of a domestic violence arrest and holding the position of a sworn officer.* **Class 5**

~~29.~~31. Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale or which tends to reflect unfavorably upon the Department or its members (NARC 284.650). **Class 1-5**

32. Unauthorized, intentional release of designated confidential information, materials, data, forms or reports. **Class 4**

(s) Unauthorized/Excessive Use of Force

1. Willfully employing or permitting the use of unnecessary, unwarranted, unauthorized, or excessive force on a person under arrest or any other person. **Class 4**

2. Any act of violence, unauthorized or unlawful fighting, threatening, attempting, or



- causing bodily harm to supervisor, subordinate, the public, a fellow employee or any other person, including stalking, threats, intimidation, assault or battery. **Class 4**
3. Unnecessarily creating a situation where force must be used. **Class 4**
4. Failing to report any use of force either as a participant or a witness. **Class 4**

#### **340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS**

Generally, issues dealing solely with performance (i.e. skill deficiencies) do not require an investigation to resolve. However, performance issues may be treated as a complaint for the purpose of investigation when the performance issue is first brought forward as a complaint of misconduct, when examination of the poor performance may require an interview and/or investigation, and/or when the poor performance may result in disciplinary action.

Regardless of the source of an allegation of misconduct, all such matters will be investigated pursuant to NRS 289.057, NRS 284.385 and in accordance with ~~Policy Manual § 1020~~ policy titled "Personnel Complaint Procedure" and the guidelines established in the Department's Administrative Investigations Manual.

#### **340.5 CORRECTIVE AND DISCIPLINARY PROCESS**

*The Corrective/Disciplinary process should follow the progressive disciplinary guidelines of NRS 284, NAC 284, the matrix established in the Prohibitions and Class of Offense Guide enumerated in this policy in conjunction with the Chart of Corrective/Disciplinary Sanctions and procedures established in the Department's Management Guide to Disciplinary Review.*

*Less serious acts of misconduct warrant the use of progressive discipline according to the class of offense, i.e., lesser to greater discipline to give an employee a chance to reform his or her conduct. However, egregious acts of misconduct may warrant dismissal of an employee without previous corrective action or progressive discipline.*

*Division Chiefs should determine if arrests or convictions have an adverse impact on the employment by the State of the employee, and if an adverse impact is found, the appointing authority may immediately dismiss the employee.*

#### **340.6 CORRECTIVE ACTION**

##### **Letter of Instruction**

*Issued by the supervisor(s) responsible for the employee's activities. This action is intended to provide the employee with information and instruction or training, and establishes documentation that the employee has been made aware of his/her responsibility with regard to a particular situation or set of circumstances. **The Letter of Instruction is not part of the disciplinary process.***

#### **340.6.1 DISCIPLINARY ACTION**

##### **(a) Oral Warning**

*1. Issued by the supervisor(s) responsible for the employee's activities. This action shall be both oral and written. Oral warnings reduced to writing are maintained in the supervisor's file. Oral Warnings are not forwarded to the Departmental personnel file or to the Division of Human Resource Management.*



(b) *Written Reprimand*

1. *Issued by the supervisor(s) responsible for the employee's activities. This action shall be both oral and written. Written Reprimands must be on the standardized NPD-52 form. It must be signed by the supervisor and employee, a copy given to the employee, and a copy sent to the DPS Human Resources Office. A copy will be placed in the employee's Departmental personnel file and a copy will be forwarded to the Division of Human Resource Management. If employee refuses to sign the form, state this fact on the form and obtain the signature of a witness.*
2. *Any employee wishing to formally appeal a written reprimand must file a formal grievance within 20 working days of receipt of the written reprimand.*
3. *Reprimands may only be placed in a peace officer personnel file in compliance with NRS 289.040, et al.*

(c) *Suspension*

1. *Without pay for a period not to exceed 30 calendar days.*
2. *A Specificity of Charges (NPD-41) is required. Refer to the Department's Management Guide to Disciplinary Review.*

(d) *Demotion*

1. *To a lower class.*
2. *A Specificity of Charges (NPD-41) is required. Refer to the Department's Management Guide to Disciplinary Review.*

(e) *Dismissal*

1. *Termination from State service.*
2. *A Specificity of Charges (NPD-41) is required. Refer to the Department's Management Guide to Disciplinary Review.*

## **341.7 340.7 FINDINGS AND RECOMMENDATIONS**

The Director of Public Safety has the final and overall authority for administering employee discipline. The Director has delegated this authority to the Division Chiefs.

### **~~341.7.1~~ 340.7.1 DIVISION RESPONSIBILITIES**

Each Division Chief is responsible for ensuring fair and consistent corrective and disciplinary action is administered within their respective Division.

Upon receipt of any completed personnel investigation the concerned Division Chief/designee of the involved employee, shall review the entire investigative file, and any other relevant materials, and ~~pursuant to Policy Manual § 1021.8.1~~ make a finding for each allegation as to whether misconduct occurred. For all sustained allegations the reviewer should make a recommendation as to the appropriate corrective or disciplinary action based upon the "Prohibitions/Class of Offense Guide" (~~Policy § 341.3.1~~) and "Chart of Corrective/ Disciplinary Sanctions"(~~Policy § 1021.4.2~~).

### **~~341.7.2 RESPONSIBILITIES OF THE DIRECTOR OF PUBLIC SAFETY~~**

~~Upon receipt of the concerned Division Chief's recommendation for disciplinary action, the Director of Public Safety/designee shall review the recommendation to ensure that relevant policies were followed and that the Class of Offense Guide and Chart of Corrective/Disciplinary Sanctions were applied appropriately.~~

~~Once the Director of Public Safety/designee is satisfied that no further investigation or action is required by staff, that disciplinary policies were followed, and that the Class of Offense Guide and~~



~~Chart of Corrective/Disciplinary Sanctions were applied appropriately, he/she will authorize the concerned Division Chief to impose the discipline.~~

### ~~341.7.3~~ 340.7.2 RESPONSIBILITIES OF HUMAN RESOURCES

The Human Resources Office is responsible for ensuring relevant policies are followed and the "Class of Offense Guide" and "Chart of Corrective/Disciplinary Sanctions" are applied consistently and fairly. The Human Resources Officer/designee:

- (a) Must be contacted prior to any Division issuing any corrective/disciplinary action.
  - 1. This includes contacting Human Resources prior to entering into any settlement agreement or any other disposition at any time in the process.
- (b) Will review and forward any Specificity of Charges to the Attorney General's (AG) Office for legal interpretation and advice.
  - 1. Human Resources staff may make or suggest to the Division necessary changes prior to the AG's Office review.
- (c) Will coordinate the Pre-Disciplinary Hearing following the AG review and return of the Specificity of Charges.
- (d) Will note the Pre-Disciplinary Hearing information on the Specificity of Charges (NPD-41) cover page prior to serving the employee.
  - 1. The subject employee shall be notified of the proposed action and Pre-Disciplinary Hearing as required by NAC 284.656.
- (e) Will draft the decision letter.
  - 1. Upon completion of the Pre-Disciplinary Hearing the Pre-Disciplinary Hearing Report and all documents presented to the subject employee and/or used in the Specificity of Charges process will be forwarded to Department Human Resources Office. Following consultation with the concerned Division Chief *or his or her designee*, *and the AG*, Human Resources will prepare the final discipline decision letter.

### ~~341.8~~ 340.8 EMPLOYEE RESPONSE

The Pre-Disciplinary Hearing process is intended to provide the accused employee with an opportunity to present a written and/or oral response to the concerned Division Chief *or his or her designee* after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may offer any additional information or suggest mitigating factors for the concerned Division Chief *or his or her designee* to consider.
- (d) In the event that the concerned Division Chief elects to cause further investigation to be

conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

- (e) After ensuring the sufficiency of the investigation; consideration of the Pre-Disciplinary Hearing Report, reviewing the entire Specificity of Charges, ensuring that applicable policies were followed and; that the Class of Offense Guide and Chart of Corrective/Disciplinary Sanctions were applied appropriately, the concerned Division Chief shall impose the discipline.

#### **341.9 340.9 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

#### **341.10 340.10 POST DISCIPLINE APPEAL PROCEDURE**

A non-probationary employee wishing to formally appeal the imposition of a suspension, demotion, or termination shall have the right to an appeal of the concerned Division Chief's imposition of discipline:

- (a) All *non-probationary* members of the Department who receive formal disciplinary action amounting to a suspension, demotion, or termination (~~non-probationary employee~~) may appeal the disciplinary decision through ~~the State of Nevada, Department of Personnel's~~ a Hearing Officer *provided by the State of Nevada Personnel Commission*.
- (b) Individuals wishing to appeal disciplinary actions must do so in writing within ten *working* days of ~~receiving notice~~ *the effective date* of discipline.
- (c) The decision of the hearing officer is binding.
- (d) An employee peace officer may seek judicial relief after exhausting Department grievance procedures and other administrative remedies through application to the district court for judicial relief (NRS 289.120).

#### **340.11 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES**

*In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet Department standards, the employee shall have no right to appeal and the following shall be considered:*

- (a) *Qualifying officers will be offered an opportunity for a hearing to provide reasons why they should not be rejected from probation/trial period (NRS 289.020(2)).*
  - 1. *A qualifying officer is a peace officer on a probationary period or a permanent officer on a trial period.*
  - 2. *A probationary period is a twelve month period as established for classes of positions in which evaluation of performance may be made (NRS 284.290, NAC 284.442).*
  - 3. *A trial period is the one year probationary period served by a permanent employee who has been promoted to a vacant position.*



4. Probationary officers assigned to the Training Academy in the student capacity are not Peace Officers as defined under NRS 289.010(3) as they have not been granted any police powers and are not eligible for the Probation/Trial Period Rejection Hearing.
- (b) The Department's Human Resources Office will coordinate a Probation/Trial Period Rejection Hearing to any qualifying officer upon request. Hearings should be scheduled within a reasonable time after a request is received.
- (c) Upon receipt of notification and offer of a Probation/Trial Period Hearing, the qualifying officer has ten business days to request such hearing in writing to the Department Human Resources Manager.
- (d) The hearing is an informal hearing, rules of evidence do not apply and no witnesses are allowed. The qualifying officer is provided an opportunity to explain their position, and may ask the employer to reconsider the decision. The qualifying officer may submit a written response to their rejection from probation notice for inclusion in their Department personnel file.
- (e) The concerned Division Chief or designee will advise the qualifying officer of the purpose and scope of the hearing by completing a "Rejection from Probation or Trial Period" memo in the prescribed format. The Division Chief or designee will issue a decision in writing limited to whether or not the action will stand.
- ~~(a)~~(f) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file.

Personnel Commission Meeting  
September 30, 2016

**FOR INFORMATION ONLY**

The minutes of the June 25, 2015, August 12, 2015, January 27, 2016 and May 26, 2016 regulation workshops have been included for your review and consideration of the proposed regulations. The Small Business Impact Statement has also been included for your review and consideration of the proposed regulations.



**STATE OF NEVADA**  
**DEPARTMENT OF ADMINISTRATION**  
**DIVISION OF HUMAN RESOURCE MANAGEMENT**

Attorney General's Office  
Mock Court Room, 2<sup>nd</sup> 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.

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**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 the employee would normally receive 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**

**Carrie Hughes:** 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.

**STATE OF NEVADA**  
**DEPARTMENT OF ADMINISTRATION**  
**DIVISION OF HUMAN RESOURCE MANAGEMENT**

Legislative Building  
401 S. Carson St., Room 2135  
Carson City, Nevada

and

Grant Sawyer Building, Room 4412E  
555 East Washington Avenue  
Las Vegas, Nevada

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**REGULATIONS WORKSHOP**  
**MINUTES**

**Thursday, August 12, 2015**

**Speakers Present In Carson City:**

Shelley Blotter, Deputy Administrator, Division of Human Resource Management  
Peter Long, Deputy Administrator, Division of Human Resource Management  
Carrie Hughes, Personnel Analyst, Division of Human Resource Management  
Michelle Garton, Supervisory Personnel Analyst, Division of Human Resource Management  
Kimberley King, Personnel Officer III, Department of Transportation  
Kareen Masters, Deputy Director, Department of Health and Human Services  
Alys Dobel, Personnel Officer III, Department of Motor Vehicles

**Speakers Present In Las Vegas:**

Brian Boughter, Personnel Officer III, Department of Employment, Training and Rehabilitation

**1. CALL TO ORDER**

**Shelley Blotter:** Opened the meeting. 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 staff would provide an explanation of the proposed regulation change which would be followed by a period for public comment. She indicated that comments would be summarized for the Personnel Commission and provided to them at the time that the regulation 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 email.

## **2. REVIEW OF THE PROPOSED CHANGES TO NAC 284:**

### **284.462 Restoration of promoted employee to former position**

**Shelley Blotter:** Starting with 284.462. She stated, there are three versions presented today for consideration. She explained why all three were being presented and introduced Peter Long to provide further explanation.

**Peter Long:** Explained that the proposed changes are based upon SB62 of the 2015 Legislative Session, where in the past a restored employee or an employee that didn't meet the terms of their probation or trial period was restored to the position from which they promoted. He further explained that, the amended statute provides for more options and rights for when an employee is restored. He explained that, what we are trying to do is define seniority for the purposes of restoration and the rights that a restored employee has. He then went over the three versions. He explained the Department did not have a vested interest in any of the versions. He stated the hurdles he felt were involved in each version and the due diligence that agencies are going to have to engage in. He then asked for input from those present.

**Shelley Blotter:** Asked if there were any comments and reminded individuals to introduce themselves and refer to the version they are commenting on.

**Kimberley King:** Noted her appreciation for keeping it simple with regards to calculating seniority, but that she feels performance should be taken into account, not just seniority. She feels it is important to include performance and potentially have more consideration go to a good performer than a bad performer if seniority is close. She noted, as far as the language on the doubling is concerned, she didn't feel a need to comment on this as they would not be affected.

**Shelley Blotter:** Clarified that Ms. King's preference would be version 3.

**Kimberley King:** Stated 2 or 3. She believes, they both accomplish what we need and it won't impact another department that might need version 2.

**Kareen Masters:** Stated her preference would be version 2. She explained she gave it a lot of thought and couldn't answer her own questions on how to respond to an employee impacted by this on why there were different policies, such as for layoff. She also commented if version 2 is chosen, a reference to the seniority calculations for layoff could be made so that people would know where the calculation came from.

**Shelley Blotter:** Asked for comments from Las Vegas. There was none. Came back to Carson City.

**Alys Dobel:** Agreed with Ms. Masters. Her preference is 2 or 3 but wanted to keep them consistent with how the layoff rules are today.



**Shelley Blotter:** Closed comments after no other respondents. Carrie Hughes was introduced to present the next several regulations and explained that comments would be taken after each proposed regulation.

#### **NEW Reassignment Defined, Under the American's with Disabilities Act**

**Carrie Hughes:** Started with a newly proposed regulation, "Reassignment Defined." Under the Americans with Disabilities Act, reassignment to a vacant position is a form of reasonable accommodation that must be attempted if a qualified employee can no longer perform the essential functions of his/her position with or without accommodation or if providing reasonable accommodation would be an undue hardship. Senate Bill 62 of the 2015 Legislative Session in part amended NRS 284 to allow for non-competitive reassignment in the classified service. She explained, the following proposed amendments in regulation provide an overall concept of reassignment and an outline of a possible procedure to implement the reassignment process. This proposed new regulation, Reassignment Defined, defines the term 'reassignment' as, the 'non-competitive placement of a permanent classified employee as an accommodation'.

**Shelley Blotter:** Asked for comments.

**Kareen Masters:** Stated her suggestion would be in the latter part of the sentence where it says, which the employee meets the minimum qualifications, she suggests that we say, for which the employee is qualified, that is consistent with the language in NRS 284.379 that was adopted. She would want to keep the broader connotation. She further explained that there might be other aspects that may make them disqualified for position.

**Shelley Blotter:** Thanked Ms. Masters. Asked Peter Long for comment.

**Peter Long:** Said it seemed totally reasonable. Acknowledged that there are special notes and special requirements that are above and beyond the basic minimum qualification, but are required to do the job.

**Shelley Blotter:** Asked for additional comments; there were none.

#### **284.177 Rate of Pay: Effect of reemployment**

**Carrie Hughes:** Stated the amendment to 284.177, addresses the impact of an employee's reassignment on his/her rate of pay. It applies the rules for reemployment which place an employee at the step which is closest to the employee's rate of pay prior to the reassignment.

**Shelley Blotter:** Asked for comments.

**Kareen Masters:** Asked if a change would be appropriate in the regulation about pay upon promotion? She feels that we want to get away from the issue of someone demoting for

reassignment and then later promotes resulting in the employee keeping higher steps, and gave an example of pay grade changes.

**Peter Long:** Asked for clarification. He noted that we revised that regulation not too long ago to limit the prohibition of demoting to promote to one year and asked if she wanted to it extended it in these circumstances.

**Kareen Masters:** Referred to the pay upon promotion regulation and that one of the subsections there states that it doesn't apply to reemployment.

**Peter Long:** Confirmed that she meant, reemployment referred to in NAC 284.172, paragraph D and read, this subsection does not apply when an employee's reemployed or reappointed to his/her former grade within one year after holding that grade. He asked if she was requesting that reassignment also be included as an exception.

**Kareen Masters:** Confirmed.

**Shelley Blotter:** Asked for additional comments; there were none.

#### **284.6014 Eligibility of employee with permanent disability for reemployment**

**Carrie Hughes:** Stated amendment to NAC 284.6014 addresses how reassignment will impact our workers' compensation provisions by clarifying that reassignment must be attempted prior to placing an employee on a reemployment list.

**Shelley Blotter:** Asked for comments.

**Kareen Masters:** Stated that she strongly feels that this whole section about reemployment for people with permanent disabilities and workers' compensation needs to be reexamined. She feels with the adoption of these reassignment regulations, the workers' compensation regulations are probably moot or that these proposed regulations are duplicative of that. She believes the initial intent of adopting these regulations was in some respects to contain workers' comp costs and find a placement for someone that was disabled due a workers' comp injury. If that's feasible through the reassignment process, there's no need to continue with this reemployment regulation.

**Shelley Blotter:** Replied that there had been some conversations with Risk Management and they were not ready to get rid of this regulation. There were concerns about processes getting in the way of timelines and they wanted to make sure that commitments were being met. This way the State is not charged for retraining. Asked if Ms. Hughes had further comment.

**Carrie Hughes:** Stated yes, Risk Management did have concerns about the timeliness of the process and that this was going to alter their overall process when they dealt with workers' compensation.

**Kimberley King:** She agreed and feels it gets confusing between workers' compensation and ADA. She gave different scenarios and stated it would be nice to have them the same. She further stated that there may be consideration made with the rate of pay and timeframes to be the same type of situations between workers' compensation and ADA.

**Shelley Blotter:** Stated she had a hesitation on requiring ADA accommodations to match the employee's salary requirement that is in-place under workers' compensation. The intent of the ADA is to try and get the employee at the same level or as close as you could possibly get; but there could be situations where somebody could not be accommodated at that level and it may not be that they could meet the 80% or 75% of what they had previously earned but they could work in some capacity. We wouldn't want to eliminate that option.

**Kimberley King:** She stated she could agree to that.

**Shelley Blotter:** Asked for additional comments.

**Kareen Masters:** Suggested a flow chart, of a sample case of someone that was disabled due to workers' compensation and lay the two provisions against each other and see what we're going through.

**Shelley Blotter:** Stated there is a flow chart for just the regular process without considering workers' compensation, but will look into that further. Asked for additional comments; there were none.

#### **284.094 "Reclassification" defined**

**Carrie Hughes:** Stated the amendment to NAC 284.094 removes the word 'reassignment', so that it can become a defined term in the proposed new regulations and amendments.

**Shelley Blotter:** Asked for comments; there were none.

#### **284.439 Reports of appointments**

**Carrie Hughes:** Stated the amendment to NAC 284.439 adds 'reassignment' to the list of types of appointment.

**Shelley Blotter:** Asked for comments; there were none.

#### **284.611 Separation for physical, mental or emotional disorder.**

**Carrie Hughes:** Stated the amendment to NAC 284.611 clarifies that reassignment must be attempted as part of the accommodation process, prior to separating an employee due to a physical, mental or emotional disorder.



**Shelley Blotter:** Asked for comments; there were none.

#### **NEW Employee with a disability as part of the accommodation process**

**Carrie Hughes:** Stated the process in this proposed new regulation was structured to make every effort to keep the employee in his/her own current agency, if possible, and to carry through the statutory requirement that a reassignment requires an appointing authority's approval. While this regulation includes multiple factors and decision points, the intent is that many of these steps would happen concurrently to allow for a timely process. A handout has been provided to outline the process that is in this newly proposed regulation.

**Shelley Blotter:** Noted that the language discussed at the Agency Personnel Liaison meeting did not contain the reference to occupational group but that was added in consideration of possible layoffs in the future.

**Carrie Hughes:** Said that was correct. Further stating, in discussions with Peter Long, there was concern that this would affect agencies that use the occupational group in the seniority calculation. This would allow the employee to retain that benefit. She went on to say that following the Agency Personnel Liaison meeting the references about geographical location were also added.

**Shelley Blotter:** Asked for comments.

**Kareen Masters:** Went over language in subsection 1 and would want it to say, for which the employee is qualified. When we're talking about vacant or soon to be vacant positions, we might want to think about adding some language, to clarify vacant positions of which the agency intends to fill. It is common for departments to hold positions vacant, to obtain vacancy savings and wouldn't want to disrupt that process. She also feels that it would be an important process, maybe for DHRM, to confirm that the individual has a disability within the meaning of the ADA. She feels it's very common for employees to throw out the term, I'm disabled, but not meet the very defined meaning under the ADA. DHRM could be the neutral party that reviews the medical documentation and certify that on behalf of all divisions to avoid eligibility confusion. The process is tremendously complex when we're looking among multiple departments to find positions and what burden we're putting on the disabled employee as well with the interactive process that we go through, we would typically have a physician review the essential functions and certify that they can perform them. She doesn't picture requiring individual employees to keep going over this process multiple times when we're trying to place them in a position. Risk Management could play a role in that too, since they contract with doctors for Fitness for Duty Evaluations. This process could work similarly to the "roundtable" process used for workers' compensation.

Another concern she has is that we not expand what's required under the ADA law. She feels that we have to keep in mind that EEOC provides guidance but their guidance isn't law. Multiple courts have entered decisions saying they are overstepping what the law requires so I don't think we want to be in the position, through regulatory process, to be expanding what the ADA requires and gave a detailed example. She also questioned whether there was a desire to give some thought

to individuals on reassignment having to serve a probationary period. For example, if you're reemployed in a different class and a different agency, you do serve a new probationary period.

**Shelley Blotter:** Stated that there have been discussions about the role that DHRM would take as far as determining whether the person was qualified and there's a level of discomfort to make the determination of whether or not someone is disabled. Our expertise is in evaluating their education and experience to see whether they then meet those qualifications, but not from a medical standpoint. Acknowledged the suggestion to include Risk Management and asked Ms. Hughes to comment further.

**Carrie Hughes:** Stated that the process that we are providing for, especially with the form that we've provided to agencies is, one, that they evaluate the essential functions, but also that they provide what the restrictions are, independent of those essential functions. One of the things we were looking at is, that each agency would have those restrictions and be able to compare them to the essential functions of the position being considered.

**Shelley Blotter:** Stated we're wanting to make certain that we didn't leave out the agency in making the determination of whether this person could perform those duties.

**Kareen Masters:** Explained the process that she goes through with the reassignment. Stated that she wants some assurance that other departments are held to the same standards.

**Kimberley King:** Stated she would want to make sure that before we got a reassignment that the department did go through a thorough analysis to make sure that the employee does have a disability that qualifies. She explained their process and agreed, not all positions are going to be filled just because they're vacant. She agreed that the idea to involve Risk Management was good. Ms. King went on to explain the roundtable that happens for workers' compensation, and thinks that can be incorporated into this process. Stated her other concern is, that our department has a fast and hard rule that if there's an industrial injury, we will do light duty. Light duty is not provided for non-industrial injuries.

**Carrie Hughes:** Asked if subsection 2 was being referenced.

**Kimberley King:** Confirmed that it was and that it says "may."

**Carrie Hughes:** Stated that's what she was going to point out and that it is permissive.

**Kimberley King:** Stated concerns about having to argue with employees regarding something that is permissive.

**Shelley Blotter:** Asked for additional comments; there were none.

**284.120 Adoption by reference of federal law, regulations and manual regarding persons with disabilities**

**Carrie Hughes:** Stated the amendment to NAC 284.120 adopts the Federal ADA meaning of the term 'interactive process', as used in the proposed new regulations, outlining the reassignment process.

**Kimberley King:** Gave thanks for working on this and recognized this is not easy. She gave her appreciation for getting this bill passed and at least getting this process going.

**Shelley Blotter:** Gave thanks to Ms. King and asked for additional comments; there were none. Ms. Garton was asked to continue with the introduction of the proposed regulations.

#### **284.658 "Grievance" defined**

**Michelle Garton:** Stated the proposed amendment is to NAC 284.658, "Grievance" defined. The first change is to add 'classified' to identify the individuals' eligible to file a grievance. The second proposed amendment would provide the Division of Human Resource Management the authority to remove a grievance from Steps 1-3 if it was not in the correct venue. She explained the importance of getting the complaint in the correct venue due to timelines. She went on to say if the regulation is adopted and during Steps 1-3, an agency identifies a grievance that seems to be in the wrong venue or has been filed by an individual who is not eligible to use the process, a form can be completed and submitted to our office for review. A copy of the proposed request form was available at the workshop. She noted that if there is a question of the facts then the grievance would be allowed to proceed through the grievance process.

**Shelley Blotter:** Clarified that the form has not been adopted yet, but only proposed. She also stated that it would be a good tool when working with DAGs to determine the correct jurisdiction.

**Brian Boughter:** Gave thanks to the Department for the addition of the word 'classified' in subsection 1 and also appreciates the consideration for the removal of grievances. Too much time is spent at Steps 1, 2 and 3 for grievances that have no merit and no value and are certainly in the wrong venue.

**Shelley Blotter:** Thanked Mr. Boughter and congratulated him on his promotion. She also noted that this would not remove grievances from the process that have no merit. It would only handle jurisdictional issues. Asked for additional comments; there were none.

#### **284.678 Submission, form and contents of grievance; informal discussions**

**Michelle Garton:** Stated the proposed amendment to NAC 284.678 changes the phrase 'date of origin of the grievance' to the 'date of the event of the grievance', it flows with all of the communications and with the NEAT System, using date of the event.

**Shelley Blotter:** Asked if there were any comments and that this proposal was more of a housekeeping issue than substantive. There were no comments.



#### **284.695 Submission of grievance to Employee-Management Committee**

**Michelle Garton:** Stated, the next proposed amendment is to NAC 284.695. The proposal is for the Employee-Management Committee to establish a subcommittee consisting of two committee members to review the grievances for jurisdictional issues and/or if the same facts were decided upon by a previous decision, once it gets to the Step 4 level. She further explained the intention is to reduce the number of grievances heard by the whole Committee related to jurisdictional issues.

**Shelley Blotter:** Stated there was a need to make certain that if a jurisdictional issue wasn't resolved in Steps 1-3, there would be another opportunity for jurisdiction to be determined. The intent is that there wouldn't be a lot of these meetings because jurisdictional determinations would've already been made. Meetings of the Subcommittee would be public and have to go through the regular notice requirements. Asked for comments.

**Kareen Masters:** Thanked the Division in bringing this forward. Feels it's been a long time coming.

**Shelley Blotter:** Asked Michelle if she had further to add to that.

**Michelle Garton:** Continued to go over a couple of other amendments proposed for this regulation. The second proposed amendment, which is in subsection 2, changes the requirement that a hearing must be held within 45 days to that it must be scheduled within 45 days. This is how it's been interpreted and also the intent is really not to lengthen the process, but to allow for specific situations that may just prevent the grievance from being heard within those 45 days.

**Shelley Blotter:** Asked for comments; there were none.

#### **284.6955 Hearing before Employee-Management Committee: Procedure**

**Michelle Garton:** Stated the first change would be to have packets sent directly to the Clerk, rather than the Chair, which is actually what is currently happening. Further explained the change to requiring 12 packets from the parties. Also, the change from Chair or his/her designated representative, to Chair or Member of the Committee designated by the Chair. It basically clarifies that the Designee of the Chair would always be a Committee Member. The amendment to subsection 2 allows the Chair of the Committee or the Designee to dismiss a grievance with prejudice if the requirements for the submission of the packets are not met. She further stated that there continue to be questions surrounding the subpoena process. The proposed language clarifies the request for subpoena process. Subsection 7 says that when confidential information is identified in subpoenaed documents, the information must be redacted and an original copy must also be submitted, under seal, for use by the Committee. The sealed documents would only be opened should it be deemed necessary to gain clarifying information in order for the Committee to ultimately make a decision on the grievance. The proposed regulation requires one original be provided under seal, but as a result of a recent meeting of the EMC, it was determined that two copies of these documents should be submitted under seal, because there are almost always

Committee members serving in the North and the South, so two would provide a set for both locations. The change in subsection 8, clarifies that the Committee Member serving as the Chair for the meeting would be the individual to recognize Committee Members for questions during the hearing.

**Shelley Blotter:** Asked for comment.

**Kimberley King:** Stated agreement with the 15 working days if, we can change the notice of hearing to give us some additional days. She explained that there are only six days to get our copies for the grievances, or for the exhibits. More notice would allow for more preparation time.

**Michelle Garton:** Said, absolutely and we've talked about that in terms of an internal process to do that.

**Kimberley King:** Confirmed that would allow for more than six days?

**Michelle Garton:** Confirmed.

**Kimberley King:** Additionally explained the EMC's role in the subpoenas and feels that if the EMC is going to participate in determining witnesses, documents or other pieces to the hearing, the department would like notification of such to prevent double work.

**Shelley Blotter:** Agreed that seemed appropriate. Asked for additional comments.

**Kareen Masters:** Agreed with last suggestion. Asked for clarification on the meaning of 'submitting under seal'.

**Michelle Garton:** Clarified what submitting under seal was.

**Kareen Masters:** Asked if that prevented it from being a public record.

**Michelle Garton:** Confirmed.

**Kareen Masters:** Offered there should be additional language added that the documents 'under seal' would be reviewed only if necessary.

#### **284.6957 Hearing before Employee-Management Committee: Continuance**

**Michelle Garton:** Stated the next regulation is, NAC 284.6957. The significant change to this regulation is the inclusion of language related to placing a grievance into abeyance and gave reasons why this may be appropriate. The other proposed change to this section would allow the Chair or Committee Member designated by the Chair, to make the decision regarding a request for continuance.

**Shelley Blotter:** Asked for comment; there was none.

### **284.697 When resolution of grievance becomes binding.**

**Michelle Garton:** Stated, the final regulation proposed for amendment is NAC 284.697. The proposed changes are as a result of a couple of the other amendments proposed in different regulations. The proposed amendment clarifies the decision of the grievance becoming binding when the Chair or the Committee Member he/she designates dismisses the grievance with prejudice because the employee failed to comply with the packet requirement. Also, it would also clarify decision becomes binding when it is determined the grievance lack jurisdiction or it is denied based upon on a previous decision by the subcommittee.

**Shelley Blotter:** Asked for comments; there was none. She reminded the audience of the ability to submit written comments on the comment cards, by letter, or by email.

### **3. ADJOURNMENT**

**Shelley Blotter:** Closed the workshop.



**STATE OF NEVADA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF HUMAN RESOURCE MANAGEMENT**

**REGULATIONS WORKSHOP  
MEETING MINUTES**

**Wednesday, January 27, 2016**

Gaming Control Board  
1919 College Parkway  
Carson City, Nevada

and

Grant Sawyer State Building, Room 2450  
555 East Washington Avenue  
Las Vegas, Nevada

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**STAFF PRESENT IN CARSON CITY:**

Shelley Blotter, Deputy Administrator, DHRM  
Lee-Ann Easton, Administrator, DHRM  
Peter Long, Deputy Administrator, DHRM  
Carrie Hughes, Personnel Analyst, DHRM  
Rosana Woomer, Personnel Analyst, DHRM  
Angelica Gonzalez, Personnel Analyst, DHRM  
Beverly Ghan, Personnel Analyst, DHRM

**STAFF PRESENT IN LAS VEGAS:**

Adrian Foster, Personnel Analyst, DHRM

**OTHERS PRESENT IN CARSON CITY:**

Melody Duley, NDOT  
Kimberly King, NDOT  
Alys Dobel, DMV  
Allison Wall, DETR  
Stephanie Neill, NSHE  
Jared Keller, NDOT  
Tonya Sieben, NDOT  
Nicole Waddell, NDF  
Deborah Harris, BHHS  
David Wright, NDOC  
Ann Para, ADSD  
Kathleen Kirkland, AHRS  
Dave Badger, DMV

Susie Bargmann, DPBH  
Scott Anderson, SOS  
Sue Dunt, NSHE  
Renee Depaoli, DWSS

**OTHERS PRESENT IN LAS VEGAS:**

Allan Gliponeo, DMV  
Dottie Martin, ADSD  
Lori Gaston, ADSD  
John Scarborough, CSN

**I. CALL TO ORDER**

**Shelley Blotter:** Opened the meeting and explained the reason for the workshop was to solicit comments from affected parties with regard to the regulations proposed for permanent adoption. She noted that based on the feedback received, the proposed language may be changed, be deleted, additional regulations may be affected, or they may not move forward.

**Lee-Ann Easton:** Commented that the Division staff are here to listen and that nothing is set in stone. Asked that everyone give their comments because they do want a cooperative relationship with agencies.

**II. Review of Proposed Changes to NAC 284**

|           |  |
|-----------|--|
| NEW       | "Professional employee" defined.   |
| 284.5405  | Annual leave: Credit upon reinstatement, rehiring, reemployment or transfer. |
| 284.551   | Sick leave: Credit upon rehiring, reemployment or transfer.                  |
| 284.204   | Adjustment of steps within same grade.                                       |
| 284.581   | Adoption by reference of federal law and regulations.                        |
| 284.52315 | "Child" defined.   |
| NEW       | Use of medical marijuana.  |
| 284.650   | Causes for disciplinary action.  |

**Shelley Blotter:** Explained that staff explain each section and then time would be allowed for comments.

**Carrie Hughes:** Introduced herself as a Personnel Analyst with the Division of Human Resource Management. She explained, The Nevada System of Higher Education employs individuals in positions which are categorized as professional or administrative faculty. The proposed new regulation, as well as the amendments to NAC 284.5405 and 284.551 are intended to address the inconsistent treatment of Nevada System of Higher Education professional employees when they transfer into classified or unclassified positions.

The proposed new regulation defines a Professional Employee as an employee of the Nevada System of Higher Education, with administrative duties that is not in the classified or unclassified service.

The proposed amendment to subsection 9 of NAC 284.5405 provides that a professional employee's annual leave is recomputed based on what it would have been had the employee been in a classified or unclassified position and made available following a transfer into a classified or unclassified position without a break in

service.

The proposed amendment to subsection 5 of NAC 284.551 provides that a professional employee's sick leave is recomputed based on what it would have been had the employee been in a classified or unclassified position and made available following a transfer into a classified or unclassified position without a break in service.

**Shelley Blotter:** Requested comments.

**Kimberly King:** Introduced herself as being from NDOT. She asked if something could be put in front of 'professional employee' to identify that it's for Nevada System of Higher Education. Her concern is that it would not be clear as NDOT also has professional employees.

**Shelley Blotter:** Noted that the Legal Division of the Legislative Council will draft a lead line for that to be clearer.

**Stephanie Neill:** Introduced herself as being from NSHE. She noted that she feels this is a wonderful regulation as a long-term classified employee. She felt this guarantees the security of her leave accrual regardless of her decision to stay classified or move to administrative faculty type position.

**Shelley Blotter:** Asked Carrie Hughes if administrative faculty is also included.

**Carrie Hughes:** Stated that it is her understanding that it also include administrative faculty, and that may be something to clear up in the definition.

**Shelley Blotter:** Moved to the next item, NAC 284.204.

**Peter Long:** Introduced himself as Deputy Administrator for the Division of Human Resources Management. He explained, the revision is proposing modifications to NAC 284.204, adjustment of steps within the same grade, at the request of and in coordination with the Office of the Governor, the Governor's Office of Finance and the Department of Administration.

He reiterated that, this is the draft and they are looking for any and all comments on how it can work for agencies. He noted, basically what this does is modifies when an accelerated rate may be given, clarifies an adjustment for equity among positions within the same department or agency and not across State service. It removes the ability to create an inequity unless approval is obtained from the Office of the Governor and makes revocation of the accelerated rate a requirement when the criteria that caused the adjustment no longer exists or the employee moves to a position in an area where a recruiting problem does not exist.

He noted, there was feedback in written form from the Secretary of State's Office, specifically from Scott Anderson, Chief Deputy Secretary of State and that memo will be entered into the record as part of the minutes from this meeting.

**Scott Anderson:** Introduced himself as Chief Deputy Secretary of State from the Office of the Secretary of State, Barbara Cegvaske. He appreciated the opportunity to give comments in regards to this and from the letter that was sent, there were a couple of concerns. They have spoken with the Governor's Office and understand the concerns which brought this regulation forward. They did have a few concerns, especially about the 'mandating' and the 'must', as far as taking back an increase that may have been otherwise warranted.

There were no objections to subsections 1(a) or 1(b). It was mainly in regards to subsection 1(c). They feel

that there could be problems with a supervisor that has to say, discipline somebody that was the cause for the supervisor's increase and there may be some hesitation to do that, knowing that if they were to demote or dismiss an employee that it wouldn't negatively impact on the supervisor's pay. He noted, there are some issues, unforeseen issues that may occur because of that.

Further he noted, there were also some concerns about the mandate and the 'must' language. They felt that leaving it as a 'may' and perhaps adding some additional review of such circumstances by DHRM, that there could be still some discretion left to the agency.

**Kimberly King:** Stated she had some questions. She asked, what is to be accomplished with these regulations?

**Peter Long:** Explained that what they are trying to accomplish is to maintain fairness and equity across agency lines, specifically for equity adjustments. He stated, EMC has had their fair share of grievances lately, from departments that can't afford to adjust pay based on equity and those employees are comparing themselves with agencies that can. Per the feds, the State could be perceived as one employer. To allow adjustments within one agency and not across other agencies, could be seen as an Equal Pay for Equal Work issue. The intent is to narrow the criteria. They're certainly not trying to stop someone or any agency who does have a need for an accelerated rate or equity adjustments, they're just trying to get a handle on how to maintain fairness across State service.

**Kimberly King:** Stated, her comment on that would be, everyone knows there is a problem. They've been doing budget Band-Aids for a while now. Those budget Band-Aids are now coming into play that there are inequities across the State, even within departments. That's what is happening with the employees complaining and what the EMC is seeing.

Her understanding of this regulation in the past, is that they couldn't make an adjustment of a step unless it was fiscally possible to adjust others to make sure there were no inequities. It appears that this regulation change is actually going to give the ability to create inequities. She thinks that's going to be problematic.

She further stated, now it looks like an inequity can be created, it makes it clear that is allowable if the Governor's Office approves it. The question there is, how will discriminatory type decisions be prevented, or defended if it's not discriminatory? Because, what will happen is, the agencies no longer have delegated authority, so they're actually giving them what they need but it's going to be up to them to make that decision. She thinks that might become problematic in the big picture.

She further noted the term "critical to agency operations." That might be difficult to defend. She is unsure on the definition of that is, so that would be another question.

Also, in subsection 3, this subsection applies to only initial appointments. She noted, that makes it so that if there are recruitment difficulties, if there is an exceptional candidate, as long as they don't work for the State, they can look at an accelerated salary, but if they work for the State—let's say they came in as a clerk because they needed a job, but this person has experience, they have the criteria and now they want to put them up here and they want to keep them that employee would not be able to receive an accelerated rate. Should that be allowable for existing employees? Because it's telling State employees, you aren't valued as much as the outside candidates.

**Lee-Ann Easton:** Stated, that's not the intent.

**Kimberly King:** Acknowledged that and stated, they get a lot of comments. She stated, she thinks she knows what this means, but the subsection only applies to initial appointment in State service. It does not



apply if a selective criteria was used in the recruitment and it does not apply if the adjustment will cause an inequity between current employees, which would require the adjustment of steps for those employees, unless upon submitting written justification the appointed authority obtains written concurrence from the Officer of the Governor. She thinks that plays into that the Governor's Office can create an inequity.

She further noted, this does not apply if selective criteria was used in their recruitment. They have a 15.39 vacancy rate in her department. They are recruiting. They have snow plows that don't have people to put in them. They don't believe in shortening the recruitment period because that just means that you get less numbers, it doesn't mean that you get the best qualified.

She explained, they use selective criteria to get the best qualified for those jobs, which in reality, if selective criteria is used, it's going to make it even more difficult to show that somebody has exceptional qualifications because they will be compared to other people who have those great criteria. If they can use selective criteria, they're getting the better crop that they're comparing to.

In addition, they do vacancy based recruitment at NDOT as much as they can. They want to give managers lists that they can use that people are interested in. Currently, they would not be able to continue doing that because DHRM requires a selective criteria if there is an existing list. That would be problematic.

The matrix. The matrix is already required procedurally by DHRM. It's been an interesting process. Those matrixes can take staff two full days to do one, because they're doing a good comparison. They look at the minimum qualifications and the exceptional qualifications for a job.

She stated, they've been using those matrixes and doing accelerated offers, and they are having people turn them down. They have a couple of problems. One is that it takes too long and candidates are getting other jobs. They're also having people turn them down because they can't meet the salary needed because they can't get it up any higher and create an inequity with existing employees.

She noted that under subsection 4(a) the term "criteria" is used, and believes that is more vague than what was there before, and that a definition of exactly what is meant be included.

**Lee-Ann Easton:** Gave thanks and appreciation for the comments and added she just wanted to state that Ms. King is not alone in this. They do know that there are issues with hiring and there are a lot of difficult positions to fill out there. They're trying to do the best they can on regulations, and do understand the concerns.

**Kimberly King:** Proposed getting a task force together and do some brainstorming to find solutions to the big picture.

**Lee-Ann Easton:** Explained that the Governor's Office has a task force put together that is going to be meeting in the next week to look at exactly this and as a global, overall State process. Unfortunately, revenue streams haven't been at a level where everyone can be adjusted at this point. The Governor's Office definitely recognizes the difficulties with hiring.

**Peter Long:** Noted that he and the Department understands the concerns with this. He asked that any solutions to these concerns would be useful and that they could be submitted to him.

He stated, "critical" was just a term that was used. Another broader term could be used, possibly a term that is already in regulation, for example, "urgent and compelling." That is when someone contests an exam and an agency can still get a list if they demonstrate an "urgent and compelling" need.

The intent is to remain a little vague on these so that they address your concerns as they come up and not be tied to something so specific that they have to say no. If there is another word that might fit better there, please suggest it. The intent is to limit this to positions that really do need an accelerated rate.

The intent was not to devalue State employees at all. In the merit system, they were tasked to do internal recruitments before going to open competitive. Open competitive must be requested first. What this is doing is saying, there are no internal candidates, then the rate for an outside candidate may be accelerated. This is clarifying what is already in practice based on questions from agencies. There's a regulation related to the pay on promotion. Also, the Division has assisted agencies in the last few years by unranking a number of lists. So, there's no need to do an internal promotional recruitment for someone to be in the top 5 ranks. This enables agencies to reach candidates down to what used to be six or seven or eight, which may be the better candidate. It was not intended to devalue State employees in any way.

**Kimberly King:** Recognized it wasn't intended. She explained that at this time, State employees are leaving State employment. They do better leaving State employment and coming back because of the recruitment difficulties. Basically, they're unable to retain good employees. In addition, when they do these evaluations on whether or not there should be an accelerated salary, they are comparing to everybody else on that list. They have to create that matrix, first of all comparing everybody on that list, and then if they're going to do the accelerated salary, then they have to do a matrix comparing to everybody else in that job class, in her Department, unless they can identify a location that's different. This isn't something where they're going down to just pick an internal candidate where they're asking for the accelerated salary. These are the truly exceptional and outstanding employees that they need to keep the State moving forward.

**Peter Long:** Added that the way the regulation is written now, it could be open to abuse. An agency is fortunate to get a list of 20-30 people, and they are starting to produce lists with more people. He can't address the quality of the list, except through feedback that they've gotten since they started with Careers in Government and being out on some of the social media; they have gotten feedback that the quality of the applicants has improved. They don't ask you to compare every person on the list. They ask you to compare five or six. The system could be abused if the five least qualified on that list are compared against the person for which an accelerated rate is being requested. They don't go through all the other 15 or 25 to see if maybe they had better qualifications than the five that was used for comparison. They were just trying to tighten that up so that it truly is the top candidate that's being asked to receive an accelerated rate.

**Kimberly King:** Recognized the comment. Wanted to make it known how they work the selective criteria to bring up the cream of the crop instead of having a two or three day recruitment to get applicants in, if a lot of good candidates are expected, they will put a selective on there. The next thing that they do is to use the clarifying questions to help hiring managers identify which people are going to be most qualified for that position so that they're interviewing those people. They have to be able to define what their selection criteria was for the interviews. And then from there, they make their selection. She noted, if there is concern about that, she would rather do a comparison of everybody on the list rather than to make it so that selective criteria cannot be used. This could be more work for them and the managers.

**Peter Long:** Noted, he's not suggesting that. If the selective is working, then that was just put in there. There is a statement included that any experience or education which is considered by the appointed authority must be given a greater weight for those areas which are directly related to the position than general education and experience. If an open recruitment is done, the desired experience could be included. When a selective is used, it doesn't really tie to what's written there, other than general education and experience, because everyone is going to have the selective criteria to be on the list. He was actually trying to clarify that when he wrote it. He thanked Ms. King for the feedback on how it could be more difficult to administrate.

He continued by discussing the term "create an inequity." He noted, they may be doing that now in equity

adjustments in that someone is selected based on special experience and the years of experience that they have to get the accelerated rate. Then other employees are adjusted or asked to have their steps adjusted for equity based on what he's seen, and he may be missing something, based on their years of experience. It is not years of experience tied to the specific type of experience that caused the original candidate to get the accelerated rate. He further noted, if they're adjusting for equity, it should be for the specific employees that have the experience related to why that person got an accelerated rate, not every employee that has a certain number of years' experience that ties to that employee who got the accelerated rate.

He added, what they're seeing is, the system itself is a little messed up due to the freeze of MSIs. They're seeing employees that are upset because someone comes in at an accelerated rate and they've been there a year and they're at a higher step than someone who worked through the years without MSIs, was a dedicated State employee, and can't be adjusted if the Department doesn't have the money to adjust them. What it also does is limit the Department from hiring a good employee because they can't afford to adjust everyone else. So they're taking an employee that is at a lower step so they don't create an inequity. The intent was that, yes, they can create an inequity if that specific experience was what they needed and not just based on years of experience across the board.

**Kimberly King:** Stated that could create a problem with morale amongst current employees. They've got people starting to leave the State and get other jobs and then they'll come back because they do have exceptional experience and education that they want to retain but are losing. Some come back, some don't.

**Peter Long:** Acknowledged that may not be working, but that was the intent to try and address that situation so an inequity could be created.

**Kimberly King:** Stated she would go through the regulations and see if there was anything she could make recommendations on. She stated, she thought the regulations were already clear that each agency is different.

**Peter Long:** Explained that it was clear to those in HR, but not to the layman, and that's why we have seen some grievances going before the EMC. The changes are trying to clarify what DHRM already thought was clear.

**Kimberly King:** Stated she thought the regulations were already clear, and at the same time, she doesn't believe they should be making inequities.

**Shelley Blotter:** Asked for further comment. There was none. Move on to NAC 284.52315 and 284.581.

**Carrie Hughes:** Explained, that the repeal of NAC 284.52315 and the amendment to NAC 284.581 will apply to the Family Medical Leave Act's definition of the term "child" to the use of "child" in the Attendance and Leaves section of Nevada Administrative Code, Chapter 284. The intent is to provide a uniform definition for family sick and administrative leave use, both when the FMLA does and does not apply. The FMLA's current definition of 'child' will be provided in an informational note, in the Rule State Personnel Administration publication.

**Shelley Blotter:** Asked for further comment. There was none.

**Carrie Hughes:** Explained that SB 447 of the 2015 Legislative Session amended NRS 453A.800 to include new subsections allowing law enforcement agencies to prohibit an employee from engaging in the medical use of marijuana. Two versions of the new amendment were proposed based on these statute changes.

In subsection 1 of both versions, employees who are "peace officers," as defined in NRS 289.010, employees who are in positions that have been determined by the Personnel Commission to "affect the public's safety"

and positions and subject of random testing such as those under the Federal Motor Carrier Safety Administration's rules are prohibited from using medical marijuana.

Also in both versions, it provides that an employee who is pre-employment tested when conditionally offered another position and who tests positive for marijuana but holds a valid registry identification card to engage in the medical use of marijuana will be removed from all lists requiring pre-employment testing and will have the offer withdrawn but will not be subject to disciplinary action on the basis of being under the influence of medical marijuana nor will the employee be subject to a return to work test.

Version 2 differs in that it additionally addresses post-accident and reasonable suspicion testing. It provides that an employee who tests positive due to a post-accident or reasonable suspicion test and holds a valid registry identification card to engage in the medical use of marijuana may be disciplined as provided for in NAC 284.650. However, the employee will not be subject to a return to work test.

The intent of exempting an employee who holds a valid registry identification card to engage in the medical use of marijuana from a return to work test is to prevent an automatic disciplinary separation as most agency's Prohibitions and Penalties allow for or require a disciplinary separation upon an employee's testing positive twice. This gives an agency an opportunity to investigate whether it is possible to "make reasonable accommodations for the medical needs" of the employee as outlined in NRS 453A.800.

**Shelley Blotter:** Stated that they know that this is a very contentious issue and that many have concerns regarding this. She noted, they are still going through the process of trying to determine what is legally appropriate under Nevada State Law and federal law. They welcome comments, either on the topic in general or one of the two versions.

**Kimberly King:** Noted she had a statement and then one comment. NDOT has concerns as a recipient of federal funds which requires the agency to follow the federal Drug-Free Workplace Act. The agency would not want to risk any federal funding. She further stated, her other comment related to 284.650(15), use of marijuana. It is important to be clear on that; if the intent is not smoking or ingesting on the work site. Her understanding is, if an employee has a positive test and it's in his or her system, he or she is using marijuana.

**Deborah Harris:** Introduced herself as Deputy Director, Administrative Services, Department of Health and Human Services. She thinks that it's been discussed in prior meetings but their main concern is that they did obtain an Attorney General opinion from Linda Anderson who was also responsible for the medical marijuana program with the State. Ms. Anderson feels that the regulations suffice as currently written.

She further noted, they don't really believe that there's a need to separate medical marijuana from any other drugs or controlled substances that employees are utilizing due to medical conditions. They believe that they should manage them consistently across the board. The concern is, why is medical marijuana now any different from any other prescription that an employee may have for a medical condition?

Version two is the most palatable but they still have concerns because they believe it's an unnecessary regulation changes and they are comfortable with regulation as it currently stands.

**Kimberly King:** She noted that she was coming up as a private citizen of the State of Nevada. She explained that she has made the State her home and she intends to retire here in the future.

She stated she understands that the Legislature and the State of Nevada support medical marijuana. She also supports the availability of medical marijuana for individuals for whom this drug will help with their medical needs. However, she is concerned that these regulations, as written, will not allow agencies to receive federal funding to comply with the federal Drug-Free Workplace Act.



Although the State of Nevada has legalized medical marijuana, at this time the federal government has not, and still considers medical marijuana an illegal drug. The Drug-Free Workplace Act requires the recipient of federal funds to publish a statement notifying employees that the unlawful manufacturing, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantees workplace and specifying the actions that will be taken against employees for the violations of such prohibition.

She sees this regulatory language as contrary to the law, the federal law. She's requesting the Division of Human Resource Management and subsequently the Personnel Commission, review and ensure that the regulatory language will allow agencies that are federal recipients to be in compliance with the Drug-Free Workplace Act.

**Sue Dunt:** Introduced herself as being Risk Manager with Nevada System of Higher Education. From their perspective of the two versions, they would clearly prefer Version 2. That allows them to do management in regard to liability if they have employees that may be over-utilizing their medical marijuana or maybe not using it at night, versus during the day. They would definitely support, if this were to move forward, that this second version be the one that would be considered.

She further explained that they are also a recipient of a large amount of federal funds. They think it would be beneficial to have some kind of acknowledgment within the regulations that, if there are federal funds involved, that maybe legality of allowing this in the workplace should be looked at.

Overall, NSHE has developed an internal policy that doesn't allow the use of medical marijuana, primarily due to the federal funding issues. So, they just would be hopeful that it could somehow work out that the issue is considered and it's somehow being worked into the regulation.

**Shelley Blotter:** Asked if there were further comment.

**Lee-Ann Easton:** Explained that she also had some concern after the workshop and this is why these workshops are so important, that we all try to work together and get as much information as possible.

**Shelley Blotter:** Noted, there is one other regulation – 284.650. One of the commenters already commented on the changes, but in the event someone wants to speak to that one directly, comments would be accepted on that before closing. She commented that, with that, it looks like all the territory had been covered. She expressed appreciation and reminded attendees to feel free to send any written comments to her, or Lee-Ann or Peter.

### **III. ADJOURNMENT**

**Shelley Blotter:** Adjourned the meeting.

**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource**  
**Management**

**REGULATION WORKSHOP**

Carson City at the Legislative Counsel Bureau, 401 S. Carson Street, Room 2134, Carson City, Nevada;  
and via video conference in Las Vegas at the Grant Sawyer State Building, Room 4412E, 555 East  
Washington Avenue.

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**MEETING MINUTES Thursday, May 26, 2016**

**STAFF PRESENT IN CARSON CITY:**

Shelley Blotter, Deputy Administrator, DHRM  
Peter Long, Administrator, DHRM  
Kristen Hanson, Personnel Analyst, DHRM  
Denise Woo-Seymour, Personnel Analyst,  
DHRM  
Kathleen Kirkland, Personnel Officer, DHRM  
Doug Williams, Personnel Analyst, DHRM

**STAFF PRESENT IN LAS VEGAS:**

**OTHERS PRESENT IN CARSON CITY:**

Melody Duley, NDOT  
Allison Wall, NDOT  
Kristen Bowling, NDOW  
Dave Badger, DMV  
Terry Hack, NDF  
Deborah Harris, DHHS

**OTHERS PRESENT IN LAS VEGAS:**

Allan Gliponeo, DMV  
Stephanie Lan, DMV

## I. CALL TO ORDER

**Shelley Blotter:** Opened the meeting and explained the reason for the workshop being to solicit comments from affected parties with regard to the regulations proposed for permanent adoption. She noted that based on the feedback received, the proposed language may be changed, be deleted, additional regulations may be affected, or they may not move forward.

**Peter Long:** Introduced Doug Williams, the new Veteran Coordinator who is based in Las Vegas.

## II. Review of Proposed Changes to NAC 284

|          |  |
|----------|--|
| NEW      | Request for extension of time to notify employee of determination following internal administrative investigation. |
| NEW      | Appeal of refusal to examine or certify.   |
| 284.152  | Appeal of allocation or position or change in classification.  |
| 284.6561 | Hearing.   |

**Shelley Blotter:** Explained process and that staff will explain each section and then comments will be accepted.

**Michelle Garton:** She explained, pursuant to NRS 284.387, an employee must be notified of an appointing authority's determination, following an internal administrative investigation within 90 days of being provided notice of the investigation. This statute also allows an appointing authority to request an extension of up to 60 days, should he/she be unable to complete the investigation and notify the employee within the initial 90 day period. Additionally, NRS 284.387 states that no further extensions will be granted unless approved by the Governor.

Subsection 1 of the new regulation states that the request for an extension must be submitted to the Administrator on or before the 90th day of the initial investigation period. This requirement is supported by the information contained at the bottom of Subsection 1, which states that a request submitted after the initial 90 day period may be denied for that reason, regardless of whether or not good cause is shown. The request must explain the reasons the investigation could not be completed within the 90 days. Finally, the employee must be provided a copy of the request for the extension.

This language was included based on a request and discussions with AFSCME and is intended to ensure that an employee is informed of the status of an investigation of which he/she is the subject. The language is currently drafted to require such a request be submitted on the form prescribed by the Division of Human Resource Management and a draft of this form is available at the back of the room.

She asked that during the comment period for participants to explain how they feel about using a form prescribed by DHRM and would it be a tool that you could use? She noted, it could be a concise way of providing the required information. Especially in light of it needing to be provided to the employee, or maybe a memo format would be preferred.

Finally, if an appointing authority who was granted up to a 60-day extension is also unable to complete an internal investigation and notify the employee within that time, a request for an additional extension must be approved by the Governor.

Subsection 2 of the regulation relates to this type of a request. The procedures are similar to a request for the initial 90-day extension and a written format is to be used in this situation.

**Shelley Blotter:** Requested comments. She reiterated that they were looking for feedback on the

form being an aide or a hindrance.

**Allison Wall:** Introduced herself as HR Manager for NDOT. She noted that she did like the form but was concerned about the amount of information needing to be put on the form relating to the reasoning behind why an investigation may be extended. She noted that describing this in much detail could jeopardize the investigation or the confidentiality of the investigation. She also asked for clarification if the form would be delivered to the employee.

**Shelley Blotter:** Noted that they were suggesting the form be submitted to the employee as a concise tool. She agreed that information would not need to be disclosed on the form that would jeopardize the investigation, a simple comment would suffice.

**Peter Long:** Noted the intent was not to approve or deny requests based on this information. That determination is not being made. It was merely to provide information to the employee on why it's being delayed.

**Dave Badger:** Introduced himself as Personnel Officer for the Department of Motor Vehicles. He asked, with regards to the extension and notification process, is the Department going to be stricter with regards to getting the investigation done within the prescribed 90 days?

**Shelley Blotter:** Stated, in regard to the 90 days and timely responses to employees, the two hearing officers had opined differently. One said that it didn't matter when the Division of Human Resource Management provided the extension, if it was after the 90 days, if an extension was provided, the hearing officer felt that was acceptable. Another hearing officer said basically that the extension request wasn't requested timely, it didn't matter if the extension had been provided or not.

**Dave Badger:** Noted he agreed with Allison Wall's statements about the comments on reasoning behind the extension and the potential to jeopardize the investigation or compromise the confidentiality.

**Peter Long:** Noted, the proposed regulation in Paragraph 1, Subparagraph B, says describe the reasons the employee was not notified of the determination within 90 days. So, if you want to put under there, cause for delay in completing the investigation, making a determination and notifying the employee, you can say something to the effect that we're requesting an extension. That's why they weren't notified of the results in 90 days.

**Dave Badger:** Explained, in the past, they would send something to the Administrator's Administrative Assistant briefly saying, we're still working through the process or something like that.

**Peter Long:** Noted, that is fine. It's not the intent to change that. He clarified that they had some concerns that something be on record that the employee had been notified of that because the issue has come up.

**Dave Badger:** Agreed. He noted that a written notification might add to the whole process, but on the other hand, it would be good for the employee to have something in hand, specifically as opposed to just being told something by their supervisor.

**Peter Long:** Added, the goal is not to put any unnecessary burden on an agency, but we all know that as soon as we don't document something, that's the issue that's raised.

**Dave Badger:** Agreed. He noted it would help with the documentation piece, because they always ask the supervisor to let them know that they notified the employee that there was an extension. So we have that documentation. So it would help with that part of it.

**Shelley Blotter:** Moved to the next item, which was newly created, appeal of refusal to examine or



certify.

**Beverly Ghan:** Introduced herself as Personnel Analyst for the Recruitment Section of the Division of Human Resource Management. She explained, the following amendment proposed by the Division of Human Resource Management details the procedures for appealing the Administrator's refusal to examine or certify an applicant, pursuant to NRS 284.245. Additionally, the new regulation will ensure that the Personnel Commission is provided with the information regarding the Appellant's rationale for his/her disagreement with the Administrator's decision, not to examine an applicant or certify an eligible person.

NRS 284.245 reads: 'when the Administrator refuses to examine an applicant or after an examination, refuses to certify an eligible person, the applicant or eligible person may request the administrator to furnish to the applicant or eligible person a statement of the reason for refusing to examine or refusing to certify as the case may be. The Administrator shall furnish the statement upon request. The Administrator has 30 days to respond.'

NRS 284.245 also reads: 'if the Administrator refuses to examine an applicant or after an examination refuses to certify an eligible person, the applicant or eligible person may take an appeal to the Commission, in accordance with the regulation adopted by the Commission. If the Commission finds that the Administrator is in error in refusing to examine an applicant or in refusing to certify an eligible person, the Commission shall order the Administrator to examine or certify and the Administrator shall comply.'

As a result, pursuant to the above regulation, an applicant after having requested and obtained the statement from the Administrator, within 30 days, after the date of the receipt of the written statement, may file a written appeal to the decision of the Administrator or his/her designated representative for the Personnel Commission. The appeal must be in writing. It must be addressed to the Administrator. It must address points, outlined in the determination for the refusal to certify and examine and indicate the points with which the appellant disagrees and expressed reason for the disagreement. This regulation is mirroring the current regulation in place for classification appeals.

She asked if there were any comments.

**Shelley Blotter:** Noted this is a newly proposed regulation, meaning that we previously didn't have the appeal process documented. For many years, it was assumed such appeals would go to the EMC. It was determined more recently that it was actually meant to go to the Personnel Commission. This is setting up a procedure that mirrors other processes in which decisions are appealed to the Personnel Commission.

She asked if there were any comments.

**Dave Badger:** Stated, Alys Dobel did have a question in relation to the Administrator's statement, would that always be in a written format, or would there be times when it would be in electronic format, such as email?

**Peter Long:** Stated, they consider an email a written document. They get classification appeals in email and ask them to follow up with a hard copy. A lot of times, that's when they're approaching the end of their allowed amount of time. This really is more of an internal process that they're concerned about. They're the ones that have to respond to someone if they don't meet the minimum qualifications. Delegated agencies with recruitment responsibilities also have to do that. They want to see a paper trail and really, as Shelley said, the statute is in place. Sometimes it was unclear as to where a person should file a complaint. Then often they would try to go to the EMC. DHRM wants to make it clear. We haven't had a regulation in place for an MQ or an exam appeal. This just defines that and makes it clear that you can't contest being denied for recruitment six months after the fact. You've got 30 days after you received notice n email form, that you didn't meet the MQs. An email would be fine.

**Melanie Dooley:** Introduced herself as Personnel Officer for NDOT over the Recruiting Section. She stated, NRS 284.245 talks about refusing to examine or then refusing to certify. She asked, if after we've examined someone and made them eligible and then we determine they've made a false statement on their application and then remove them from eligibility. Is that part of this refusal to examine or certify? Would they use this for that procedure as well or would this be limited only to refusing to examine or certify, not related to then removing them from eligibility?

**Peter Long:** Acknowledged that was a really good question. He noted, the intent was refusal to examine, which means they don't meet the MQs, or refusal to certify meaning that, we're not going to place them on a list for a particular reason. There are other avenues to address if for whatever reason you remove them from the list. He doesn't think this is intended for that.

**Shelley Blotter:** Moved to the next item NAC 284.152.

**Peter Long:** Explained that they're proposing an amendment to NAC 284.152. Just to put the timeframes in line with the timeframe requirements of NRS. If you look at Paragraph 4, it talks about within 30 days. That's what is in statute. Everything above that was within 20 working days. DHRM is just trying to make it consistent. He doesn't believe this is taking any time away from the appellant's ability to file an appeal. Thirty calendar days is usually pretty consistent with 20 working days.

**Shelley Blotter:** Asked for comments. There was none. Moved on to NAC 284.6561.

**Michelle Garton:** Explained, the last regulation is NAC 284.6561, Hearing. It is similar to the change to NAC 284.656, Notice, which was recently adopted and approved. Senate Bill 62 of the 2015 Legislative Session amended NRS 284.385 which is related to the dismissal, suspension or demotion of classified State of Nevada employees. The intent of this change is to provide increased speed of delivery and ensure reliability by allowing the use of carriers such as Fed Ex and UPS, as long as tracking information and proof of delivery is provided. This change also clarifies that such notice shall not be given by electronic means, such as email or via social media.

**Shelley Blotter:** Noted, this change is consistent with the recent statute change and also a recent regulation change. Asked for comments. There was none.

### **III. ADJOURNMENT**

**Shelley Blotter:** Adjourned the meeting.

**Brian Sandoval**  
Governor



**Patrick Cates**  
Director

**Peter Long**  
Administrator

**STATE OF NEVADA**  
**DEPARTMENT OF ADMINISTRATION**  
***Division of Human Resource Management***  
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May 4, 2016

**Regulation Small Business Impact Statement**

The Division of Human Resource Management has determined that the adoption of this proposed regulation does not impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business.

These regulations only impact the classified service of Executive Branch departments and the Nevada System of Higher Education.

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

  
Peter Long, Administrator

5/5/16  
Date



**FOR DISCUSSION AND POSSIBLE ACTION**

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

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

**LCB File No. R017-16**

The Division of Human Resource Management recommends the addition of three new regulations that define terms included in the Attendance and Leaves section of Nevada Administrative Code (NAC) 284. The three new regulations explain the interpretation of “child”, “parent,” and define “person standing in loco parentis” and “person who stood in loco parentis,” for use in the Attendance and Leaves section of NAC 284. These changes will align the terms as used in NAC 284 with those used in the administration of Family and Medical Leave (FMLA). NAC 284.5811 requires, with few exceptions, an employee to use his or her applicable paid leave (e.g., sick leave) concurrent with the FMLA’s provisions. For that reason, differences in definitions of key terminology between the FMLA regulations, the U.S. Department of Labor Wage and Hour Division interpretations, and Nevada Administrative Code creates difficulty and potential liability in the administration of FMLA leave.

The Division of Human Resource Management also recommends the amendment to NAC 284.523 so that the newly created definitions are included in the “definitions” regulation used in the Attendance and Leaves section of NAC 284.

The Division of Human Resource Management recommends the amendment to NAC 284.52315 to apply the interpretation of “son or daughter” by the Wage and Hour Division of the United States Department of Labor (DOL) to the definition of “child” as used in the Attendance and Leaves section of NAC 284. The DOL has issued an interpretation of “son or daughter” as it applies to an employee standing “in loco parentis” to a child. The DOL’s clarification of the criteria to determine standing “in loco parentis” is different than the reference to the same criteria currently in NAC 284.52315 (i.e., with the daily responsibility of caring for and financially supporting). This amendment will ensure consistency in the future.

The Division of Human Resource Management also recommends the amendment to NAC 284.5237 to apply the interpretation of “parent” by the Wage and Hour Division of the United States Department of Labor to the definition of “parent” as used in the attendance and Leaves section of NAC 284. (See United States Department of Labor; Administrator’s Interpretation No. 2010-3; June 22, 2010; dol.gov.) This amendment is proposed to maintain consistency between NAC 284 and the Department of Labor Wage and Hour Division Interpretations.

Regulation changes were discussed at the workshop held on June 25, 2015. Comment was received from the Deputy Director, Department of Health and Human Services, who expressed concerns that patterning State regulations to match federal regulations may create confusion as they can change. After the workshop the proposed regulation was revised. The current version of these amendments state that the definitions of child (excepting NAC 284.5235 and 284.562) and



parent in the Attendance and Leave section of Nevada Administrative Code 284 shall be interpreted and construed in a manner that is consistent with the interpretation by the Wage and Hour Division of the United States Department of Labor. The Division believes with this language giving weight to the federal interpretation addresses potential inconsistency between the federal and State regulations. Additionally, comment was received from a Personnel Officer, Department of Corrections, regarding how an agency would document whether an employee had the day-to-day care or financial responsibility of a child. NAC 284.52315 currently states, "'Child' means... child of a person with the daily responsibility of caring for and financially supporting that child..." And, NAC 284.5237 currently states, "'Parent' means... person who had the daily responsibility of caring for and financially supporting the employee when the employee was a child." The proposed amendments will reduce the current burden to establish both criteria to just one of the criteria. Additionally, during the workshop the Division clarified that the federal FMLA regulations outline how to establish the criteria.

A second workshop was held on January 27, 2016, and no comment was received.

**LCB File No. R017-16**

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

**Section 2.**

**Explanation of Proposed Change:** As NAC 284.5811 requires, in almost all cases, an employee to use his or her applicable paid leave (e.g., sick leave) concurrent with the Family and Medical Leave Act's (FMLA) provisions, the difference in definition of key terms (i.e., child, parent) between the FMLA regulations and Nevada Administrative Code (NAC) creates difficulty and potential liability in the administration of FMLA leave. The amendments in Sections 2, 3 and 4 of LCB File No. R017-16 are proposed by the Division of Human Resource Management with the intent of defining "child" and "parent" as used in the Attendance and Leaves section of NAC 284 in a manner that is consistent with the interpretation by the Wage and Hour Division of the United States Department of Labor of the definitions of "son or daughter" and "parent" set forth in the federal FMLA regulations.

The intent of the amendment is to have the same definition for "child" in NAC 284 as the United States Department of Labor's (DOL) FMLA definition for "son or daughter". However since the United States Department of Labor has further interpreted the term "son or daughter" as used in the FMLA regulations (see United States Department of Labor; Administrator's Interpretation No. 2010-3; June 22, 2010; dol.gov), the proposed amendment to NAC 284 includes any DOL interpretation as well. The Administrator's interpretation clarifies the definition of "son or daughter" by addressing the criteria for an individual to be "in loco parentis" (i.e., assuming responsibilities of a parent without a biological or legal relationship) to a "son or daughter". Specifically, the interpretation changes the word "and" to "or" in outlining the "in loco parentis" criteria of day-to-day responsibilities to care for ~~and~~ [or] financially support a child. This amendment is proposed to maintain consistency and for ease of administration.

***NEW "Child" interpreted. Except for the purposes of NAC 284.5235 and 284.562, the Division of Human Resource Management shall interpret and construe the definition of "child" set forth in NAC 284.52315 in a manner that is consistent with the interpretation by the Wage and Hour Division of the United States Department of Labor of the definition of "son or daughter" set forth in 29 C.F.R. § 825.122(d).***

### Section 3.

**Explanation of Proposed Change:** As NAC 284.5811 requires, in almost all cases, an employee to use his or her applicable paid leave (e.g., sick leave) concurrent with the Family and Medical Leave Act's (FMLA) provisions, the difference in definition of key terms (i.e., child, parent) between the FMLA regulations and Nevada Administrative Code (NAC) creates difficulty and potential liability in the administration of FMLA leave. The amendments in Sections 2, 3 and 4 of LCB File No. R017-16 are proposed by the Division of Human Resource Management with the intent of defining "child" and "parent" as used in the Attendance and Leaves section of NAC 284 in a manner that is consistent with the interpretation by the Wage and Hour Division of the United States Department of Labor of the definitions of "son or daughter" and "parent" set forth in the federal FMLA regulations.

The definition of "parent" in the federal FMLA regulations references the definition of "son or daughter". "Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined in paragraph (d) of this section." (29 C.F.R. § 825.122(c)). As the United States Department of Labor has further interpreted the term "son or daughter" as used in the FMLA regulations (see United States Department of Labor; Administrator's Interpretation No. 2010-3; June 22, 2010; dol.gov), this amendment is proposed to maintain consistency and for ease of administration.

***NEW "Parent" interpreted. The Division of Human Resource Management shall interpret and construe the definition of "parent" set forth in NAC 284.5237 in a manner that is consistent with the interpretation by the Wage and Hour Division of the United States Department of Labor of the definition of "parent" set forth in 29 C.F.R. § 825.122(c).***



#### Section 4.

**Explanation of Proposed Change:** As NAC 284.5811 requires, in almost all cases, an employee to use his or her applicable paid leave (e.g., sick leave) concurrent with the Family and Medical Leave Act's (FMLA) provisions, the difference in definition of key terms (i.e., child, parent) between the FMLA regulations and Nevada Administrative Code (NAC) creates difficulty and potential liability in the administration of FMLA leave. The amendments in Sections 2, 3 and 4 of LCB File No. R017-16 are proposed by the Division of Human Resource Management with the intent of defining "child" and "parent" as used in the Attendance and Leaves section of NAC 284 in a manner that is consistent with the interpretation by the Wage and Hour Division of the United States Department of Labor of the definitions of "son or daughter" and "parent" set forth in the federal FMLA regulations.

This amendment to NAC 284 provides a definition of "in loco parentis", which is referenced in the definitions of "child" and "parent", consistent with the United States Department of Labor's use of the term in its interpretation of "son or daughter" and "parent" (see United States Department of Labor; Administrator's Interpretation No. 2010-3; June 22, 2010; dol.gov). The Administrator's interpretation clarifies the definition of "son or daughter" by addressing the criteria for an individual to be "in loco parentis" (i.e., assuming responsibilities of a parent without a biological or legal relationship) to a "son or daughter". Specifically, the interpretation changes the word "and" to "or" in outlining the "in loco parentis" criteria of day-to-day responsibilities to care for and financially support a child. This amendment is proposed to maintain consistency and for ease of administration.

***NEW: "In loco parentis" defined.***

1. ***"Person standing in loco parentis" or "person who stood in loco parentis" means:***
  - (a) ***For the purposes of NAC 284.52315, a person who has day-to-day responsibilities to care for or financially support a child; and***
  - (b) ***For the purposes of NAC 284.5237, a person who had the day-to-day responsibilities to care for or financially support an employee when the employee was a child.***
2. ***For the purposes of this section, a biological or legal relationship between the person and the child or between the person and the employee when the employee was a child, as applicable, is not necessary.***



**Section 5. NAC 284.523 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment incorporates the three new regulations proposed in LCB File No. R017-16 (e.g., “Child” interpreted, “Parent” interpreted, “In loco parentis” defined) in the “definitions” regulation (i.e., NAC 284.523) pertaining to the Attendance and Leaves section of the Nevada Administrative Code Chapter 284.

**NAC 284.523 Definitions.** (NRS 284.065, 284.155, 284.345) As used in NAC 284.523 to 284.598, inclusive, *and sections 2, 3 and 4 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 284.5231 to 284.52375, inclusive, *and section 4 of this regulation* have the meanings ascribed to them in those sections.

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

**Section 6. NAC 284.52315 is hereby amended to read as follows:**

**Explanation of Proposed Change:** As NAC 284.5811 requires, in almost all cases, an employee to use his or her applicable paid leave (e.g., sick leave) concurrent with the Family and Medical Leave Act's (FMLA) provisions, the difference in definition of key terms (i.e., child, parent) between the FMLA regulations and Nevada Administrative Code (NAC) creates difficulty and potential liability in the administration of FMLA leave. The amendments in Sections 2, 3 and 4 of LCB File No. R017-16 are proposed by the Division of Human Resource Management with the intent of defining "child" and "parent" as used in the Attendance and Leaves section of NAC 284 in a manner that is consistent with the interpretation by the Wage and Hour Division of the United States Department of Labor of the definitions of "son or daughter" and "parent" set forth in the federal FMLA regulations.

This amendment will define "child", as used in the Attendance and Leaves section of NAC 284, in a manner that is consistent with the interpretation of "son or daughter" by the Wage and Hour Division of the United States Department of Labor. This amendment is proposed to maintain consistency and for ease of administration.

**NAC 284.52315 "Child" defined.**

**1. "Child" means a person who is:**

~~1-1~~ **(a)** A biological, adopted or foster child, a stepchild, a legal ward or ~~the~~ a child of a person ~~with the daily responsibility of caring for and financially supporting~~ *standing in loco parentis* to that child; and

~~1-2~~ **(b)** Except as otherwise provided in NAC 284.5235 and 284.562, under 18 years of age or ~~who~~ is 18 years of age or older and incapable of ~~learning for himself or herself~~ *self-care* because of a ~~mental or~~ physical ~~or mental~~ disability ~~at the time the requested leave is to commence~~.

**2. The term includes a person who meets the definition of "child" as interpreted by the Division of Human Resource Management pursuant to section 2 of this regulation.**

**3. As used in this section:**

**(a) "Incapable of self-care" means that a person requires active assistance or supervision to provide daily self-care in three or more of the:**

**(1) Activities of daily living which include adaptive activities, including, without limitation, caring appropriately for personal grooming and hygiene, bathing, dressing and eating; or**

**(2) Instrumental activities of daily living which include, without limitation, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories and using a post office.**

**(b) "Physical or mental disability" means a physical or mental impairment that substantially limits one or more of the major life activities of a person, as those terms are defined in 29 C.F.R. § 1630.2(h), (i) and (j).**

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A by Personnel Comm'n by R096-03, 10-30-2003)

**Section 7. NAC 284.5237 is hereby amended to read as follows:**

**Explanation of Proposed Change:** As NAC 284.5811 requires, in almost all cases, an employee to use his or her applicable paid leave (e.g., sick leave) concurrent with the Family and Medical Leave Act's (FMLA) provisions, the difference in definition of key terms (i.e., child, parent) between the FMLA regulations and Nevada Administrative Code (NAC) creates difficulty and potential liability in the administration of FMLA leave. The amendments in LCB File No. R017-16 are proposed by the Division of Human Resource Management with the intent of defining "child" and "parent" as used in the Attendance and Leaves section of NAC 284 in a manner that is consistent with the interpretation by the Wage and Hour Division of the United States Department of Labor of the definitions of "son or daughter" and "parent" set forth in the federal FMLA regulations.

This amendment will define "parent", as used in the Attendance and Leaves heading of the NAC 284, in a manner that is consistent with the interpretation of "parent" by the Wage and Hour Division of the United States Department of Labor.

**NAC 284.5237 "Parent" defined. (NRS 284.065, 284.155, 284.345)**

**1. "Parent" means ~~the~~ a biological , *adopted or foster* parent *or stepparent* of an employee or ~~the~~ a person who ~~had the daily responsibility of caring for and financially supporting~~ *stood in loco parentis to* the employee when the employee was a child.**

**2. *The term includes a person who meets the definition of "parent" as interpreted by the Division of Human Resource Management pursuant to section 3 of this regulation.***

**3. The term does not include a parent of the spouse of an employee.**

(Added to NAC by Dep't of Personnel, eff. 3-23-94)



**FOR DISCUSSION AND POSSIBLE ACTION**

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

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

**LCB File No. R024-16**

The Division of Human Resource Management recommends the amendments included in this LCB File to address the treatment of leave balances of Nevada System of Higher Education employees when they transfer into nonclassified, unclassified, or classified positions. As the Nevada System of Higher Education currently has no unclassified employees, the language has been amended to clarify which Nevada System of Higher Education employees are provided this benefit. In order to ensure the consistency of the process and to allow the employee to retain his or her full benefit, the requirement for the annual and sick leave balances to be recomputed has been removed, and the balances will simply transfer to the new position.

Regulation changes were discussed at the workshop held on January 27, 2016. Comment in support of the changes was received from an employee of the Nevada System of Higher Education. Additionally, comment was received from the Senior Associate Vice President and Chief HR Officer of the College of Southern Nevada requesting that the regulations be amended to either eliminate or limit the recalculation of annual and/or sick leave when employees transfer without a break in service. The draft proposed at the workshop was revised in response to this request and after further consideration. No comment was received in opposition to the amendments.



**Section 1. NAC 284.5405 is hereby amended to read as follows:**

**Explanation of Proposed Change:** The following amendment, proposed by the Division of Human Resource Management, changes the procedures related to the transfer of nonclassified, employees of the Nevada System of Higher Education, and employees included in NRS 284.022, to the nonclassified, unclassified or classified service. As the Nevada System of Higher Education currently has no unclassified employees, the regulation has been amended to clarify which Nevada System of Higher Education employees will have all or a portion of their annual leave balance transferred to their new appointments. The requirement for the annual leave to be recomputed has been removed to allow employees to retain their full benefit when transferring.

**NAC 284.5405 Annual leave: Credit upon reinstatement, rehiring, reemployment or transfer. (NRS 284.065, 284.155, 284.345, 284.350)**

1. Except as otherwise provided in this section, any employee who returns to state service following a separation is eligible to accrue annual leave based on his or her total service with the State after he or she has completed 3 years of continuous service. The employee must requalify after each break in service.

2. An employee who is rehired within 1 year after being laid off accrues annual leave at a rate based on his or her total state service. He or she may use the annual leave immediately upon accruing it if he or she has completed a total of 6 months of employment.

3. An employee 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 accrues annual leave at a rate based on his or her total state service. He or she may use the annual leave immediately upon accruing it if he or she has completed a total of 6 months of employment.

4. An employee who is rehired within 1 year after being laid off is entitled to buy back the balance of the annual leave for which he or she received payment in a lump sum on the date of the layoff. The rate of pay at which he or she is rehired applies to the buying back of annual leave.

5. An employee 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 entitled to buy back the balance of the annual leave for which he or she received payment in a lump sum at the time of separation. The rate of pay at which he or she is reemployed applies to the buying back of annual leave.

6. If an employee who was laid off before completing 6 months of employment is rehired within 1 year after the layoff, the amount of the unpaid annual leave he or she had earned before the layoff must be restored.

7. If a person eligible for military reemployment is reemployed, he or she accrues annual leave at the rate which he or she would have earned if he or she had not left state service.

8. If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority, the balance of the employee's annual leave is charged to the agency to which he or she is appointed.

9. If a nonclassified employee, an ~~{unclassified}~~ employee ~~{of}~~ *occupying a position within* the Nevada System of Higher Education, or an employee included in the State Personnel System pursuant to NRS 284.022 is appointed without a break in service to the *nonclassified*, classified or unclassified service, his or her annual leave ~~{must be recomputed to reflect the amount that would have accrued to him or her as a classified or unclassified employee less any annual leave which he or she used during his or her nonclassified, Nevada System of Higher Education or governmental agency employment, and the remaining balance}~~ will be transferred to the new appointment. The amount of annual leave transferred by the employee pursuant to this subsection may not exceed the maximum amount which is permitted by the classified or unclassified rate of accrual as set forth in NRS 284.350 and NAC 284.538. The agency to which the employee is appointed is not responsible for payment of any annual leave in excess of the amount which is transferable. It is the responsibility of the employee who is transferring annual leave to seek payment of any excess amount of annual leave remaining to his or her credit from his or her former employer. ~~{If the amount of annual leave which is recomputed pursuant to this subsection results in a negative amount, the employee will begin the new appointment in the classified or unclassified service without any hours of annual leave.}~~

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-19-88; 3-27-92; 11-12-93; 3-1-96; R031-98, 4-17-98; A by Personnel Comm'n by R096-03, 10-30-2003; R022-05, 10-31-2005; R142-05 & R145-05, 12-29-2005)

**Section 2. NAC 284.551 is hereby amended to read as follows:**

**Explanation of Proposed Change:** The following amendment, proposed by the Division of Human Resource Management, changes the procedures related to the transfer of nonclassified, employees of the Nevada System of Higher Education, and employees included in NRS 284.022, to the nonclassified, unclassified or classified service. As the Nevada System of Higher Education currently has no unclassified employees, the regulation has been amended to clarify which Nevada System of Higher Education employees will have all or a portion of their sick leave balance transferred to their new appointments. The requirement for the sick leave to be recomputed has been removed to allow employees to retain their full benefit when transferring.

**NAC 284.551 Sick leave: Credit upon rehiring, reemployment or transfer. (NRS 284.065, 284.155, 284.345, 284.355)**

1. An employee who is rehired within 1 year after he or she is laid off is entitled to the restoration of the accrued and unused sick leave remaining in his or her account at the time of the layoff.

2. The balance of a seasonal employee's sick leave must be restored to him or her for each subsequent term of appointment if the employee is rehired within 1 year after the date of his or her last seasonal separation.

3. An employee who is reemployed within 1 year after sustaining a permanent disability arising from a work-related injury or occupational disease as determined pursuant to NAC 284.6013 is entitled to restoration of the accrued and unused sick leave that remained in his or her account at the time of separation.

4. If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority, the balance of his or her sick leave is charged to the agency to which he or she is appointed.

5. If a nonclassified employee, an ~~unclassified~~ employee ~~of~~ *occupying a position within* the Nevada System of Higher Education, or an employee covered by NRS 284.022 is appointed to the *nonclassified*, classified or unclassified service without a break in service, his or her sick leave ~~{must be recomputed to reflect the amount that would have accrued to him or her as a classified or unclassified employee less any sick leave which he or she used during his or her nonclassified, Nevada System of Higher Education or governmental agency employment and the remaining balance}~~ will be transferred to the new appointment. ~~{If the amount of sick leave which is recomputed pursuant to this subsection results in a negative amount, the employee will begin the new appointment in the classified or unclassified service without any hours of sick leave.}~~

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-19-88; 3-1-96; A by Personnel Comm'n by R142-05 & R145-05, 12-29-2005)



**FOR DISCUSSION AND POSSIBLE ACTION**

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

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

**LCB File No. R076-16**

Pursuant to NRS 284.387, an appointing authority must notify an employee of any disciplinary action within 90 days after the employee is provided notice of the investigation. The Division of Human Resource Management recommends the addition of a new section to NAC 284 which describes the process for an appointing authority to request an extension of time to notify an employee of his or her determination following an internal administrative investigation.

This regulation was discussed at the workshop held on May 26, 2016. Comment was received from the Personnel Officer III, Department of Transportation, however the comments related to the use of the proposed form rather than the regulation itself. Comment was received from the Personnel Officer II, Department of Motor Vehicles, who expressed agreement with the requirement to notify the employee who is the subject of an internal administrative investigation of the status of that investigation.

During the drafting process, “administrative” was omitted in error from “internal investigation” in subsection 2 of the newly proposed regulation. The Legislative Counsel Bureau recommends, and the Division of Human Resource Management concurs, that the word “administrative” should be included into this section of the regulation during the adoption process.

The Division of Human Resource Management also recommends the amendment to NAC 284.6561 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 284.6561 during the workshop held on May 26, 2016.



**Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read:**

**Explanation of Proposed Change:** The following amendment, proposed by the Division of Human Resource Management, creates procedures related to a request for an extension of time to complete an internal administrative investigation.

Subsection 1 explains the procedures to be followed by an appointing authority when an internal administrative investigation cannot be completed and the employee notified of the determination within the 90 day period pursuant to NRS 284.387.

Subsection 2 of this regulation explains the procedures to be followed by an appointing authority when an internal administrative investigation cannot be completed during the length of time of an extension granted by the Administrator. This step in the process will only take place if an extension of up to 60 days was granted past the 90 day limitation, and an appointing authority has requested an additional extension. Such an extension cannot be granted without the approval of the Governor.

The Division of Human Resource Management will be offering an amendment to the newly proposed regulation to include “administrative” to “internal investigation,” as highlighted and underlined below, at the meeting of the Personnel Commission.

***NEW: Request for extension to complete internal administrative investigation.***

***1. Pursuant to subsection 2 of NRS 284.387, if an appointing authority wishes to request an initial extension of not more than 60 days from the Administrator to complete an internal administrative investigation that could lead to disciplinary action against an employee pursuant to NRS 284.385 and make a determination as a result of the investigation, the appointing authority must:***

***(a) Submit the request to the Administrator on a form prescribed by the Division of Human Resource Management on or before the 90th day after the employee was provided notice of the allegations against the employee;***

***(b) Explain in the request why the appointing authority is unable to complete the internal administrative investigation and make a determination within 90 days after the employee was provided notice of the allegations; and***

***(c) Provide a copy of the request to the employee who is the subject of the internal administrative investigation.***

***2. If an initial extension is granted pursuant to subsection 1 and the appointing authority is unable to complete the internal administrative investigation and make a determination within the period of the extension, the appointing authority may request an additional extension to be approved by the Governor. If the appointing authority wishes to request an additional extension, the appointing authority must:***

***(a) Submit the request in writing to the Administrator, for submission to the Governor, on or before the expiration date of the initial extension;***

***(b) Explain in the request why the appointing authority is unable to complete the internal administrative investigation and make a determination within the period of the initial extension; and***

*(c) Provide a copy of the request to the employee who is the subject of the internal administrative investigation.*

*3. The Administrator may deny a request for an extension that is not submitted within the period required by paragraph (a) of subsection 1.*

*4. The Governor may deny a request for an extension that is not submitted within the period required by paragraph (a) of subsection 2.*



**Section 2. NAC 284.6561 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, suspension or involuntary demotion.

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 to the U.S. Postal Service, 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 284.6561 Hearing.** (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 a hearing before the proposed action must be followed:

1. A hearing must be scheduled on the employee's behalf unless waived in writing by the employee pursuant to subsection 2. The hearing must be scheduled to take place not earlier than 7 working days after the written notice of the proposed action is delivered or deemed received pursuant to subsection 2 of NAC 284.656. The hearing must not be scheduled on a day which is not a regular working day for the employee. If the appointing authority or his or her designated representative and the employee agree, the date of the hearing may be changed.

2. The employee may waive the right to a hearing before the proposed action in writing. If the employee makes such a waiver, the employee may not be dismissed, suspended or demoted before the proposed effective date. The waiver does not waive the employee's right to an appeal after the action is taken.

3. The appointing authority or his or her designated representative shall conduct the hearing. The designated representative must be a person with the authority to recommend a final decision to the appointing authority. The appointing authority shall render the final decision.

4. At any time after receiving the notice and before the hearing, the employee may examine all materials that are to be used by the person conducting the hearing. The employee is entitled to administrative leave with pay as provided in NAC 284.589 to prepare for the hearings regarding his or her suspension, demotion or dismissal.

5. This process is an informal proceeding between the two parties, the appointing authority and his or her designated representative and the employee, who meet together to discuss the proposed action. Witnesses are not allowed to attend, but each party may be accompanied by a person of his or her choice.

6. The employee may respond both orally and in writing to the appointing authority or his or her designated representative at the hearing.

7. The employee must be:

(a) Given a copy of the finding or recommendation, if any, resulting from the hearing; and

(b) ~~Informed,~~ **Notified** in writing ~~of~~ of the appointing authority's decision regarding the proposed action **and the reasons therefor** on or before the effective date of the action.

**8. The notice given pursuant to paragraph (b) of subsection 7 may be given in person or by 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 the notice is sent by means of a delivery service, the notice must be sent to the employee's last known address. The notice must not be given by electronic mail, the use of social media or other electronic means. If the notice is returned without having been received by the employee, the employee's date of receipt shall be deemed to be the third day after the date the notice was sent. As used in this subsection, "social media" has the meaning ascribed to it in subsection 7 of NAC 284.656.**

**9. An employee who has been dismissed, demoted or suspended may request a hearing before the hearing officer of the Division of Human Resource Management pursuant to NRS 284.390 within 10 working days after the effective date of his or her dismissal, demotion or suspension. Such a request must be addressed to the Administrator and submitted on the form provided by the Division of Human Resource Management.**

**(Added to NAC by Personnel Comm'n by R063-09, eff. 11-25-2009; A by R011-11, 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:** Language in *italics* is new, language in brackets ~~omitted material~~ is to be omitted.

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

**LCB File No. R97-16**

The Division of Human Resource Management (the Division) recommends the amendments included in LCB File No. R097-16, which are related to the reassignment of an employee who can no longer perform the essential functions of his or her position with or without reasonable accommodation.

Senate Bill 62 of the 2015 Legislative Session amended NRS 284.305 and 284.379 to allow the Personnel Commission to adopt regulations for the non-competitive appointment of an employee with a disability. As a result, several new regulations and amendments have been proposed which are intended to bring the State's reasonable accommodation process into closer alignment with the Americans with Disabilities Act's (ADA) provisions.

Two new regulations are proposed that define "reassignment"/"reassign" and address the rate of pay of an employee who is reassigned. The Division, after consideration and consultation with legal counsel, proposes amendments to the text of the proposed new regulation defining reassignment (Section 2), provided by the Legislative Counsel Bureau. The ADA provisions do not require an employee to have attained permanent status in order to be reassigned.

The third new proposed regulation describes the reassignment process that will be used when a classified employee can no longer perform the essential functions of his or her position with or without reasonable accommodation. First, an offer of appointment to a vacant position at the employee's same grade level within the employee's current agency will be made. If no such position is available, then the search will be broadened to different agencies. If no vacant position is available at the employee's current grade, the search is expanded into looking for the vacant position with the closest grade to the employee's current grade. And, if multiple, open positions exist with the closest grade to the employee's current grade in the employee's current agency, another agency or multiple agencies, consideration of the vacant position(s) in the employee's current agency will be made first.

The amendment to NAC 284.094 removes the word "reassignment" because it will become a defined term. The amendment to NAC 284.439 adds "reassignment" to the list of appointment types.

The amendment to NAC 284.120 adopts by reference the ADA's definition of "interactive process" and simplifies the direction on how to obtain the resource materials referenced in the regulation.

Finally, the amendment to NAC 284.611 clarifies that the accommodation of reassignment must be considered prior to separating an employee due to a physical, mental or emotional disorder; however, it is considered only after it has been determined that all other accommodations that would allow the employee to remain in his or her position are not feasible.

The proposed new and amended regulations were discussed at the workshop held on August 12, 2015.

Comment was received from the then Deputy Director of the Department of Health and Human Services (DHHS representative), suggesting that the language “minimum qualifications” as used be changed to “qualified” to allow for a “broader connotation” to address additional aspects that may make an individual disqualified for a position. 29 CFR § 1630.2 (from the ADA federal regulations) states ““qualified,” as with respect to an individual with a disability, means that the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position.” While the first part of the definition appears to fit the intent, the second part (i.e., “and, with or without reasonable accommodation, can perform the essential functions of such position”) does not match the intent of the used terminology “minimum qualifications”.

The DHHS representative commented that an employee demoting and then later promoting with retention of a higher step should not be allowed, and suggested that reassignment be added to the exception in subsection 1(d) of NAC 284.172 regarding retention of an employee’s step.

The DHHS representative further commented that the provisions for reemployment of people with permanent disabilities relating to workers’ compensation may be moot or duplicative due to the proposed regulation changes relating to reassignment. Additionally, the then Personnel Officer of the Department of Transportation (NDOT representative) commented that it would be preferable to have the same process with the ADA and workers’ compensation. A representative of the Division expressed concern with limiting the reassignment process to the workers’ compensation process which requires that any reemployment (as part of the workers’ compensation process) could not result in the employee being reemployed at a pay grade lower than 80% of the employee’s current pay grade. The intent of the ADA is to try and get the employee back to work at the same grade or if that is not possible, as close as possible. Mirroring the workers’ compensation process would eliminate that option to look for positions at pay grades below 80% of the employee’s current pay grade.

The DHHS representative suggested that language be added to clarify that vacant positions would be those that the agency intends to fill, as it is common for agencies to hold positions vacant to obtain salary savings.

The DHHS representative expressed concern regarding requiring an employee to go to his or her health care provider repeatedly and suggested the Division or the Division of Risk Management (due to their responsibility for fitness for duty evaluations) take responsibility for reviewing medical documentation.

The DHHS representative commented that we should not expand what is required under the ADA law as the Equal Employment Opportunity Commission guidance is not law.

The DHHS representative asked if requiring employees who are reassigned to serve a probationary period had been considered. The Division has considered this issue and chosen to adopt the State’s current rules outlined in NAC 284.444.

The DHHS representative and the NDOT representative expressed concern regarding whether a thorough analysis of whether an employee is disabled within the meaning of the ADA will be done prior to the reassignment process.

The NDOT representative also outlined concern regarding the fact that while with workers' compensation light duty may be offered, the Department of Transportation does not provide light duty for non-industrial injuries. A representative of the Division inquired and the NDOT representative confirmed that the concern was related to the subsection which is now subsection 6 in the new regulation outlining the reassignment process (Section 4). The representative of the Division clarified that the language in that subsection is permissive.

The DHHS representative and the NDOT representative also suggested incorporating into the reassignment process a meeting similar to Risk Management's workers' compensation roundtable meeting.

The NDOT representative concluded her comments by expressing her appreciation for the legislative change and the Division's developing of the reassignment process.

The Division, after consideration and consultation with legal counsel, proposes amendments to the text of the proposed new regulation outlining the reassignment process (Section 4), provided by the Legislative Counsel Bureau. The original language provided by the Division to the Legislative Counsel Bureau conformed to the statutory language in NRS 284.305 as amended by S.B. 62 of the 2015 Legislative Session. However, specific elements, an eligibility criteria of requiring successful completion of an employee's probationary period and allowing appointing authorities to refuse reassignment of an employee without having to meet the ADA standard of undue hardship, do not concur with the federal standard.



**LCB File No. R097-16**

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

**Section 2.**

**Explanation of Proposed Change:** S.B. 62 of the 2015 Legislative Session allows the Personnel Commission to adopt regulations for the non-competitive appointment of an employee with a disability. As a result, several amendments have been proposed which are intended to bring the State's reasonable accommodation process into closer alignment with the Americans with Disabilities Act's (ADA) provisions.

The Division of Human Resource Management proposes a new section to define the term "reassignment"/"reassign" for the purposes of accommodation of a classified employee. The amendment specifically applies to classified employees; however, the State's reassignment obligation under the ADA applies to all employees including those in unclassified and non-classified positions.

The Division of Human Resource Management will be offering amendments to the proposed regulation at the meeting of the Personnel Commission. The language proposed for removal is indicated with a strikethrough, and the language proposed for addition is highlighted and underlined.

***NEW "Reassignment" defined. "Reassignment" or "reassign" means a noncompetitive placement of a permanent an employee as a reasonable accommodation, ~~with the approval of the appointing authority,~~ to a position within the same grade or, if a position in the same grade is not available, to a position in a class with a lower grade for which the employee meets the minimum qualifications and is able to perform the essential functions.***



### Section 3.

**Explanation of Proposed Change:** S.B. 62 of the 2015 Legislative Session allows the Personnel Commission to adopt regulations for the non-competitive appointment of an employee with a disability. As a result, several amendments have been proposed which are intended to bring the State's reasonable accommodation process into closer alignment with the Americans with Disabilities Act's (ADA) provisions.

The Division of Human Resource Management proposes a new section to NAC 284. If an employee is reassigned to a position with the same grade as his or her position held immediately before the reassignment, the determination of the employee's rate of pay for the new position must follow NAC 284.175, Rate of pay: Effect of transfer. If an employee is reassigned to a position with a lower grade than his or her position held immediately before the reassignment, the determination of the employee's rate of pay for the new position must follow subsection 1 of NAC 284.173, Rate of pay: Effect of demotion.

***NEW Rate of pay: Reassignment. If an employee is reassigned to a position which is in:***

- 1. The same grade which he or she currently holds, the employee's base rate of pay in the position to which he or she was reassigned will be determined in accordance with the provisions of NAC 284.175.***
- 2. A lower grade than he or she currently holds, the employee's base rate of pay in the position to which he or she was reassigned will be determined in accordance with the provisions of subsection 1 of NAC 284.173.***

#### Section 4.

**Explanation of Proposed Change:** S.B. 62 of the 2015 Legislative Session allows the Personnel Commission to adopt regulations for the non-competitive appointment of an employee with a disability. As a result, several amendments have been proposed which are intended to bring the State's reasonable accommodation process into closer alignment with the Americans with Disabilities Act's (ADA) provisions.

The Division of Human Resource Management proposes a new section to establish a method of retaining a qualified employee with a disability who is no longer able to perform the essential functions of his or her current position by noncompetitively placing him or her into another position within the State. The amendment specifically applies to classified employees; however, the State's reassignment obligation under the ADA applies to all employees including those in unclassified and non-classified positions.

The newly proposed section describes the reassignment process that will be used when a classified employee can no longer perform the essential functions of his or her position with or without reasonable accommodation. As part of the interactive process, the Division will work with the State agency of the employee to determine if a vacant or soon to be vacant position is available and if the employee meets the minimum qualifications. The Equal Employment Opportunity Commission in its own posted Policy on Reasonable Accommodations outlines that when considering reassignment, they consider positions currently vacant and positions which they have "reason to believe will become vacant within 60 days from the date the search is initiated."

An offer of appointment to a position at the employee's same grade level within the employee's agency will be made first. If no such position is available, then the search will be broadened into different agencies. If no position is available at the employee's current grade, the search is expanded into looking for the position with the closest grade to the employee's current grade. And, if multiple positions exist with the closest grade to the employee's current grade in the employee's current agency, another agency or multiple agencies, consideration of the position(s) in the employee's current agency will be made first.

The term "agency" has been defined to clarify that both departments as defined in regulation and other organizations such as boards, commissions and elected officials shall participate in the interactive process. The terms "geographical location" and "undue hardship" are defined by adopting references in Nevada Administrative Code and federal regulation. Additionally, the term "soon to be vacant" is defined as meaning a position that the Division of Human Resource Management is aware has or will have an imminent vacancy, for which no list has been certified and the employee will be able to fill within 30 days.

The Division of Human Resource Management will be offering amendments to the proposed regulation at the meeting of the Personnel Commission. The language proposed for removal is indicated with a strikethrough, and the language proposed for addition is highlighted and underlined.



***NEW Reassignment: Process for placement of a classified employee with a disability as part of the accommodation process.***

***1. The Division of Human Resource Management shall assist an appointing authority with the reassignment of a permanent an employee with a disability who is unable to perform the essential functions of his or her position with or without reasonable accommodation by identifying any vacant or soon to be vacant positions for which the employee meets the minimum qualifications. Those vacant or soon to be vacant positions may include positions that are outside of the geographical location of the employee. A refusal by the employee of an offer of a position that is outside of the geographical location of the employee will not affect the employee's reassignment rights pursuant to this section. The employee will continue to be referred to positions pursuant to this section until the reassignment rights of the employee are exhausted in accordance with subsection 10.***

***2. The appointing authority of the employee shall, through the interactive process, determine if a vacant or soon to be vacant position at the employee's current grade exists within the employee's agency. If such a position is identified and the employee meets the minimum qualifications, as determined by the Division of Human Resource Management pursuant to NAC 284.317, and is able to perform the essential functions of the position with or without reasonable accommodation, the appointing authority shall offer the employee the position unless the appointing authority demonstrates that such an appointment would cause an undue hardship to the appointing authority.***

***3. If the appointing authority of the employee is not able to reassign the employee pursuant to subsection 2, the appointing authority of the employee shall notify the Division of Human Resource Management. For at least 30 days after receipt of the notification, the Division of Human Resource Management shall place the employee on reassignment lists for any vacant or soon to be vacant positions being filled at the grade of the current position of the employee if the employee meets the minimum qualifications for the positions and has expressed an interest in those positions. If such a position is determined to be available, and the appointing authority of the position shall determines, through the interactive process, ~~determine~~ if the employee is able to perform the essential functions of the position with or without reasonable accommodation. ~~With the approval of the appointing authority of the position,~~ the employee ~~may~~ shall be offered the position.***

***4. If reassignment is not available pursuant to subsection 2 or 3, the appointing authority of the employee shall, through the interactive process, determine if a vacant or soon to be vacant position below the grade of the current position of the employee exists within the employee's agency. If such a position is identified and the employee meets the minimum qualifications, as determined by the Division of Human Resource Management pursuant to NAC 284.317, and is able to perform the essential functions of the position with or without reasonable accommodation, the appointing authority shall:***

***(a) Consider the employee for any such positions in the order of the grade of the positions beginning with the grade closest to the grade of the current position of the employee if multiple positions with different grades are determined to be available within the employee's agency; and***

***(b) Offer the employee such a position unless the appointing authority demonstrates that such an appointment would cause an undue hardship to the appointing authority.***

***5. If reassignment is not available pursuant to subsection 2, 3 or 4, the appointing authority of the employee shall notify the Division of Human Resource Management. For at least 30 days after receipt of the notification, the Division of Human Resource Management shall place the employee on reassignment lists for vacant or soon to be vacant positions being filled at or below***



the grade of the current position of the employee if the employee meets the minimum qualifications for the positions and has expressed an interest in those positions. If such a position is determined to be available, and the appointing authority of the position shall determines, through the interactive process, ~~determine~~ if the employee is able to perform the essential functions of the position with or without reasonable accommodation. ~~With the approval of the appointing authority of the position, the employee may~~ shall be offered the position.

6. The appointing authority of an employee to whom subsection 1 applies may offer the employee a position in the employee's agency below the grade of the current position of the employee if:

(a) A vacant or soon to be vacant position at the grade of the current position of the employee is not identified within the employee's agency;

(b) The employee meets the minimum qualifications of the position as determined by the Division of Human Resource Management pursuant to NAC 284.317; and

(c) The appointing authority determines that the employee is able to perform the essential functions of the position with or without reasonable accommodation.

↳ If the employee accepts the position offered pursuant to this subsection, the employee may continue to exercise his or her reassignment rights pursuant to subsections 1 to 5, inclusive, and subsections 7 to 12, inclusive, for a period of 60 days following the appointment.

7. An employee may not be reassigned to underfill a vacant or soon to be vacant position allocated at grade 30 or higher if that position is allocated at a higher grade than the position the employee currently occupies.

8. After the reassignment of an employee is made pursuant to this section, the status of appointment of the employee will be determined in accordance with NAC 284.444.

9. The reassignment of an employee which is made pursuant to this section will take precedence over all other types of appointments and use of lists, including, without limitation, the lists, other than reemployment lists, set forth in NAC 284.358.

10. Except as otherwise provided in subsection 6, reassignment rights pursuant to this section are exhausted when an employee:

(a) Accepts a reassignment at or below the grade of the current position of the employee;

(b) Accepts a position through a competitive or noncompetitive appointment;

(c) Notifies the appointing authority in writing that he or she no longer wishes to seek reassignment;

(d) Has failed to be appointed from any of the lists on which his or her name was included in accordance with this section and the Division of Human Resource Management determines that there are no other positions available;

(e) Refuses a position within his or her geographical location that is at or below the grade of the current position of the employee;

(f) Has been referred to the Public Employees' Retirement System and has refused disability retirement; or

(g) Accepts reemployment pursuant to NAC 284.6014.

11. The provisions of this section do not prohibit an employee from accepting another position through a competitive or noncompetitive appointment.

12. As used in this section:

(a) "Agency" includes:

(1) A department as defined in NAC 284.055;

(2) Any other entity of the Executive Branch of Government which employs persons in the classified service, including, without limitation, the office of an elected officer; ~~and~~



*(3) A division of the Department of Health and Human Services; and*

*(4) A division of the Nevada System of Higher Education.*

*(b) "Geographical location" has the meaning ascribed to it in NAC 284.612.*

*(c) "Soon to be vacant" means a position in which:*

*(1) The Division of Human Resource Management is aware will have an imminent vacancy;*

*(2) A list has not been certified for the position; and*

*(3) The employee will be able and available to fill the position within 30 days after the position becomes open.*

*(d) "Undue hardship" has the meaning ascribed to it in 29 C.F.R. § 1630.2.*

**Section 5. NAC 284.094 is hereby amended to read as follows:**

**Explanation of Proposed Change:** S.B. 62 of the 2015 Legislative Session allows the Personnel Commission to adopt regulations for the non-competitive appointment of an employee with a disability. As a result, several amendments have been proposed to bring the State's reasonable accommodation process into closer alignment with the Americans with Disabilities Act's (ADA) provisions. The following amendment, proposed by the Division of Human Resource Management, removes the word "reassignment" because it will now be a defined term as a part of the reasonable accommodation process.

**NAC 284.094 "Reclassification" defined. (NRS 284.065) "Reclassification" means a** ~~reassignment or~~ **change in *the* allocation of a position by:**

1. Raising it to a class with a higher grade;
2. Reducing it to a class with a lower grade; or
3. Moving it to another class at the same grade on the basis of significant changes in kind, difficulty or responsibility of the work performed.

[Personnel Div., Rule I § D subsec. 23, eff. 8-11-73; renumbered as subsec. 24, 4-14-76]—(NAC A by Dep't of Personnel, 10-26-84)

**Section 6. NAC 284.120 is hereby amended to read as follows:**

**Explanation of Proposed Change:** S.B. 62 of the 2015 Legislative Session allows the Personnel Commission to adopt regulations for the non-competitive appointment of an employee with a disability. As a result, several amendments have been proposed which are intended to bring the State's reasonable accommodation process into closer alignment with the Americans with Disabilities Act's (ADA) provisions. This regulation identifies resources to find the meaning of "interactive process" as used in NAC 284, which is related to persons with disabilities and simplifies the direction on how a copy of the adopted materials can be obtained.

**NAC 284.120 Adoption by reference of federal law, regulations and manual regarding persons with disabilities. (NRS 284.065)**

1. For the purposes of determining the meaning of "essential functions of a position," "*interactive process*," "person with a disability," "qualified person with a disability" and "reasonable accommodation," the Division of Human Resource Management hereby adopts by reference and will refer to:

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

2. A copy of the materials adopted by reference pursuant to this section may be obtained at no charge from the United States Equal Employment Opportunity Commission ~~{Clearinghouse, by mail at P.O. Box 541, Annapolis Junction, Maryland 20701, by telephone at (800) 669-3362 or TDD (800) 800-3302 or}~~ at the Internet address ~~{<http://www.eeoc.gov/eeoc/publications/index.cfm>}~~ <http://www.eeoc.gov>.

(Added to NAC by Dep't of Personnel, eff. 7-6-92; A 10-27-97; R082-00, 8-2-2000; A by Personnel Comm'n by R059-09, 10-27-2009)

**Section 7. NAC 284.439 is hereby amended to read as follows:**

**Explanation of Proposed Change:** S.B. 62 of the 2015 Legislative Session allows the Personnel Commission to adopt regulations for the non-competitive appointment of an employee with a disability. As a result, several amendments have been proposed to bring the State's reasonable accommodation process into closer alignment with the Americans with Disabilities Act's (ADA) provisions.

The amendment to this section, proposed by the Division of Human Resource Management, is necessary because the word "reassignment" will become a defined term describing a new appointment type. This type of appointment should be included in the reports of appointment pursuant to NRS 284.121.

**NAC 284.439 Reports of appointments. (NRS 284.065, 284.121, 284.155)** Reports of appointments made pursuant to NRS 284.121 must include the type of position, the type of appointment ~~H~~ and the employee's status of appointment as follows:

1. The type of classified position must be:

- (a) Permanent;
- (b) Special project;
- (c) Temporary;
- (d) Seasonal; or
- (e) Intermittent.

2. The type of appointment to a classified position must be:

- (a) Demotion;
- (b) Reemployment;
- (c) Transfer;
- (d) Reappointment;
- (e) **Reassignment**;
- ~~(f)~~ (f) Promotion;
- ~~(f)(g)~~ (g) Reinstatement; or
- ~~(g)(h)~~ (h) New hire.

3. The status of appointment in a classified position must be:

- (a) Probationary for a nonpermanent employee;
- (b) Permanent;
- (c) Trial period for a permanent employee;
- (d) Provisional;
- (e) Emergency;
- (f) Temporary; or
- (g) Special disabled.

4. In the unclassified service, the type of position, type of appointment and status of appointment are each "unclassified."

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 8-1-91; 7-6-92; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.383)



**Section 8. NAC 284.611 is hereby amended to read as follows:**

**Explanation of Proposed Change:** S.B. 62 of the 2015 Legislative Session allows the Personnel Commission to adopt regulations for the non-competitive appointment of an employee with a disability. As a result several amendments have been proposed which are intended to bring the State's reasonable accommodation process into closer alignment with the Americans with Disabilities Act's (ADA) provisions. The following amendment, proposed by the Division of Human Resource Management, is based upon S.B. 62 of the 2015 Legislative Session. The amendment clarifies that reassignment is the final type of reasonable accommodation that must be attempted prior to separating an employee due to "a physical, mental or emotional disorder".

**NAC 284.611 Separation for physical, mental or emotional disorder. (NRS 284.065, 284.155, 284.355, 284.383, 284.385, 284.390)**

1. Before separating an employee because of a physical, mental or emotional disorder which results in the inability of the employee to perform the essential functions of his or her job, the appointing authority must:

(a) Verify with the employee's physician or by an independent medical evaluation paid for by the appointing authority that the condition does not, or is not expected to, respond to treatment or that an extended absence from work will be required;

(b) Determine whether reasonable accommodation can be made to ~~enable~~ :

(1) *Enable* the employee to perform the essential functions of his or her job; *or*

(2) *Reassign the employee if the appointing authority of the employee has determined that:*

(I) *There is no reasonable accommodation that can be made to enable the employee to perform the essential functions of his or her job; or*

(II) *All reasonable accommodations, other than reassignment, would cause an undue hardship to the appointing authority.*

(c) Make a request to the Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to obtain the services provided by that Division, or if the employee is receiving worker's compensation, request the services of the rehabilitation provider, to evaluate the employee's condition and to provide any rehabilitative services possible; and

(d) Ensure that all reasonable efforts have been made to retain the employee.

2. A separation pursuant to this section is only justified when:

(a) The information obtained through the procedures specified in subsection 1 supports the decision to separate;

(b) The employee is not on sick leave or other approved leave; and

(c) A referral has been made to the Public Employees' Retirement System and the employee has been determined to be ineligible for, or has refused, disability retirement.

3. A permanent employee separated pursuant to this section is entitled to the same rights and privileges afforded permanent employees who are dismissed for disciplinary reasons. The procedures contained in NAC 284.656, 284.6561 and 284.6563 must be followed, and he or she may appeal the separation to the hearing officer.

4. A permanent employee who is separated because of a physical, mental or emotional disorder is eligible for reinstatement pursuant to NAC 284.386 if he or she recovers from the disorder.

5. *As used in this section, "undue hardship" has the meaning ascribed to it in 29 C.F.R. § 1630.2.*

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91; 12-26-91; 7-6-92; R197-99, 1-26-2000; A by Personnel Comm'n by R182-03, 1-27-2004; R143-05, 12-29-2005; R063-09, 11-25-2009, *R009-14, 6-23-14*)

**FOR DISCUSSION AND POSSIBLE ACTION**

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

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

**LCB File No. R100-16**

Pursuant to NRS 284.245, when the Administrator refuses to examine an applicant or after examination refuses to certify an eligible person, the applicant or eligible person may request the Administrator provide a statement of the reasons for refusal. The Administrator or designee then has 30 days to respond in writing to the request. The Division of Human Resource Management recommends the addition of a new section to NAC 284 to document the procedure for this appeal process. The process contained in the newly proposed regulation is modeled after NAC 284.152, as both types of appeals must be appealed to the Personnel Commission.

The Division of Human Resource Management also recommends an amendment to NAC 284.152 which changes the time frame from 20 working days to 30 days to mirror the time frame required by NRS 284.165.

This newly proposed regulation and amendment were discussed at the workshop held on May 26, 2016. Comment was received from the Personnel Office of the Department of Motor Vehicles. The comment received was related to the method of submission, rather than the regulation itself. Comment was also received from the Personnel Officer of the Department of Transportation requesting clarification on the intent of the regulation.



**Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read:**

**Explanation of Proposed Change:** The following amendment, proposed by the Division of Human Resource Management, details the procedures for appealing the Administrator's refusal to examine or certify an applicant pursuant to NRS 248.245. Additionally, the new regulation will ensure that the Personnel Commission is provided with information regarding the appellant's rationale for his or her disagreement with the Administrator's decision not to examine an applicant or, after examination, certify an eligible person.

The process contained in the newly proposed regulation is modeled after NAC 284.152, as both types of appeals must be appealed to the Personnel Commission.

***NEW Appeal of refusal to examine or certify.***

***1. An applicant affected by the refusal of the Administrator to examine the applicant or an eligible person affected by the refusal of the Administrator to certify the eligible person may file a written appeal of the action with the Administrator not later than 30 days after the applicant or eligible person receives from the Administrator, in accordance with subsection 1 of NRS 284.245, a statement of the reasons for the refusal to examine or the refusal to certify, as applicable. The appeal must:***

- (a) Address the points outlined in the statement; and***
- (b) Indicate the points in the statement with which the applicant or eligible person disagrees and express the reasons for the disagreement.***

***2. The Administrator will issue a decision on the appeal within 30 working days after receiving the appeal unless:***

- (a) He or she is prohibited from doing so because of the number of appeals resulting from other determinations regarding his or her refusal to examine or certify;***
- (b) There is an agreement with the applicant or eligible person to extend the limitation of time for the issuance of the decision; or***
- (c) The Administrator delegates the duty to decide the appeal to a designated representative pursuant to subsection 3.***

***3. The Administrator may delegate the duty to decide the appeal to a designated representative if the Administrator is unavailable or reasonably believes he or she has a conflict of interest. If the Administrator makes such a delegation, the designated representative shall issue a decision on the appeal within 30 working days after the Administrator received the appeal.***

***4. An applicant or eligible person may, within 30 working days after receipt of written notice issued pursuant to subsection 2 or 3 of the decision of the Administrator or his or her designated representative, appeal the decision to the Commission. The appeal must:***

- (a) Be in writing;***
- (b) Be addressed to the Administrator;***
- (c) Address the points outlined in the decision issued pursuant to subsection 2 or 3 regarding the refusal to examine or certify the applicant or eligible person; and***
- (d) Indicate the points in the decision with which the applicant or eligible person disagrees and express the reasons for the disagreement.***

**Section 2. NAC 284.152 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, will bring the regulation in line with the time frame requirements of NRS 284.165.

**NAC 284.152 Appeal of allocation of position or change in classification. (NRS 284.065, 284.155, 284.384)**

1. An employee affected by the allocation of a position to a grade or class or by a change in classification as a result of a study regarding classifications, or the agency where such actions have occurred, may, within ~~{20-working}~~ 30 days after the date of receipt of written notice of the action, file a written appeal of the action with the Administrator. The appeal must:

(a) Address the points outlined in the Division of Human Resource Management's recommendation regarding the proper classification for the position in question; and

(b) Indicate the points with which the appellant disagrees and express the reasons for the disagreement.

2. The Administrator will issue a decision on the appeal within ~~{20-working}~~ 30 days after receiving the appeal unless:

(a) He or she is prohibited from doing so because of the number of appeals resulting from a study regarding classifications;

(b) There is an agreement with the appellant to extend the limitation of time for the issuance of the decision; or

(c) The Administrator delegates the duty to decide the appeal to a designated representative pursuant to subsection 3.

3. The Administrator may delegate the duty to decide the appeal to a designated representative if the Administrator is unavailable or reasonably believes he or she has a conflict of interest. If the Administrator makes such a delegation, the designated representative shall issue a decision on the appeal within ~~{20-working}~~ 30 days after the Administrator received the appeal.

4. The appellant or the agency affected by the decision may, within 30 days after receipt of written notice of the decision of the Administrator or his or her designated representative, appeal the decision to the Commission. The appeal must:

(a) Be in writing;

(b) Be addressed to the Administrator;

(c) Address the points outlined in the decision regarding the proper classification for the position in question; and

(d) Indicate the points with which the appellant or the agency disagrees and express the reasons for the disagreement.

(Added to NAC by Dep't of Personnel, eff. 9-17-87; A 3-1-96; R031-98, 4-17-98; A by Personnel Comm'n by R203-07, 4-17-2008)



**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective: **September 30, 2016.**

**Item VI-A-1-a**

| CURRENT |                        |       |       | PROPOSED |                         |       |       |
|---------|------------------------|-------|-------|----------|-------------------------|-------|-------|
| CODE    | TITLE                  | GRADE | EEO-4 | CODE     | TITLE                   | GRADE | EEO-4 |
| 7.139   | Supervising Auditor II | 38    | B     | 7.139    | <i>Audit Manager</i>    | 38    | B     |
| 7.145   | Supervising Auditor I  | 37    | B     | 7.145    | <i>Audit Supervisor</i> | 37    | B     |
| 7.148   | Auditor III            | 36    | B     | 7.148    | <i>Auditor III</i>      | 36    | B     |
| 7.154   | Auditor II             | 34    | B     | 7.154    | <i>Auditor II</i>       | 34    | B     |
| 7.161   | Auditor I              | 32    | B     | 7.161    | <i>Auditor I</i>        | 32    | B     |

**EXPLANATION OF CHANGE**

The Nevada Department of Administration, Division of Human Resource Management conducted a class specification maintenance review for the Auditor series.

In consultation with Subject Matter Experts from the Department of Employment, Training & Rehabilitation, Department of Transportation, Department of Administration, Department of Motor Vehicles, Department of Taxation, Department of Health & Human Services, Governor's Finance Office, Department of Agriculture, and recruitment experts from the Division of Human Resource Management, it is recommended to modify the series concepts to account for new duties, verbiage changes and to maintain consistency in formatting and structure.

It is further recommended to change the title of the Supervising Auditor II to Audit Manager and clarify and expand on the duties and responsibilities of this level. It is also recommended to change the title of Supervising Auditor I to Audit Supervisor and clarify supervisor responsibilities at this level. Also, at the Auditor III, Auditor II and Auditor I levels verbiage was added to expand and clarify the duties and responsibilities at each level.

Furthermore, the education and experience section of the minimum qualifications were amended to allow for a Bachelor's degree in any field and include specific course work in either accounting and/or auditing. This change will allow for expanded recruitment and increase the applicant pool.

Lastly, changes were made to the Entry Level and Full Knowledge, Skills and Abilities to account for these modifications, as well as, to maintain consistency with formatting and structure.

- a. *7.139 – Audit Manager, Grade 38:* under general direction, incumbents must have in-depth knowledge of the full range of duties described in the series concept and are responsible for the development, implementation and review of audit plans, programs, work papers, and reports; assist management in the development of rules, regulations, policies and procedures for the work unit; and



may assist management in the development of the work unit's budget. Incumbents must supervise a staff consisting of one or more Audit Supervisors or have responsibility for managing an audit unit of lower level Auditor III and/or Auditor II positions.

- b. *7.145 - Audit Supervisor, Grade 37:* under general direction, incumbents either act as a Regional Audit Manager in the Employment Security Division of the Department of Employment, Training and Rehabilitation or act as a supervisor over at least four lower level Auditors within the Department of Taxation.
- c. *7.148 - Auditor III, Grade 36:* under limited supervision, incumbents are expected to perform the full range of duties described in the series concept and either supervise a staff of lower level auditors or perform internal audits the preponderance of the time as a permanent assignment.
- d. *7.154 - Auditor II, Grade 34:* under general supervision, incumbents perform the full range of duties described in the series concept and perform audits of both a routine and complex nature.
- e. *7.161 - Auditor I, Grade 32:* under general supervision, incumbents learn to perform duties described in the series concept in a training capacity or may be permanently allocated at the sub-journey level performing the most basic auditing assignments as determined by the agency.

Throughout the course of the study, management and agency staff participated by offering recommendations and reviewing changes as the process progressed, and they support this recommendation.

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



STATE OF NEVADA  
Department of Administration  
Division of Human Resource Management

CLASS SPECIFICATION

| <u>TITLE</u>   | <u>GRADE</u> | <u>EEO-4</u> | <u>CODE</u> |
|--|--------------|--------------|-------------|
| <del>[SUPERVISING AUDITOR II]</del> <b>AUDIT MANAGER</b>   | 38           | B            | 7.139       |
| <del>[SUPERVISING AUDITOR I]</del> <b>AUDIT SUPERVISOR</b> | 37           | B            | 7.145       |
| <b>AUDITOR III</b>   | 36           | B            | 7.148       |
| <b>AUDITOR II</b>  | 34           | B            | 7.154       |
| <b>AUDITOR I</b>   | 32           | B            | 7.161       |

SERIES CONCEPT

Auditors conduct audits on *financial and/or tax* accounts, records, activities, operations and/or internal controls of individuals, business organizations, state agencies or other government jurisdictions subject to State taxation or regulation to ensure compliance with State and Federal rules and regulations and legal requirements and/or proper safeguarding of agency funds.

~~[Incumbents-f]~~ Research the past audit history of individuals, organizations or agencies and develop ~~[an audit plan]~~ and/or perform audit steps as defined in an approved audit program.

~~[Incumbents-f]~~ Review *financial and/or tax* accounts and records, examine narrative and flowchart documentation and interview personnel involved to determine compliance ~~[to]~~ with a specific set of governing laws, rules, regulations, policies, procedures, *agreements* and contracts; ~~[This may involve an in-depth investigation of]~~ *investigate* past activities and practices of the individual or organization ~~[which may not be readily apparent from]~~ by examining business records ~~[, but]~~ which may have to be obtained from a variety of ~~[other]~~ sources.

*Conduct audits in accordance with generally accepted government auditing standards, generally accepted auditing standard, and/or standards for the professional practice of internal auditing as adopted by the work unit.*

~~[Incumbents-d]~~ Document all findings and prepare work papers and reports that summarize audit findings and recommendations regarding *adequacy of* controls, ~~[and]~~ operational procedures *and/or determination of financial adjustments/deficiencies*; improve ~~[ments]~~ and modify ~~[rections]~~ *controls and procedures* in order to standardize systems and/or practices, to strengthen the integrity of the system and to ensure compliance with ~~[all]~~ *applicable* regulations and policies.

~~[Incumbents-e]~~ Conduct entrance and exit interviews with individuals, organization representatives or agency division heads to explain the purpose and scope of the audit, to discuss findings, verify facts and answer questions regarding the audit.

~~[Incumbents-m]~~ Monitor the progress of implementation and the ongoing adherence to procedures and policies established as a result of audit findings.

~~[Incumbents-e]~~ Conduct special investigations and specific audits in areas determined to be "at risk" by the supervisor; ~~[, -]~~ investigate suspected instances of ~~[employee]~~ *fraudulent activity conducted by either employees, contractors and/or vendors* as necessary.

~~[Incumbents-p]~~ Prepare reports, conduct research, and develop case files for maintaining evidence in each case; ~~[Evidence is preserved and utilized to]~~ develop final departmental administrative determinations; ~~[and may be used]~~ *preserve evidence* for future litigation.

~~[Incumbents-m]~~ May represent evidence before state governing bodies and/or provide testimony in a court of law in defense of the departmental administrative determinations.



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|--|----|---|-------|
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| <del>[SUPERVISING AUDITOR I]</del> <b>AUDIT SUPERVISOR</b> | 37 | B | 7.145 |
| <b>AUDITOR III</b>   | 36 | B | 7.148 |
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Page 2 of 8

### SERIES CONCEPT (cont'd)

~~[Incumbents-e] Effect the collection of delinquent contributions including recommending possible legal action against delinquent entities; [and may serve legal documents to execute on judgment liens and instruct sheriff's department to seize assets] prepare and serve legal documents on tax assessments to organizations and individuals; may serve legal documents to execute on judgment liens and may instruct law enforcement to seize assets.~~

~~[Incumbents-p] Perform related [work] duties as [required:] as assigned.~~

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### CLASS CONCEPTS

~~[SUPERVISING AUDITOR II:]~~ **AUDIT MANAGER:** Under general direction, ~~[Supervising Auditors are expected to be knowledgeable of and able to perform]~~ *incumbents must have in-depth knowledge of the full range of duties described in the series concept [- However, incumbents' primary] and are responsible [responsibility is]* for the development, implementation and review of audit *plans*, programs, work papers, and reports; *assist management in the development of rules, regulations, policies and procedures for the work unit; and may assist management in the development of the work unit's budget.* ~~[prepared by lower level Auditors over which they have full supervisory authority.]~~ *Incumbents must supervise a staff consisting of one or more Audit Supervisors or have responsibility for managing an audit unit of lower level Auditor III and/or Auditor II positions. Supervision includes performance evaluations, work performance standards, scheduling, work assignment and review, training and discipline.* Work is assigned through *adherence to an approved annual audit plan coordinated with agency* goals and objectives and *is* reviewed through goal attainment and as unusual circumstances occur.

~~[SUPERVISING AUDITOR I:]~~ **AUDIT SUPERVISOR:** Under general direction, incumbents either:

- 1) Act as a Regional Audit Manager in the Employment Security Division of the Department of Employment, Training and Rehabilitation; or
- 2) Within the Department of Taxation, act as a supervisor over at least four lower level Auditors *to include performance evaluations, work performance standards, scheduling, work assignment and review, training and discipline.* In addition to being knowledgeable of and able to perform the full range of duties described in the series concept, incumbents are responsible for the review of all completed audits in their unit; serve as the first level of review in resolving appealed determinations and represent cases before the hearing officer as required; determine audit inventory and select accounts to be audited; and develop and deliver public training workshops. Positions assigned to this level in the series are distinguished from the Auditor III based upon the technical complexity involved in work assignments, broader and more varied audit types, a more in-depth and specialized knowledge required to perform these duties and the number of positions supervised.

**AUDITOR III:** Under ~~[direction, Auditor III's]~~ *limited supervision, incumbents* are expected to perform the full range of duties described in the series concept *and either:* ~~[- Incumbents supervise lower level auditors, as well as conducting audits which are sensitive or highly complex in nature. They are responsible for assigning work, reviewing it for technical accuracy, and providing assistance as needed. This class represents the first line supervisory level within the class series. OR, positions allocated as Auditor III perform internal audits on an ongoing basis.]~~

- 1) *Supervise a staff of lower level auditors to include performance evaluations, work performance standards, scheduling, work assignment and review, training and discipline; and conduct the most difficult audits which are sensitive or highly complex in nature as defined by each agency. Incumbents assign and review work for technical accuracy and provide guidance and assistance as needed; or*



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|--|----|---|-------|
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| <del>[SUPERVISING AUDITOR I]</del> <b>AUDIT SUPERVISOR</b> | 37 | B | 7.145 |
| <b>AUDITOR III</b>   | 36 | B | 7.148 |
| <b>AUDITOR II</b>  | 34 | B | 7.154 |
| <b>AUDITOR I</b>   | 32 | B | 7.161 |

Page 3 of 8

## CLASS CONCEPTS (cont'd)

### AUDITOR III: (cont'd)

- 2) *Perform internal audits the preponderance of the time as a permanent assignment. Internal auditing is defined as an independent, objective assurance and consulting activity designed to add value and improve an organization's operations through evaluation of systems and processes. Auditing activities go beyond document review and are aimed at mitigating risks; ensuring effective and efficient operations; ensuring reliability and integrity of financial and operational information; safeguarding of assets; and compliance, by the employing agency, with laws, rules, regulations and established policies and procedures.*

**AUDITOR II:** Under ~~[direction, Auditor II's]~~ *general supervision, incumbents perform the full range of duties [as] described in the series concept and perform audits of both a routine and complex nature. [This is the journey level in the series.]* Work is assigned through *adherence to an approved annual audit plan coordinated with agency goals and objectives and is reviewed and evaluated for technical accuracy to existing audit standards. [Incumbents are expected to perform audits of both a routine and complex nature. They serve as lead workers over]* Incumbents *assist in training* less experienced *or* lower level auditors. *This is the journey level in the series.*

**AUDITOR I:** Under general supervision, ~~[Auditor I's]~~ *incumbents learn to perform the [full range of] duties [as] described in the series concept in a training capacity or may be permanently allocated at the sub-journey level performing the most basic auditing assignments as determined by the agency.* Work is assigned through specific instructions and is reviewed for technical accuracy *to existing audit standards.* Incumbents ~~[are expected to]~~ assist higher level auditors in conducting audits of a routine nature. This class represents the ~~[entry]~~ *trainee level [trainee class which] and may provide for progression to the next [higher] level in the series upon meeting the minimum qualifications, [for the higher class] satisfactory performance and with the [recommendation] approval of the appointing authority.*

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## MINIMUM QUALIFICATIONS

### SPECIAL REQUIREMENT:

- \* 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.
- \* A valid driver's license *or evidence of equivalent mobility* is required at the time of appointment and as a condition of continuing employment.

### INFORMATIONAL NOTE:

- \* *Applicants must attach a copy of their college or university transcripts indicating successful completion of required credits in accounting and/or auditing.*

### [SUPERVISING AUDITOR II] AUDIT MANAGER

**EDUCATION AND EXPERIENCE:** ~~[Graduation]~~ *Bachelor's degree* from an accredited college or university, *which included 6 college credits in beginning accounting and/or auditing and 6 college credits in intermediate accounting and/or auditing, [in accounting] and [five] four years of professional level auditing or accounting experience involving analyzing financial information and making recommendations based upon that analysis; [OR two years experience comparable to an Auditor III in Nevada State service;] OR graduation from high school or an equivalent education, supplemented by 6 college credits in beginning accounting and/or auditing*



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| <del>[SUPERVISING AUDITOR II]</del> <b>AUDIT MANAGER</b>   | 38 | B | 7.139 |
| <del>[SUPERVISING AUDITOR I]</del> <b>AUDIT SUPERVISOR</b> | 37 | B | 7.145 |
| <b>AUDITOR III</b>   | 36 | B | 7.148 |
| <b>AUDITOR II</b>  | 34 | B | 7.154 |
| <b>AUDITOR I</b>   | 32 | B | 7.161 |

Page 4 of 8

## MINIMUM QUALIFICATIONS (cont'd)

### ~~[SUPERVISING AUDITOR II]~~ AUDIT MANAGER (cont'd)

#### **EDUCATION AND EXPERIENCE:** (cont'd)

*and 6 college credits in intermediate accounting and/or auditing, and [eight] six years of professional experience as described above; [of auditing or accounting experience involving analyzing financial information and making recommendations based upon that analysis, and six semester hours in accounting from an accredited institution;] **OR** one year of experience as an Audit Supervisor in Nevada State service; **OR** two years of experience as an Auditor III in Nevada State service which includes an additional 3 college credits in intermediate accounting and/or auditing; **OR** an equivalent combination of education and experience as described above, which must have included 6 college credits in beginning accounting and/or auditing and 6 college credits in intermediate accounting and/or auditing. [NOTE: Minimal post-secondary coursework of six units in beginning accounting is required.] (See Special Requirements and Informational Note)*

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

*Detailed knowledge of: audit procedures sufficient review complex audits. Working ~~[K]~~ knowledge of: supervisory techniques including selection, modification, training, work assignment and review, employee evaluation, setting work performance standards and discipline. Ability to: evaluate audit reports against a set of established standards to arrive at a final determination; control and direct multiple audit operations of an assigned unit; develop and implement policies, procedures, standards, rules and regulations; assess the operational impact of legislation or audit recommendations; make independent decisions regarding audit findings and corrective recommendations; provide technical advisement to management, lower level staff and the general public; develop appropriate methodologies to meet objectives; comply with professional standards of conduct. Skill in: written English sufficient to review, edit, and enhance formal determination letters regarding non-compliance with applicable regulations and laws; motivating others to effective action; collection and presentation of evidence in audit findings to present at hearings; delegating work to others to effectively accomplish goals and objectives within prescribed time frames; and all knowledge, skills and abilities at the lower levels. [~~Working knowledge of: Federal and State rules, regulations, guidelines and statutes governing particular tax or program of responsibility in order to effectively determine organizations' compliance.~~] [~~Detailed knowledge of: the functions, operations, purpose and goals of each Department unit; audit procedures sufficient to complete and/or review complex audits; generally accepted accounting principles to sufficiently evaluate financial information provided by both private and government entities; generally accepted governmental auditing standards and generally accepted auditing standards to effectively conduct audits of both private and government entities; accounting and financial record keeping principles and practices to sufficiently examine and analyze a variety of business records and develop meaningful conclusions based upon that analysis in situations involving a high degree of sensitivity and complexity. Skill in: written English sufficient to compose reports and business correspondence and to communicate with a variety of people to effectively gather and transmit necessary information; basic mathematical computation; organizing the activities of others and delegating work to effectively accomplish goals and objectives of a project according to prescribed time frames.~~]*

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

*Detailed knowledge of: goals and objectives of the Department and work unit. [~~Skill in: motivating others to effective action.~~]*

### ~~[SUPERVISING AUDITOR I]~~ AUDIT SUPERVISOR

**EDUCATION AND EXPERIENCE:** *[Graduation] Bachelor's degree from an accredited [four-year] college or university, which included 6 college credits in beginning accounting and/or auditing and 6 college credits in intermediate accounting and/or auditing, [in accounting] and three years of professional level auditing or accounting experience involving analyzing financial information and making recommendations based upon that*



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| <del>[SUPERVISING AUDITOR II] AUDIT MANAGER</del>   | 38 | B | 7.139 |
| <del>[SUPERVISING AUDITOR I] AUDIT SUPERVISOR</del> | 37 | B | 7.145 |
| AUDITOR III   | 36 | B | 7.148 |
| AUDITOR II  | 34 | B | 7.154 |
| AUDITOR I   | 32 | B | 7.161 |

Page 5 of 8

### MINIMUM QUALIFICATIONS (cont'd)

#### ~~[SUPERVISING AUDITOR I] AUDIT SUPERVISOR (cont'd)~~

##### **EDUCATION AND EXPERIENCE: (cont'd)**

analysis; ~~[OR one year of experience comparable to an Auditor II in Nevada State service;]~~ **OR** graduation from high school or [an] equivalent education, ~~supplemented by 6 college credits in beginning accounting and/or auditing and 6 college credits in intermediate accounting and/or auditing, and five years of professional experience as described above; [auditing or accounting experience involving analyzing financial information and making recommendations based upon that analysis and six semester credit hours in accounting from an accredited institution;]~~ **OR** one year of experience as an Auditor III in Nevada State service which includes an additional 3 college credits in intermediate accounting and/or auditing; **OR** an equivalent combination of education and experience as described above, which must have included 6 college credits in beginning accounting and/or auditing and 6 college credits in intermediate accounting and/or auditing. ~~[NOTE: Minimal post secondary coursework of six units in beginning accounting is required.]~~ (See Special Requirements and Informational Note)

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

*Detailed knowledge of: Federal and State rules, regulations, guidelines and statutes governing particular tax or program of responsibility in order to effectively determine organizations' compliance. Working [K]knowledge of: administrative law procedures for an administrative hearing, as well as the collection and presentation of evidence at administrative hearings; audit methodology to review and approve audit reports of others. General knowledge of: supervisory principles and practices to include performance evaluations, work performance standards, scheduling, work assignment and review, training and discipline. Ability to: evaluate complex information against a set of standards; identify professional development needs of others and coach and mentor subordinate staff; use logic to analyze or identify underlying principles, relationships, or facts associated with information to draw logical conclusions; review and/or edit documents for accuracy, completeness and compliance with established laws, regulations and policies; organize audits by type and size to maintain a high level of productivity; apply accounting principles and concepts to audit problems. Skill in: written English sufficient to review, edit, and enhance formal determination letters regarding non-compliance with applicable regulations and laws; motivating others to effective action; organizing the activities of others and delegating work to effectively accomplish goals and objectives; determining correct mathematical methods or formulas to solve problems; providing consultation and/or expert advice or testimony; and all knowledge, skills and abilities required at the lower levels.* ~~[Working knowledge of: Federal and State rules, regulations, guidelines and statutes governing particular tax or program of responsibility in order to effectively determine organizations' compliance. Detailed knowledge of: generally accepted accounting principles to sufficiently evaluate financial information provided by both private and government entities; generally accepted governmental auditing standards and generally accepted auditing standards to effectively conduct audits of both private and government entities; accounting and financial record keeping principles and practices to sufficiently examine and analyze a variety of business records and develop meaningful conclusions based upon that analysis in situations involving a high degree of sensitivity and complexity. Skill in: organizing and presenting evidence and documentation; written English sufficient to compose reports and business correspondence and to communicate with a variety of people to effectively gather and transmit necessary information; basic mathematical computation.]~~

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

*(These are identical to the Entry Level Knowledge, Skills and Abilities required for Audit Manager)*

~~[Knowledge of: supervisory techniques including selection, motivation, training, work assignment and review, employee evaluation, setting work performance standards and discipline. Skill in: motivating others to effective action; organizing the activities of others and delegating work to effectively accomplish goals and objectives of a project according to prescribed time frames.]~~



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| <del>[SUPERVISING AUDITOR II]</del> <b>AUDIT MANAGER</b>   | 38 | B | 7.139 |
| <del>[SUPERVISING AUDITOR I]</del> <b>AUDIT SUPERVISOR</b> | 37 | B | 7.145 |
| <b>AUDITOR III</b>   | 36 | B | 7.148 |
| <b>AUDITOR II</b>  | 34 | B | 7.154 |
| <b>AUDITOR I</b>   | 32 | B | 7.161 |

Page 6 of 8

### MINIMUM QUALIFICATIONS (cont'd)

#### AUDITOR III

**EDUCATION AND EXPERIENCE:** ~~[Graduation] Bachelor's degree from an accredited [four-year] college or university, which included 6 college credits in beginning accounting and/or auditing and 3 college credits in intermediate accounting and/or auditing, [in accounting] and two years of professional level auditing or accounting experience involving analyzing financial information and making recommendations based upon that analysis; [OR one year of experience comparable to an Auditor II in Nevada State service;] OR graduation from high school or [an] equivalent education, supplemented by 6 college credits in beginning accounting and/or auditing and 3 college credits in intermediate accounting and/or auditing, and [five] four years of professional experience as described above; [auditing or accounting experience involving analyzing financial information and making recommendations based upon that analysis and six semester credit hours in accounting from an accredited institution;] OR one year of experience as an Auditor II in Nevada State service, which includes an additional 3 college credits in intermediate accounting and/or auditing; OR an equivalent combination of education and experience as described above which included 6 college credits in beginning accounting and/or auditing and 3 college credits in intermediate accounting and/or auditing. [NOTE: Minimal post-secondary coursework of six units in beginning accounting is required.] (See Special Requirements and Informational Note)~~

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

~~Detailed Knowledge of: generally accepted accounting principles to sufficiently evaluate financial information provided by both private and government entities; audit techniques and procedures to effectively conduct audits of both private and government entities; accounting and financial record keeping principles and practices to sufficiently examine and analyze a variety of business records and develop meaningful conclusions based upon that analysis in situations involving a high degree of sensitivity and complexity. [Knowledge of: administrative law procedures for an administrative hearing, as well as the collection and presentation of evidence at administrative hearings.] Working knowledge of: Federal and State rules, regulations, guidelines and statutes governing particular tax or program of responsibility in order to effectively determine organizations' compliance; data processing principles and methods of auditing computerized accounting systems; laws, rules, regulations, court decisions and precedents relevant to the area of assignment.. General knowledge of: administrative law procedures for an administrative hearing, as well as, the collection and presentation of evidence at administrative hearings; audit procedures sufficient to complete complex audits with minimal supervision. [Detailed knowledge of: generally accepted accounting principles to sufficiently evaluate financial information provided by both private and government entities; generally accepted governmental auditing standards and generally accepted auditing standards to effectively conduct audits of both private and government entities; accounting and financial record keeping principles and practices to sufficiently examine and analyze a variety of business records and develop meaningful conclusions based upon that analysis in situations involving a high degree of sensitivity and complexity.] Skill in: organizing and presenting evidence and documentation; written English sufficient to review, edit and enhance formal determination letters regarding non-compliance with applicable regulations and laws; [to compose reports and business correspondence and to communicate with a variety of people to effectively gather and transmit necessary information; basic mathematical computation] investigating laws, court cases, hearing officer decisions and/or other relevant research materials; and all knowledge, skills and abilities required at the lower levels.~~

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

~~(These are identical to the Entry Level Knowledge, Skills and Abilities required for Audit Supervisor.)~~

~~[Knowledge of: supervisory techniques including selection, motivation, training, work assignment and review; employee evaluation, setting work performance standards and discipline. Skill in: motivating others to effective action; organizing the activities of others and delegating work to effectively accomplish goals and objectives of a project according to prescribed time frames.]~~



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| <b>AUDITOR III</b>   | 36 | B | 7.148 |
| <b>AUDITOR II</b>  | 34 | B | 7.154 |
| <b>AUDITOR I</b>   | 32 | B | 7.161 |

Page 7 of 8

## MINIMUM QUALIFICATIONS (cont'd)

### AUDITOR II

**EDUCATION AND EXPERIENCE:** ~~[Graduation] Bachelor's degree~~ from an accredited ~~[four-year]~~ college or university, ~~which included 6 college credits in beginning accounting and/or auditing, [in-accounting]~~ and one year of professional level auditing or accounting experience involving analyzing financial information and making recommendations based upon that analysis; ~~[OR one year of experience comparable to an Auditor I in Nevada State service;]~~ **OR** graduation from high school or ~~[an]~~ equivalent education, ~~supplemented by 6 college credits in beginning accounting and/or auditing and [four] three years of professional experience as described above; [auditing or accounting experience involving analyzing financial information and making recommendations based upon that analysis and six semester credit hours in accounting from an accredited institution;]~~ **OR** one year of experience as an Auditor I in Nevada State service; **OR** an equivalent combination of education and experience ~~as described above, which must have included 6 college credits in beginning accounting and/or auditing.~~ **[NOTE: Minimal post-secondary coursework of six units in beginning accounting is required.] (See Special Requirements and Informational Note)**

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

~~Working [K]knowledge of:~~ generally accepted accounting principles and ~~[auditing standards] audit techniques and procedures;~~ investigative procedures used to establish facts; report writing to delineate audit techniques utilized, facts discovered, and conclusions reached. ~~General knowledge of: federal and State rules, regulations, guidelines and statutes governing particular tax or program of responsibility in order to effectively determine an organization's compliance. Skill in:~~ reading technical documents such as leases, rental agreements, purchase agreements, bids and financial statements; analyzing financial systems and making corrective recommendations; ~~and all knowledge, skills and abilities required at the lower level.~~

~~[Auditor II's are expected at the time of appointment to the class to perform the duties of the job by applying at full performance level with an increased degree of independence all knowledge and skills which were acquired and/or utilized at the Auditor Trainee level.]~~

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

~~(These are identical to the Entry Level Knowledge, Skills and Abilities required for Auditor III.)~~

~~[Knowledge of: data processing principles and methods of auditing computerized accounting systems; the laws, rules, regulations court decisions and precedents relevant to the area of assignment. Skill in: carrying out audit procedures sufficient to complete complex audits with little or no supervision; investigating laws, court cases, hearing officer decisions and/or other relevant research materials.]~~

### AUDITOR I

**EDUCATION AND EXPERIENCE:** ~~[Graduation] Bachelor's degree~~ from an accredited ~~[four-year]~~ college or university, ~~which included 6 college credits in beginning accounting and/or auditing; [in-accounting or closely related field;]~~ **OR** graduation from high school or ~~[an]~~ equivalent education, ~~supplemented by 6 college credits in beginning accounting and/or auditing, and [three] two years of professional or technical level auditing or accounting experience involving analyzing financial information and making recommendations based upon that analysis; OR one year of experience as an Accountant Technician I in Nevada State service; [and six semester credit hours in accounting from an accredited institution;]~~ **OR** an equivalent combination of education and experience ~~as described above, which must have included 6 college credits in beginning accounting and/or auditing.~~ **[NOTE: Minimal post-secondary coursework of six units in beginning accounting is required.] (See Special Requirements and Informational Note)**



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|--|----|---|-------|
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| <b>AUDITOR I</b>   | 32 | B | 7.161 |

Page 8 of 8

## MINIMUM QUALIFICATIONS (cont'd)

### AUDITOR I (cont'd)

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

**General [K]** knowledge of: accounting and financial record keeping principles and practices to sufficiently examine and analyze a variety of business records and develop meaningful conclusions based upon that analysis; generally accepted accounting principles to sufficiently evaluate financial information provided by both private and government entities; ~~[generally accepted government auditing standards; generally accepted auditing standards]~~ **audit techniques and procedures** to effectively conduct audits of both private and government entities. **Ability to: use word processing, database, spreadsheet and other computer software programs.** **Skill in:** basic mathematical computation; written English sufficient to compose reports and business correspondence and to communicate with a variety of people to effectively gather and transmit necessary information.

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

**(These are identical to the Entry Level Knowledge, Skills and Abilities required for Auditor II.)**

~~[Knowledge of: Federal and State rules, regulations, guidelines and statutes governing particular tax or program of responsibility in order to effectively determine organization's compliance. Skill in: carrying out audit procedures sufficient to complete complex audits with little supervision.]~~

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>7.139</u>     | <u>7.145</u>        | <u>7.148</u>     | <u>7.154</u>     | <u>7.161</u>     |
|-----------------|------------------|---------------------|------------------|------------------|------------------|
| ESTABLISHED:    | 9/60             | 7/1/93P<br>3/9/93PC | 1/1/61           | 1/1/62           | 5/18/78          |
| REVISED:        |                  |                     |                  | 9/1/64           |                  |
| REVISED:        |                  |                     | 9/1/65           |                  |                  |
| REVISED:        | 4/1/66           |                     |                  |                  |                  |
| REVISED:        |                  |                     | 5/18/78          | 5/18/78          | 10/25/85         |
| REVISED:        |                  |                     |                  | 2/9/79-3         | 2/9/79-3         |
| REVISED:        | 5/18/79-3        |                     |                  |                  |                  |
| REVISED:        | 1/24/84          |                     |                  |                  |                  |
| REVISED:        |                  |                     | 10/25/85         | 10/25/85         |                  |
| REVISED:        | 11/13/87-3       |                     |                  |                  |                  |
| REVISED:        |                  |                     | 6/9/89-3         | 6/9/89-3         | 6/9/89-3         |
| REVISED:        | 7/1/93P          |                     | 7/1/93P          | 7/1/93P          | 7/1/93P          |
|                 | 3/9/93PC         |                     | 3/9/93PC         | 3/9/93PC         | 3/9/93PC         |
| REVISED:        | 8/11/95UC        | 8/11/95UC           | 8/11/95UC        | 8/11/95UC        | 8/11/95UC        |
| REVISED:        | 04/11/14PC       | 04/11/14PC          | 04/11/14PC       | 04/11/14PC       | 04/11/14PC       |
| REVISED:        |                  | 7/1/15R             |                  |                  |                  |
|                 |                  | 11/5/15UC           |                  |                  |                  |
| <b>REVISED:</b> | <b>9/30/16PC</b> | <b>9/30/16PC</b>    | <b>9/30/16PC</b> | <b>9/30/16PC</b> | <b>9/30/16PC</b> |



**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective: **September 30, 2016.**

**Item VI-A-2-a**

| CURRENT |                    |       |       | PROPOSED |                           |       |       |
|---------|--------------------|-------|-------|----------|---------------------------|-------|-------|
| CODE    | TITLE              | GRADE | EEO-4 | CODE     | TITLE                     | GRADE | EEO-4 |
| 7.634   | Budget Analyst V   | 43    | B     |          | <b>ABOLISHED</b>          |       |       |
| 7.632   | Budget Analyst IV  | 41    | B     |          | <b>ABOLISHED</b>          |       |       |
| 7.620   | Budget Analyst III | 38    | B     | 7.620    | <i>Budget Analyst III</i> | 38    | B     |
| 7.621   | Budget Analyst II  | 36    | B     | 7.621    | <i>Budget Analyst II</i>  | 36    | B     |
| 7.627   | Budget Analyst I   | 34    | B     | 7.627    | <i>Budget Analyst I</i>   | 34    | B     |

**Item VI-A-2-b**

| CURRENT |            |       |       | PROPOSED |   |       |       |
|---------|------------|-------|-------|----------|---|-------|-------|
| CODE    | TITLE      | GRADE | EEO-4 | CODE     | TITLE                                     | GRADE | EEO-4 |
|         | <i>New</i> |       |       | 7.634    | <i>Executive Branch Budget Officer II</i> | 43    | B     |
|         | <i>New</i> |       |       | 7.632    | <i>Executive Branch Budget Officer I</i>  | 41    | B     |

**EXPLANATION OF CHANGE**

The Nevada Department of Administration, Division of Human Resource Management conducted a class specification maintenance review for the Budget Analyst series.

In consultation with Subject Matter Experts from the Governor's Finance Office, Department of Administration, Department of Health & Human Services, Department of Motor Vehicles, Department of Taxation, Division of Wildlife, Department of Public Safety and the Nevada System of Higher Education, it is recommended that the Budget Analyst IV and V be removed from this series and placed into its own series with a title change to Executive Branch Budget Officer I and II.

As a result of this recommendation, the duty statements and class concepts associated with the Budget Analyst IV and V were incorporated into the new Executive Branch Budget Officer series. Revisions were made to the duty statements and class concepts to account for this change, with minor modifications to the minimum qualifications to maintain consistency with formatting and structure.

Furthermore, minor revisions were made to the duty statements and class concepts of the Budget Analyst series to account for changes in verbiage and the removal of the Budget IV and V from the series. Also, language was added to the informational notes to account for certain positions requiring specialized and/or agency specific certification or experience. Lastly, minor modifications were made to the minimum qualifications to maintain consistency with formatting and structure.

### Executive Budget Officer Series

**7.634 – Executive Branch Budget Officer II, Grade 43:** Under administrative direction in the Budget Division of the Governor's Finance Office incumbents, in addition to performing the full range of duties described in the series concept, train, supervise and evaluate the performance of a team of Executive Branch Budget Officer I's and review and manage all budgets within an assigned group of agencies. Incumbents provide leadership and guidance to subordinate analysts; present and defend the Governor's budget before legislative money committees; and critically review agency programs to identify duplication or overlap of efforts, legal mandates to provide services, and opportunities to improve efficiency.

**7.632 – Executive Branch Budget Officer I, Grade 41:** Under administrative direction, incumbents perform the full range of duties as described in the series concept. This is the journey level in the series.

### Budget Analyst Series

**7.620 – Budget Analyst III, Grade 38:** Under general direction, incumbents are responsible for agency budgets of moderate size and complexity as measured by the number and diversity of funding sources. Positions at this level may be assigned to a large department such as Administration, Transportation, Corrections and Health and Human Services. Budget Analyst III positions are distinguished from Budget Analyst II by the lesser degree of supervision received and by greater complexity and variety of duties assigned to Budget Analyst III positions. Incumbents in a large department may train, supervise and evaluate the performance of lower level Budget Analysts, professional staff or technical/administrative positions. This is the advanced journey level in the series.

**7.621 – Budget Analyst II, Grade 36:** Under direction, Budget Analyst II's perform the full range of duties described in the series concept. This level is distinguished from Budget Analyst I by responsibility for more complex budgets which are larger in size and have more funding sources and legislatively mandated expenditure restrictions. This is the journey level in the series.

**7.627 – Budget Analyst I, Grade 34:** Under general supervision, Budget Analyst I's perform professional duties related to the preparation and control of budgets for assigned agencies or major programs. Positions allocated to this series spend the majority of their time on budget review and analysis. Levels within this series are distinguished from each other by the complexity of budgets assigned, supervision received, and the scope and complexity of budget related duties and responsibilities. This is the entry level in the series; however, progression to the next level is not automatic and positions may be permanently allocated at the sub-journey level.

Throughout the course of the study, management and agency staff participated by offering recommendations and reviewing changes as the process progressed, and they support this recommendation.

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



**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

**CLASS SPECIFICATION**

| <u>TITLE</u>                 | <u>GRADE</u>  | <u>EEO-4</u> | <u>CODE</u>      |
|------------------------------|---------------|--------------|------------------|
| <del>BUDGET ANALYST V</del>  | <del>43</del> | <del>B</del> | <del>7.634</del> |
| <del>BUDGET ANALYST IV</del> | <del>41</del> | <del>B</del> | <del>7.632</del> |
| BUDGET ANALYST III           | 38            | B            | 7.620            |
| BUDGET ANALYST II            | 36            | B            | 7.621            |
| BUDGET ANALYST I             | 34            | B            | 7.627            |

**SERIES CONCEPT**

Budget Analysts prepare and implement budgets including the development of expenditure projections, narrative justification of programs, and detailed biennial spending plans and expenditure projections; review and analyze budget requests and adjustments; and ensure compliance with budgetary directives, policies, regulations and limitations.

Assist agencies in developing budget requests by explaining statutory requirements and providing fiscal guidance; analyze budget requests; make recommendations regarding additions, deletions and/or reductions; prepare written justification and summary statements for budget requests.

Control and oversee budgets to ensure compliance with authorized spending limitations and determine the necessity of work program adjustments; monitor budgets through review of audit reports, verification of compliance, and review of agency internal controls and performance levels.

Assist assigned agencies and/or programs by analyzing, organizing and balancing agency/program requests; review and make recommendations on work program changes; and analyze the impact on existing and future agency budgets.

Present budgets at agency meetings~~[, before the legislature,]~~ and to administrators; *may present budgets before the legislature as required*; attend various budget hearings to make presentations and respond to questions; *may* provide testimony and consult with legislative fiscal staff; prepare and analyze legislative bill drafts and comments to fiscal notes; and estimate revenue impact of legislative proposals.

Design, develop, maintain and enhance automated budgetary systems to track expenditures and revenue, monitor performance indicators, and conduct statistical analysis; develop and maintain spreadsheets, data bases and tables; design and generate standard and ad hoc reports, charts, graphs and related materials.

Assist agencies with the strategic planning process including development of long and short range objectives; allocate agency and/or program budget resources; prepare periodic budget analyses for management.

Project revenue and expenditures using trend analysis and statistical models and tools.

Analyze expenditures and monitor fiscal transactions for each approved budget account to ensure compliance with budget limits, internal procedures, applicable laws and regulations, and legislative intent.

Research and develop policy recommendations related to accounting practices, internal control procedures, allocation of personnel resources, and fiscal practices; review payroll allocations, work programs and cash balances; analyze funding availability for proposed expenditures and staffing.

Perform related duties as assigned.

\*\*\*\*\*



|                              |               |              |                  |
|------------------------------|---------------|--------------|------------------|
| <del>BUDGET ANALYST V</del>  | <del>43</del> | <del>B</del> | <del>7,634</del> |
| <del>BUDGET ANALYST IV</del> | <del>41</del> | <del>B</del> | <del>7,632</del> |
| BUDGET ANALYST III           | 38            | B            | 7,620            |
| BUDGET ANALYST II            | 36            | B            | 7,621            |
| BUDGET ANALYST I             | 34            | B            | 7,627            |

Page 2 of 6

## CLASS CONCEPTS

~~**Budget Analyst V:** Under administrative direction in the Budget Division of the Department of Administration, incumbents, in addition to performing the full range of duties described in the series concept, train, supervise and evaluate the performance of a team of Budget Analyst IV's and review and manage all budgets within an assigned group of agencies. Incumbents provide leadership and guidance to subordinate analysts; present and defend the Governor's budget before legislative money committees; and critically review agency programs to identify duplication or overlap of efforts, legal mandates to provide services, and opportunities to improve efficiency. Problem solving and decision making at this level requires extensive knowledge of the executive branch of State government, the legislative process, and fiscal and organizational management principles and practices.~~

~~Other typical duties include preparing the initial Executive budget document, reviewing agency budget requests, preparing initial and final Governor's recommendations, reviewing and preparing bill draft requests, and preparing the final legislative approved biennial budget. Additionally, incumbents review all modifications to the approved work program as controlled by NRS Chapter 353; review, analyze and prepare agenda items for the Board of Examiners and the Interim Finance Committee; reconcile budgets at the end of each fiscal year; develop and maintain position control; and review contracts and out of state travel per regulations described in the State Administrative Manual.~~

~~**Budget Analyst IV:** Under administrative direction, incumbents develop, analyze and make recommendations on biennial budgets and expenditures for budgets of the most complex agencies. Complexity is determined by the size, diversity and number of funding sources; the legal requirements on expenditures; and budgets other than general fund such as internal service funds, enterprise funds, and fiduciary funds. Positions in this class may only be assigned to the Budget Division.~~

~~Positions at this level are distinguished from lower levels in the series by the authority to approve, reject or request further documentation concerning requests for additional staff and other resources. Incumbents analyze agency staffing ratios and historical data in relation to population growth, economic conditions, national trends and standards, and other pertinent information. They must make evaluative judgments regarding the efficiency of agency operations, effectiveness in reaching established goals and objectives, organizational structure, and legislative intent. In addition, incumbents work closely with agencies following LCB and internal audits in developing corrective action plans to address identified deficiencies; develop or revise policies and procedures; identify appropriate strategies and solutions; review and plan for fiscal impact by determining the need for fee increases and regulation changes; and follow up with agency management to ensure implementation.]~~

~~**Budget Analyst III:** Under general direction, incumbents are responsible for agency budgets of moderate size and complexity as measured by the number and diversity of funding sources. Positions at this level may be assigned to [the Budget Division or] a large department such as *Administration*, Transportation, Corrections and Health and Human Services. Budget Analyst III positions are distinguished from Budget Analyst II by the lesser degree of supervision received and by greater complexity and variety of duties assigned to Budget Analyst III positions. *Incumbents in a large department may train, supervise and evaluate the performance of lower level Budget Analysts, professional staff, or technical/administrative positions. This is the advanced journey level in the series.*~~

~~**Budget Analyst II:** Under direction, Budget Analyst II's perform the full range of duties described in the series concept. This level is distinguished from Budget Analyst I by responsibility for more complex budgets which are larger in size and have more funding sources and legislatively mandated expenditure restrictions. *This is the journey level in the series.*~~



|                              |               |              |                  |
|------------------------------|---------------|--------------|------------------|
| <del>BUDGET ANALYST V</del>  | <del>43</del> | <del>B</del> | <del>7.634</del> |
| <del>BUDGET ANALYST IV</del> | <del>41</del> | <del>B</del> | <del>7.632</del> |
| BUDGET ANALYST III           | 38            | B            | 7.620            |
| BUDGET ANALYST II            | 36            | B            | 7.621            |
| BUDGET ANALYST I             | 34            | B            | 7.627            |

Page 3 of 6

### CLASS CONCEPTS (cont'd)

**Budget Analyst I:** Under general supervision, Budget Analyst I's perform professional duties related to the preparation and control of budgets for assigned agencies or major programs. Positions allocated to this series spend the majority of their time on budget review and analysis. Levels within this series are distinguished from each other by the complexity of budgets assigned, supervision received, and the scope and complexity of budget related duties and responsibilities. *This is the entry level in the series; however, progression to the next level is not automatic and positions may be permanently allocated at the sub-journey level.*

\*\*\*\*\*

### MINIMUM QUALIFICATIONS

#### INFORMATIONAL NOTES:

- \* *Certain positions may be required to obtain and maintain certification as a Certified Contract Manager as a condition of continuing employment. This requirement will be identified at the time of recruitment.*
- \* *Some positions may require specialized and/or agency specific experience which will be identified at the time of recruitment.*

#### SPECIAL REQUIREMENT:

- \* Appointment to any level in this series requires successful completion of a written examination.

#### BUDGET ANALYST V

~~EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in business or public administration, accounting, finance, economics, or closely related field and six years of professional budgeting, accounting, economic or management analysis and projection, staff analyst or auditing experience, year of which was equivalent to a Budget Analyst IV in Nevada State service; OR an equivalent combination of education and experience. (See Special Requirement)~~

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

~~Detailed knowledge of: NRS 353, 218.8225, 284, State Administrative Manual, and Legislative process; fiscal and organizational management principles and practices; oral and written communication skills; functions and scope of departments and major divisions within the executive branch of State government; fiscal forecasting techniques; sources of information and research techniques; accounting, budgeting, contractual and inter-local requirements; management of federal grants and the federal payment management system; and strategic planning process. Ability to: review, analyze, approve or reject budget requests and adjustments; ensure compliance with budgetary directives, legislative intent, policies, regulations and limitations; analyze data and make short and long range fiscal projections; control and oversee budgets to ensure compliance with authorized spending limitations; determine the necessity of work program adjustments; monitor budgets through review of audit reports, verification of compliance, and review of agency internal controls and performance levels; present and defend budgets at agency meetings, before the legislature, and to administrators; make presentations and respond to budget related questions; prepare and analyze legislative bill drafts and comments to fiscal notes; estimate revenue impact of legislative proposals; and analyze expenditures and monitor fiscal transactions for assigned budget accounts; and all knowledge, skills, and abilities required at the lower levels.~~

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

~~Working knowledge of: supervisory techniques and practices. Ability to: assign and review the work of lower level Budget Analysts; coordinate various budget related projects; interpret and apply rules and regulations.~~



|                              |               |              |                  |
|------------------------------|---------------|--------------|------------------|
| <del>BUDGET ANALYST V</del>  | <del>43</del> | <del>B</del> | <del>7.634</del> |
| <del>BUDGET ANALYST IV</del> | <del>41</del> | <del>B</del> | <del>7.632</del> |
| BUDGET ANALYST III           | 38            | B            | 7.620            |
| BUDGET ANALYST II            | 36            | B            | 7.621            |
| BUDGET ANALYST I             | 34            | B            | 7.627            |

Page 4 of 6

## MINIMUM QUALIFICATIONS (cont'd)

### BUDGET ANALYST IV

~~EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in business or public administration, accounting, finance, economics, or closely related field and five years of professional budgeting, accounting, economic or management analysis and projection, staff analyst or auditing experience, year of which was equivalent to a Budget Analyst III in Nevada State service; OR an equivalent combination of education and experience. (See Special Requirement)~~

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

~~Detailed knowledge of: governmental accounting and budgeting and applicable statistical methods; Working knowledge of: policy development, planning, problem solving and management analysis; develop and follow up on corrective action plans consistent with audit recommendations, applicable agency policies, legal requirements and legislative directives; accounting, budgeting, contractual and inter-local requirements; management of federal grants and the federal payment management system; and strategic planning process. Ability to: perform financial administration, analysis, budget preparation and fiscal resource development for a large department with multiple funding sources; provide technical expertise and guidance to agency fiscal staff regarding the appropriateness and legal restrictions applicable to expenditures; negotiate with agency management to arrive at solutions to complex funding issues and problems; prepare, analyze and monitor complex budgets with a variety of funding sources including general, internal service, enterprise, and fiduciary funds; analyze financial and statistical data and approve or reject budgets and requested changes to work programs of the most complex agencies; analyze and project State revenues; provide input in the determination of priorities for the expenditure of tax dollars as applied to the strategic planning process; and establish and maintain positive working relationships with legislative staff, department heads, and departmental fiscal staff; and all knowledge, skills, and abilities required at the lower levels.~~

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

~~Detailed knowledge of: internal control procedure development and implementation. Working knowledge of: potential funding sources and alternate revenue streams; the Governor's overall administrative plan and fiscal priorities for State government; NRS 353; NRS 218.825; 284 (Rules for State Personnel Administration); and the State Administrative Manual.]~~

### BUDGET ANALYST III

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in business or public administration, accounting, finance, economics, or closely related field and four years of professional budgeting, accounting, economic or management analysis and projection, staff analyst or auditing experience, one year of which was equivalent to a Budget Analyst II in Nevada State service; OR an equivalent combination of education and experience *as described above*. (See Special Requirement *and Informational Notes*)

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

Working knowledge of: governmental accounting and budgeting, and applicable statistical methods; *State of Nevada laws, rules, and regulations pertaining to the development and implementation of agency budgets including State Controller's policies and procedures; organization and operation of State departments and related statutes; and program budgeting and cost/benefit analysis. General knowledge of: supervisory principles and practices.* Ability to: prepare comprehensive written justifications and recommendations related to expenditure requests, work program adjustments and fiscal transactions; develop, monitor and analyze budgets of a large and complex department with a variety of funding sources and expenditure restrictions; *analyze requested changes to budgets and determine*



|                              |               |              |                  |
|------------------------------|---------------|--------------|------------------|
| <del>BUDGET ANALYST V</del>  | <del>43</del> | <del>B</del> | <del>7.634</del> |
| <del>BUDGET ANALYST IV</del> | <del>41</del> | <del>B</del> | <del>7.632</del> |
| BUDGET ANALYST III           | 38            | B            | 7.620            |
| BUDGET ANALYST II            | 36            | B            | 7.621            |
| BUDGET ANALYST I             | 34            | B            | 7.627            |

Page 5 of 6

## MINIMUM QUALIFICATIONS (cont'd)

### BUDGET ANALYST III (cont'd)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application): (cont'd)  
*appropriateness of request*; communicate the importance of adhering to policies, regulations and legal requirements; develop budget recommendations for inclusion in the Executive Budget; *prepare and analyze fiscal notes*; and all knowledge, skills, and abilities required at the lower levels.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
**Working knowledge of:** NRS 353.150 (the State Budget Act); State Administrative Manual; internal control procedure development and implementation; the strategic planning process; and management concepts and practices of public administration. **General knowledge of:** NRS 353; 218.825; the Rules for State Personnel Administration; and the Nevada Administrative Code. **Ability to:** make oral presentations to the legislature in defense and justification of the Governor's recommended budget.

### BUDGET ANALYST II

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in business or public administration, accounting, finance, economics, or closely related field and three years of professional budgeting, accounting, economic or management analysis and projection, staff analyst or auditing experience, one year of which was equivalent to a Budget Analyst I in Nevada State service; OR an equivalent combination of education and experience *as described above*. (See *Special Requirement and Informational Notes*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):  
**Working knowledge of:** management concepts and practices as applied to public administration. *General knowledge of: program budgeting and cost/benefit analysis; principles and practices of governmental accounting; and principles and techniques of data collection, analysis and evaluation.* **Ability to:** identify, analyze and resolve complex budget issues and problems; prepare and monitor complex budgets with multiple funding sources and mandated expenditure restrictions; prepare and present budget reports and recommendations to management; *analyze programs for duplication and overlapping services; project agency revenues and expenditures; work with large amounts of detailed information; present and defend budgets at agency meetings and to the Governor's Finance Office; create organized and meaningful spreadsheets and databases; independently organize, plan, implement and oversee multiple tasks; and analyze requested changes to budgets and determine appropriateness of request; and all knowledge, skills, and abilities required at the lower level.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
*(These are identical to the Entry Level Knowledge, Skills and Abilities required for Budget Analyst III.)*  
~~[Working knowledge of: laws, rules, and regulations pertaining to the development and implementation of agency budgets in the State of Nevada; organization and operation of State departments and related statutes; and program budgeting and cost/benefit analysis. Ability to: analyze requested changes to budgets and determine appropriateness of request.]~~

### BUDGET ANALYST I

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in business or public administration, accounting, finance, economics, or closely related field and two years of professional budgeting, economic or management analysis and projection, accounting, staff analyst, or auditing experience which included the identification of organizational problems and solutions, making



|                              |               |              |                   |
|------------------------------|---------------|--------------|-------------------|
| <del>BUDGET ANALYST V</del>  | <del>43</del> | <del>B</del> | <del>7.634]</del> |
| <del>BUDGET ANALYST IV</del> | <del>41</del> | <del>B</del> | <del>7.632]</del> |
| BUDGET ANALYST III           | 38            | B            | 7.620             |
| BUDGET ANALYST II            | 36            | B            | 7.621             |
| BUDGET ANALYST I             | 34            | B            | 7.627             |

Page 6 of 6

## MINIMUM QUALIFICATIONS (cont'd)

### BUDGET ANALYST I

#### EDUCATION AND EXPERIENCE: (cont'd)

recommendations regarding solutions and writing reports; **OR** an equivalent combination of education and experience *as described above*. (See *Special Requirement and Informational Notes*)

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

**General knowledge of:** basic principles of organization and management; modern methods and principles of planning; and principles and techniques of data collection, analysis and evaluation. **Ability to:** summarize complex data and present recommendations clearly; collect, analyze and organize information and develop sound and concise recommendations; write logical, grammatically correct reports and business correspondence; make oral presentations and answer questions regarding budget issues and expenditures; operate a computer to enter, retrieve, manipulate, format and present budget and position information; and establish and maintain cooperative working relationships.

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

*(These are identical to the Entry Level Knowledge, Skills and Abilities required for Budget Analyst II.)*

~~[General knowledge of: program budgeting and cost/benefit analysis; principles and practices of governmental accounting; and principles and techniques of data collection, analysis and evaluation. Ability to: analyze programs for duplication and overlapping services; project agency revenues and expenditures; work with large amounts of detailed information; create organized and meaningful spreadsheets and databases; independently organize, plan, implement and oversee multiple tasks; and analyze requested changes to budgets and determine appropriateness of request.]~~

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.

|              |  |   |   |   |   |
|--------------|--|---|---|---|---|
| ESTABLISHED: | <del>7.634]</del><br>5/27/98R<br>8/28/98UC | <del>7.632]</del><br>7/1/93P<br>9/24/92PC | 7.620<br>7/1/89R<br>3/13/90PC<br>7/1/93P<br>9/24/92PC<br>6/5/98UC | 7.621<br>7/1/89R<br>3/13/90PC<br>7/1/93P<br>9/24/92PC<br>6/5/98UC | 7.627<br>7/1/89R<br>3/13/90PC<br>7/1/93P<br>9/24/92PC<br>6/5/98UC |
| REVISED:     |  |   |   |   |   |
| REVISED:     |  | 6/5/98UC                                  |   |   |   |
| REVISED:     | 11/3/03R<br>2/9/04UC                       | 11/3/03R<br>2/9/04UC]                     |   |   |   |
| REVISED:     |  |   | 7/1/05LG  |   |   |
| REVISED:     |  |   | 9/30/16PC   | 9/30/16PC   | 9/30/16PC   |





**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

**CLASS SPECIFICATION**

| <u><b>TITLE</b></u>                       | <u><b>GRADE</b></u> | <u><b>EEO-4</b></u> | <u><b>CODE</b></u> |
|---|---------------------|---------------------|--------------------|
| <b>EXECUTIVE BRANCH BUDGET OFFICER II</b> | <b>43</b>           | <b>B</b>            | <b>7.634</b>       |
| <b>EXECUTIVE BRANCH BUDGET OFFICER I</b>  | <b>41</b>           | <b>B</b>            | <b>7.632</b>       |

**SERIES CONCEPT**

*Within the Budget Division of the Governor's Finance Office, Executive Branch Budget Analysts develop, analyze and make recommendations on biennial budgets and expenditures for all executive budgets; analyze agency staffing ratios and historical data in relation to population growth, economic conditions, national trends and standards and other pertinent information; make evaluative judgments regarding the efficiency of agency operations, effectiveness in reaching established goals and objectives, organizational structure, and legislative intent; review and analyze budget requests and adjustments; and ensure compliance with budgetary directives, policies, regulations and limitations.*

*Assist agencies in developing budget requests by explaining statutory requirements and providing fiscal guidance; analyze budget requests; approve, reject or request further documentation concerning requests for additional staff and other resources; make recommendations regarding additions, deletions and/or reductions; prepare written justification and summary statements for budget requests.*

*Control and oversee budgets to ensure compliance with authorized spending limitations and determine the necessity of work program adjustments; monitor budgets through review of audit reports, verification of compliance, and review of agency internal controls and performance levels; work closely with agencies following LCB and internal audits in developing corrective action plans to address identified deficiencies; identify appropriate strategies and solutions; review and plan for fiscal impact by determining the need for fee increases and regulation changes; and follow-up with agency management to ensure implementation.*

*Assist assigned agencies and/or programs by analyzing, organizing and balancing agency/program requests; review and make recommendations on work program changes; and analyze the impact on existing and future agency budgets.*

*Present budgets to management, the Governor's Office and may present before the legislature; attend various budget hearings to make presentations and respond to questions; provide testimony and consult with legislative fiscal staff; prepare and analyze legislative bill drafts and comments to fiscal notes; and estimate revenue impact of legislative proposals.*

*Design, develop, maintain and enhance automated budgetary systems to track expenditures and revenue, monitor performance indicators, and conduct statistical analysis; develop and maintain spreadsheets, data bases and tables; design and generate standard and ad hoc reports, charts, graphs and related materials.*

*Assist agencies with the strategic planning process including development of long and short range objectives; allocate agency and/or program budget resources; prepare budget analyses for management.*

*Project revenue and expenditures using trend analysis and statistical models and tools.*

*Analyze expenditures for each assigned budget account to ensure compliance with budget limits, internal procedures, applicable laws and regulations, and legislative intent.*

*Research and develop policy recommendations related to accounting practices, internal control procedures, allocation of personnel resources, and fiscal practices; review payroll allocations, work programs and cash balances; analyze funding availability for proposed expenditures and staffing.*



*Perform related duties as assigned.*

\*\*\*\*\*

### **CLASS CONCEPTS**

**Executive Branch Budget Officer II:** Under administrative direction in the Budget Division of the Governor's Finance Office incumbents, in addition to performing the full range of duties described in the series concept, train, supervise and evaluate the performance of a team of Executive Branch Budget Officer I's and review and manage all budgets within an assigned group of agencies. Incumbents provide leadership and guidance to subordinate analysts; present and defend the Governor's budget before legislative money committees; and critically review agency programs to identify duplication or overlap of efforts, legal mandates to provide services, and opportunities to improve efficiency. Problem solving and decision making at this level requires extensive knowledge of the executive branch of State government, the legislative process, and fiscal and organizational management principles and practices. This is the supervisory level in the series.

Other typical duties include preparing the initial Executive budget document, reviewing agency budget requests, preparing initial and final Governor's recommendations, reviewing and preparing bill draft requests, and preparing the final legislative approved biennial budget. Additionally, incumbents review all modifications to the approved work program as controlled by NRS Chapter 353; review, analyze and prepare agenda items for the Board of Examiners and the Interim Finance Committee; reconcile budgets at the end of each fiscal year; develop and maintain position control; and review contracts per regulations described in the State Administrative Manual.

**Executive Branch Budget Officer I:** Under administrative direction, incumbents perform the full range of duties as described in the series concept. This is the journey level in the series.

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### **MINIMUM QUALIFICATIONS**

#### **SPECIAL REQUIREMENT:**

- \* Appointment to any level in this series requires successful completion of a written examination.

#### **EXECUTIVE BRANCH BUDGET OFFICER II**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in business or public administration, accounting, finance, economics, or closely related field and six years of professional budgeting, accounting, economic or management analysis and projection, or auditing experience, one year of which was equivalent to an Executive Budget Officer I in Nevada State service; **OR** an equivalent combination of education and experience as described above. (See Special Requirement)

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):**  
Detailed knowledge of: NRS 353, 218.8225, 284, State Administrative Manual, and Legislative process; internal control procedure development and implementation; fiscal and organizational management principles and practices; oral and written communication skills; functions and scope of departments and major divisions within the executive branch of State government; fiscal forecasting techniques; sources of information and research techniques; accounting, budgeting, contractual and inter-local requirements; management of federal grants and the federal payment management system; and strategic planning process. Working knowledge of: potential funding sources and alternate revenue streams;



**MINIMUM QUALIFICATIONS (cont'd)**

**EXECUTIVE BRANCH BUDGET OFFICER II (cont'd)**

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application): (cont'd)**

Governor's overall administrative plan and fiscal priorities for State government. Ability to: review, analyze, approve or reject budget requests and adjustments; ensure compliance with budgetary directives, legislative intent, policies, regulations and limitations; analyze data and make short and long range fiscal projections; control and oversee budgets to ensure compliance with authorized spending limitations; determine the necessity of work program adjustments; monitor budgets through review of audit reports, verification of compliance, and review of agency internal controls and performance levels; present and defend budgets at agency meetings, before the legislature, and to administrators; make presentations and respond to budget related questions; prepare and analyze legislative bill drafts and comments to fiscal notes; estimate revenue impact of legislative proposals; and analyze expenditures and monitor fiscal transactions for assigned budget accounts; and all knowledge, skills, and abilities required at the lower levels.

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

Working knowledge of: supervisory techniques and practices. Ability to: assign, review and evaluate the work of lower level Executive Branch Budget Officer I positions; coordinate various budget related projects; interpret and apply rules and regulations.

**EXECUTIVE BRANCH BUDGET OFFICER I**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in business or public administration, accounting, finance, economics, or closely related field and five years of professional budgeting, accounting, economic or management analysis and projection, or auditing experience, one year of which was equivalent to a Budget Analyst III in Nevada State service; OR an equivalent combination of education and experience as described above. (See Special Requirement)

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

Detailed knowledge of: governmental accounting and budgeting and applicable statistical methods. Working knowledge of: government administrative processes including budgeting, internal control procedures, policy development, planning, problem solving and management analysis; develop and follow up on corrective action plans consistent with audit recommendations, applicable agency policies, legal requirements and legislative directives; accounting, budgeting, contractual and inter-local requirements; management of federal grants and the federal payment management system; and strategic planning process. Ability to: perform financial administration, analysis, budget preparation and fiscal resource development for a large department with multiple funding sources; provide technical expertise and guidance to agency fiscal staff regarding the appropriateness and legal restrictions applicable to expenditures; negotiate with agency management to arrive at solutions to complex funding issues and problems; prepare, analyze and monitor complex budgets with a variety of funding sources including general, internal service, enterprise, and fiduciary funds; analyze financial and statistical data and approve or reject budgets and requested changes to work programs of the most complex agencies; analyze and project State revenues; provide input in the determination of priorities for the expenditure of tax dollars as applied to the strategic planning process; and establish and maintain positive working relationships with legislative staff, department heads, and departmental fiscal staff; and all knowledge, skills, and abilities required at the lower levels.

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

(These are identical to the Entry Level Knowledge, Skills and Abilities required for Executive Branch Budget Analyst II.)

**EXECUTIVE BRANCH BUDGET OFFICER II**  
**EXECUTIVE BRANCH BUDGET OFFICER I**  
Page 4 of 4

|    |   |       |
|----|---|-------|
| 43 | B | 7.634 |
| 41 | B | 7.632 |

*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>7.634</u>          | <u>7.632</u>                     |
|---------------------|-----------------------|----------------------------------|
| <b>ESTABLISHED:</b> | 5/27/98R<br>8/28/98UC | 7/1/93P<br>9/24/92PC<br>6/5/98UC |
| <b>REVISED:</b>     |                       |                                  |
| <b>REVISED:</b>     | 11/3/03R              | 11/3/03R                         |
| <b>REVISED:</b>     | 2/9/04UC              | 2/9/04UC                         |
| <b>REVISED:</b>     | 9/30/16PC             | 9/30/16PC                        |



**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective: **September 30, 2016.**

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**Item VI-B-1-a**

| CURRENT |                          |       |       | PROPOSED      |                                 |           |          |
|---------|--------------------------|-------|-------|---------------|---------------------------------|-----------|----------|
| CODE    | TITLE                    | GRADE | EEO-4 | CODE          | TITLE                           | GRADE     | EEO-4    |
| 11.401  | Chief Insurance Examiner | 42    | A     | <i>11.401</i> | <i>Chief Insurance Examiner</i> | <i>42</i> | <i>A</i> |

**EXPLANATION OF CHANGE**

The Nevada Department of Administration/Division of Human Resource Management conducted a class specification maintenance review for Chief Insurance Examiner. In consultation with management at the Nevada Department of Business and Industry/Division of Insurance, it was recommended that the language in paragraph four of the class specification be revised due to the implementation of the Affordable Care Act (ACA) and its related activities. For example, coordinating with the Silver State Health Exchange and the Centers for Medicare & Medicaid Services (CMS) has essentially superseded the activities associated with HIPAA.

Aside from this minor proposed change, no other changes or updates were requested.

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



**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

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**CLASS SPECIFICATION**

| <u>TITLE</u>                    | <u>GRADE</u> | <u>EEO-4</u> | <u>CODE</u>   |
|---------------------------------|--------------|--------------|---------------|
| <b>CHIEF INSURANCE EXAMINER</b> | <b>42</b>    | <b>A</b>     | <b>11.401</b> |

Under administrative direction, Chief Insurance Examiners plan, organize, direct and review new insurance products and programs to ensure that policies, rules, forms, business practices and operations comply with State laws and regulations, agency policies and procedures, and accepted industry standards.

Analyze actuarial and statistical data to determine the appropriateness of insurance rates and compliance with State laws.

Prepare rate recommendations based on staff analysis and the analysis of consulting actuaries and examiners, and prepare and coordinate testimony for hearings on rates.

Plan and coordinate the activities ~~[of the Health Insurance Portability Accountability Act (HIPAA) Committee on Health Benefit Plans, the Board of Directors for the Reinsurance Program, and the administrator of the Reinsurance Program as assigned]~~ *related to the implementation of and compliance with the Affordable Care Act; coordinate Nevada Division of Insurance (NDOI) activities as required by the Centers for Medicare and Medicaid Services for timely plan review and implementation.*

Determine companies to be reviewed and plan the scope of the examinations; assign actuarial examiners for the investigation and examination of company data; direct the review and processing of licensing applications, reinsurance treaties, and ongoing audits of insurance companies to ensure compliance with applicable rules, regulations and laws.

Review and examine accounting and financial record keeping as well as past activities and practices of insurance companies; develop conclusions regarding company solvency and ability to meet licensing requirements in Nevada.

Meet with representatives of the insurance industry including agents, brokers, administrators, industry associations, and company executives to explain new and existing laws and regulations regarding health insurance, sales and marketing activities, and consumer rights.

Assign product review projects to staff as appropriate and monitor progress and outcome of the reviews.

Respond to requests and inquiries from the industry, the public, federal and State agencies, and the legislature regarding market trends and activities by researching issues, analyzing available data, formulating recommendations for agency position and actions, preparing advisory opinions, communicating findings and determinations, and initiating necessary actions.

Propose and draft legislation, regulations, bulletins and opinions for consideration by the Insurance Commissioner and the legislature.

Provide direction on complex consumer complaints and enforcement actions involving insurance products and market practices and serve as an expert witness in disciplinary hearings and contested cases.

Represent the division at meetings and conferences with the industry, other State and federal regulatory agencies, and the legislature; prepare and deliver presentations on industry and regulatory subjects.

Supervise and evaluate the performance of assigned professional and support personnel; review and modify work assignments; counsel and discipline staff as appropriate; participate in hiring and selection of new personnel; identify training needs and provide training as appropriate.

Perform related duties as assigned.

### MINIMUM QUALIFICATIONS

#### **SPECIAL REQUIREMENT:**

- \* Some positions require certification as a Certified Financial Examiner (CFE), Associate Financial Examiner (AFE), or Certified Public Accountant (CPA) at time of appointment and as a condition of continuing employment.

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in accounting, business administration, finance or related field, and four years of supervisory and/or management level experience which involved 1) the audit or examination of insurance companies and their operations; 2) the examination and/or analysis of insurance companies' products and programs that required the application of statutes, regulations and rules to determine the solvency and tax structure of insurance companies; or 3) determination of the appropriateness and soundness of insurance companies' products and programs; **OR** an equivalent combination of education and experience as described above; **OR** two years of experience as an Insurance Examiner II or Actuary I in Nevada State service; *(See Special Requirement)*

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

**Detailed knowledge of:** insurance practices under which insurance companies, agents and brokers operate; insurance coverage, terms and industry practices; federal statutes and regulations pertaining to insurance; insurance risk analysis, rating systems, rating plans and rate making, and classification; organization and operation of insurers, health maintenance organizations, agents, brokers, administrators and other licensees; accounting principles and financial accounting standards applicable to the insurance industry; National Association of Insurance Commissioners handbook. **Working knowledge of:** supervisory techniques including selection, training, work assignment and review, development of work performance standards, discipline, and performance evaluation; source materials and guidelines used to resolve problems not covered by precedent. **Ability to:** supervise and coordinate the work of subordinate staff; establish work performance standards and review employee performance; interpret and apply legal requirements and insurance industry practices to financial records, operating procedures and business operations; coordinate work of assigned staff and examiners and provide direction in the examination and analysis of insurance companies or their products and programs; analyze reinsurance treaties for propriety and soundness; review articles of incorporation, by-laws, etc. to ensure compliance with Insurance Code and Regulations; interpret legal and technical documents; mediate disputes between insurers, agents, examiners and investigators; analyze operating trends to determine underlying causes of changes in capital and surplus accounts or changes in the losses and expenses of insurers; lead and participate in special projects; conduct research, analyze data, draw conclusions and develop solutions and recommendations; communicate effectively both orally and in writing; develop and evaluate programs; train, supervise and evaluate the performance of assigned personnel; establish program objectives and performance goals; represent the division within and outside the agency; make oral presentations to groups of various size to gain support for agency program goals and to explain rules and regulations; and establish and maintain effective and cooperative working relationships with others.

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

**Detailed knowledge of:** Nevada Revised Statutes, Nevada Administrative Code and division rules and regulations regarding insurance laws and regulations. **Working knowledge of:** current principles and practices of management. **Ability to:** supervise and coordinate the work of subordinate staff; establish work performance standards and review employee performance.



**CHIEF INSURANCE EXAMINER**

42

A

**11.401**

Page 3 of 3

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

**11.401**

ESTABLISHED: 4/4/75  
REVISED: 12/19/85-12  
REVISED: 7/1/95P  
9/16/94PC  
REVISED: 12/23/98R  
3/23/99UC  
REVISED: 3/19/04PC  
**REVISED: 9/30/16PC**

**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective: **September 30, 2016.**

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**Item VI-B-2-a**

| CURRENT |  |       |       | PROPOSED |                  |       |       |
|---------|--|-------|-------|----------|------------------|-------|-------|
| CODE    | TITLE                                      | GRADE | EEO-4 | CODE     | TITLE            | GRADE | EEO-4 |
| 11.600  | Deputy Administrator, Emergency Management | 42    | A     |          | <i>ABOLISHED</i> |       |       |

**EXPLANATION OF CHANGE**

Based on information provided by the Department of Public Safety, Human Resource Management has determined that the position was eliminated June 30, 2011 after the last incumbent vacated it December 14, 2010. It will no longer be utilized and should be abolished.

The Department of Public Safety supports abolishing this class specification.

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



**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

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**CLASS SPECIFICATION**

| <u>TITLE</u>  | <u>GRADE</u>  | <u>EEO-4</u> | <u>CODE</u>       |
|---|---------------|--------------|-------------------|
| <del>[DEPUTY ADMINISTRATOR, EMERGENCY MANAGEMENT]</del> | <del>42</del> | <del>A</del> | <del>11.600</del> |

~~Under administrative direction, the Deputy Administrator provides administrative oversight and coordination of the statewide federal and State homeland security and emergency management programs; coordinates the State's disaster relief and emergency assistance programs to ensure expeditious and efficient mitigation, preparedness, response and recovery to any major natural, man-made or technological emergency disaster; acts as a liaison with State, federal, local and tribal agencies in the management of emergency management and homeland security programs statewide.~~

~~Act on behalf of the Administrator and represent the division in matters related to division operations, activities, and personnel as directed by the Administrator.~~

~~Provide administrative direction and supervise assigned staff including management, professional and support personnel; delegate responsibility to appropriate levels; develop and communicate work performance standards consistent with principles of effective management; assign, review, and evaluate the performance of subordinate supervisors; counsel and discipline staff as appropriate; participate in hiring and termination actions as required; review and authorize personnel actions; provide for appropriate training opportunities based on organizational requirements and budget constraints.~~

~~Coordinate program activities with fiscal and program management functional areas; provide administrative direction in drafting and changing division policies, procedures and regulations.~~

~~Plan, direct and evaluate operational requirements including allocation of staff, financial resources, and organizational structure; propose revisions and improvements in programs, services and management strategies; provide administrative oversight and approval for allocation of emergency resources including financial, physical and technical assets.~~

~~Plan, organize and provide statewide coordination of federal homeland security and emergency management programs; provide uniform delivery of statewide mitigation and preparedness programs within the counties, cities and tribal nations while balancing the needs and initiatives of competing/conflicting applicants in a politically sensitive environment; assist in the development and implementation of programs; establish outcome measures, policies and procedures; identify areas for potential improvement and communicate with subordinate staff regarding program enhancements.~~

~~Evaluate organizational performance in meeting program and operational objectives; direct efforts toward continuous improvement of services and products for government, tribal and public entities; provide reports on program and operational progress to agency management, the Commission on Homeland Security, legislators, congressional delegates, federal officials and other interested parties.~~

~~Provide oversight and coordination in the development of the biennial budget; monitor federal funding levels and ensure compliance with established federal grant criteria; ensure subgrant management is in compliance with federal and State laws, regulations, policies, procedures and program guidance.~~

~~Provide administrative oversight of federal programs and financial reports; ensure that subgrant applications, reimbursement claims and project changes are processed in a timely manner; oversee implementation of new federal programs; ensure appropriate maintenance and retention of agency records.~~



~~Provide administrative oversight in the review and update of State, department and division emergency operations plans; ensure division support to State agencies, local governments and tribal nations in development, review and maintenance of emergency operations plans.~~

~~Manage development of bill draft requests and regulatory initiatives related to emergency management and homeland security issues, including fiscal notes; evaluate the impact of proposed legislation; participate in legislative subcommittees pertaining to draft legislation; research legislative proposals and prepare responses; draft recommended revisions and position statements as necessary.~~

~~Formulate and implement policies, procedures and/or regulations in response to new statutory requirements and legislative letters of intent; modify policy in response to legal opinions and mandates; provide presentations to commissions, councils, boards and the media as necessary.~~

~~Perform related duties as assigned.~~

~~\*\*\*\*\*~~

## MINIMUM QUALIFICATIONS

### SPECIAL REQUIREMENT:

- ~~\* A valid driver's license is required at the time of appointment and as a condition of continuing employment.~~

~~EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in emergency management, fire science, criminal justice, political science, business administration or closely related field and five years of increasingly responsible emergency management experience in a governmental entity or private organization which must have included program management, budget preparation and control, strategic planning, three years of which must include supervisory experience; OR an equivalent combination of education and experience. (See Special Requirement)~~

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

~~Detailed knowledge of: principles, practices and methods of effective management including supervision, budgeting and fiscal management; strategic and program planning principles and practices; comprehensive principles and processes of emergency management to include mitigation, preparedness, response, recovery, and mitigation; incident command system, emergency communications, national incident management system, and the national response plan; plan development and revision; organization of training exercises. Working knowledge of: federal, State, county and municipal laws, regulations and policies governing emergency management and homeland security. Ability to: plan, organize, direct and control comprehensive programs related to emergency management and homeland security; supervise staff to meet agency goals and objectives; communicate effectively both orally and in writing; present and advocate for agency programs and policies with a broad variety of interest groups; evaluate proposals for program accuracy, internal consistency, and adherence to agency policies and goals; interpret statutes and regulations; objectively evaluate the work performance of personnel and take appropriate personnel actions as required; analyze and evaluate statewide programs effectiveness; develop statewide goals, objectives and procedures; prioritize work efforts and assignments to allocate staff and resources; establish and maintain effective working relationships with employees, supervisors, and other State and federal agencies, tribal nations and the public; mediate between contending parties or groups.~~

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

~~Working knowledge of: agency programs and activities and their impact on the State's resources and ability to respond to, and recover from, a natural, man-made or technological emergency or disaster; the relationship of federal, State, county and municipal laws, regulations and policies to Nevada emergency management programs; State personnel, budget and purchasing regulations; legislative process and its~~



### MINIMUM QUALIFICATIONS

#### ~~FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (cont'd)~~

~~relationship to agency operations; goals, programs and objectives of the agency in relation to the department, State and local government, and tribal nations. Ability to identify opportunities for program improvement; prepare and defend division programs and budgets; develop and implement coherent and effective planning procedures.~~

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

~~11.600~~

~~ESTABLISHED: 7/1/05R  
11/8/05PC]  
ABOLISHED: 9/30/16PC~~

**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective: **September 30, 2016.**

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**Item VI-C-1-a**

| CURRENT |                            |       |       | PROPOSED |                            |       |       |
|---------|----------------------------|-------|-------|----------|----------------------------|-------|-------|
| CODE    | TITLE                      | GRADE | EEO-4 | CODE     | TITLE                      | GRADE | EEO-4 |
| 12.103  | Deputy Administrator, DETR | 43    | A     | 12.103   | Deputy Administrator, DETR | 43    | A     |

**EXPLANATION OF CHANGE**

The Nevada Department of Administration/Division of Human Resource Management conducted a class specification maintenance review for Deputy Administrator, DETR. In consultation with management at the Nevada Department of Employment, Training and Rehabilitation (DETR), it was determined that some minor changes needed to be made to terminology. In 2014, the Workforce Innovation and Opportunity Act (WIOA) became law and replaced the Workforce Investment Act of 1998 and, pursuant to Executive Order 2015-08, the Governor's Workforce Investment Board was renamed the Governor's Workforce Development Board.

Aside from this, no other changes or updates were requested.

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





**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

**CLASS SPECIFICATION**

| <u>TITLE</u>                      | <u>GRADE</u> | <u>EEO-4</u> | <u>CODE</u>   |
|-----------------------------------|--------------|--------------|---------------|
| <b>DEPUTY ADMINISTRATOR, DETR</b> | <b>43</b>    | <b>A</b>     | <b>12.103</b> |

Under administrative direction of the Division Administrator, incumbents are responsible and accountable for planning, organizing, coordinating and managing program support of a major organizational component of the Employment Security or Rehabilitation Divisions within the Department of Employment, Training and Rehabilitation (DETR), and oversee the management of programs to ensure the timely, accurate, consistent, and effective delivery of services to clients through local offices and regional centers.

Direct, through subordinate managers, the administrative and technical activities of assigned programs; develop, implement, monitor and adjust State and federal program goals and performance measures, budgets, and revenue and expenditure plans; monitor, adjust and approve the statewide distribution and use of resources; analyze staffing and budget reports; and approve requests for staff positions, travel, training, equipment, supplies and service.

Evaluate the effectiveness of programs in meeting established goals, performance measures, and requirements through quality control programs, performance appraisal process and fiscal analysis; develop corrective action plans and implement changes; and evaluate and approve the development, redesign and maintenance of automated systems which support program activities.

Ensure the timely, accurate, consistent, and effective delivery of services to clients through local offices and regional centers; analyze a variety of labor market and other demographic information provided by the department research section as well as past program performance, State and national trends, discussion with labor and management groups/leaders, legislators, and others; administer intensive client assessment, training and employment programs.

Represent the department and division as a spokesperson at meetings, legislative hearings, boards, councils and committees such as the State and Local Workforce **[Investment] Development** Boards, the National Association of State Workforce Agencies, and the Governors Council on Rehabilitation and Education of People with Disabilities; and participate in the operation of the Workforce **[Investment] Innovation and Opportunity** Act one-stop system.

Direct the coordination and delivery of statewide program support units which provide interpretation of regulations, quality assurance, report validation, policy and procedure development, computer support, and staff development programs.

Draft agency-proposed legislation and prepare fiscal notes; research and analyze legislative proposals from outside entities and prepare responses; draft regulatory text and position statements and provide testimony to the legislature; and review relevant statutes, regulations, policies and operational procedures for current and potential impact on services.

Supervise subordinate managers, professionals and support staff as assigned; interview and select new employees; delegate authority and responsibility to appropriate personnel; develop work performance standards; complete performance appraisals; provide appropriate counseling, guidance, staff development and motivation; and initiate, recommend or approve disciplinary action.

Perform related duties as assigned.

\*\*\*\*\*

## MINIMUM QUALIFICATIONS

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in business or public administration, education, human services or other relevant field and five years of experience supervising and managing comprehensive, complex programs and budgets, and professional personnel.

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

**Working knowledge of:** principles and methods of administration and management including budget and personnel administration and staff development, coordination and supervision, principles and techniques used in planning, organizing, developing and administering comprehensive programs which are subject to unprecedented circumstances; strategic and program planning principles and practices. **General knowledge of:** State and federal legislation regarding employment, training and rehabilitation services and programs; State and federal laws, regulations and administrative processes including budgeting, internal control procedures, policy development, and personnel administration and planning; State legislative processes to include drafting bills and position statements. **Ability to:** plan, organize and manage personnel including delegating responsibility, evaluating performance, and staff development; read and interpret complex legal and technical documents such as federal and State laws and regulations, legal opinions, and contracts; read and interpret management reports including fiscal, statistical, and performance indicators; plan, schedule and coordinate the activities of staff and multiple organizational units to ensure program directives and timeframes are met; negotiate and exchange ideas, information, and opinions with others to formulate policies and programs and/or arrive jointly at decisions, conclusions, or solutions; establish and adjust priorities for programs and staff. **Skill in:** speaking before large groups and committees to present detailed information and respond to questions; organizational analysis sufficient to analyze staffing patterns, budget reports and program effectiveness and develop appropriate process improvements; mediating between claimants, employers, special interest groups, other organizations, and staff with opposing points of view; using a personal computer to prepare correspondence, develop spreadsheets, research information on the Internet, and send messages; writing extensive and detailed proposals, reports, corrective action plans, and policies and procedures.

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

**Working knowledge of:** State legislative processes to include drafting legislative bills and position statements; State and federal laws, regulations and administrative processes including budgeting, internal control procedures, policy development, planning, problem resolution, management analysis, and personnel administration. **Ability to:** evaluate the impact of legislative proposals affecting programs and/or budgets to identify critical issues; coordinate and work effectively with administrators of various agencies and political entities; establish and maintain effective, cooperative working relationships with the public and State, federal and local legislators and officials; write technical reports to explain implication of changes and the impact on programs; support department goals and objectives and recognize the interrelationship between functions and projects.

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.

### 12.103

ESTABLISHED: 1/17/72  
REVISED: 7/18/72  
REVISED: 3/14/77  
REVISED: 7/1/87-12P  
4/14/87PC  
REVISED: 8/3/89R  
7/6/90PC  
REVISED: 7/1/93LG  
REVISED: 7/1/94UC  
REVISED: 7/1/03P  
7/2/02PC  
REVISED: 7/1/05P

***REVISED:***      **10/1/04PC**  
                         ***9/30/16PC***



### **FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective: **September 30, 2016.**

#### **Item VI-C-1-b:**

| <b>CURRENT</b> |                           |              |              | <b>PROPOSED</b> |                                  |              |              |
|----------------|---------------------------|--------------|--------------|-----------------|----------------------------------|--------------|--------------|
| <b>CODE</b>    | <b>TITLE</b>              | <b>GRADE</b> | <b>EEO-4</b> | <b>CODE</b>     | <b>TITLE</b>                     | <b>GRADE</b> | <b>EEO-4</b> |
| 12.110         | Chief ESD Appeals Referee | 40           | A            | <i>12.110</i>   | <i>Chief ESD Appeals Referee</i> | <i>40</i>    | <i>A</i>     |
| 12.121         | ESD Appeals Referee II    | 38           | B            | <i>12.121</i>   | <i>ESD Appeals Referee II</i>    | <i>38</i>    | <i>B</i>     |
| 12.135         | ESD Appeals Referee I     | 36           | B            | <i>12.135</i>   | <i>ESD Appeals Referee I</i>     | <i>36</i>    | <i>B</i>     |

### **EXPLANATION OF CHANGE**

As part of the biennial Class Specification Maintenance Review process, the Division of Human Resource Management has conducted a review of the ESD Appeals Referee series. Analysts within the Division of Human Resource Management worked with subject matter experts and agency human resources personnel from the Nevada Department of Transportation, and as a result of this review, it is recommended that the experience requirements of the minimum qualifications of all levels in the series be revised.

It is recommended that the experience required be broadened in order to expand and encompass a broader range of applicants.

Changes were made to the entry level full performance knowledge, skills and abilities only to maintain consistency with formatting and structure.

Both management and agency human resource personnel within the division participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

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



**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

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**CLASS SPECIFICATION**

| <u>TITLE</u>                     | <u>GRADE</u> | <u>EEO-4</u> | <u>CODE</u>   |
|----------------------------------|--------------|--------------|---------------|
| <b>CHIEF ESD APPEALS REFEREE</b> | <b>40</b>    | <b>A</b>     | <b>12.110</b> |
| <b>ESD APPEALS REFEREE II</b>    | <b>38</b>    | <b>B</b>     | <b>12.121</b> |
| <b>ESD APPEALS REFEREE I</b>     | <b>36</b>    | <b>B</b>     | <b>12.135</b> |

**SERIES CONCEPT**

ESD Appeals Referees conduct fair and impartial quasi-judicial hearings related to unemployment insurance benefits, experience rating rulings and employer tax liability cases; make decisions affecting benefit payments, effective dates of eligibility and tax liability for past, present and future employees of a business; affirm, modify or reverse any overpayment already established and impose disqualifications when claimants make willful misrepresentation of facts; elicit and record testimony, accept documentation, and make findings of fact; weigh the validity of issues and evidence presented at the hearing; research and interpret related laws, case law, regulations, policies and procedures applicable to the issues; and make appropriate decisions.

Schedule, open and preside at hearings under the guidelines of the Nevada Administrative Procedures Act, federal laws, regulations and standards, and agency policies and procedures; issue subpoenas for witnesses and/or records; admit relevant documentation, testimony and exhibits into evidence; summarize the issues for the record and for the parties involved; question claimants/petitioners and witnesses to clarify facts; swear in witnesses and control questioning; maintain order and rule on procedural matters including the admissibility and relevance of evidence presented; guide the development of the case and maintain a clear, understandable record.

Review and analyze documented evidence and arguments and research applicable laws, case law, and regulations; make decisions based on facts established during hearings, opinions obtained from expert witnesses which clarify issues being heard, and applicable policies, laws and regulations.

Render written decisions; clearly state the relevant issues, findings of fact that support any conclusions of law, and reasons and rationale for the decision; cite applicable law and case law and where conflicting evidence exists, state the basis for finding one party's evidence more credible; sign final decisions which are subject to appellate review.

Perform related duties as assigned.

\*\*\*\*\*

**CLASS CONCEPTS**

**Chief ESD Appeals Referee:** Incumbents develop and implement statewide procedures to provide timely due process at both the initial and final administrative hearing levels for unemployment insurance benefits, experience rating rulings and employer tax liability cases, Trade Readjustment Act, and other programs.

Analyze and evaluate the impact of mandated program changes and make recommendations for implementation; facilitate implementation of new programs and services in appeals offices; allocate staffing resources, training and capital to provide optimal service throughout the State; publish directives regarding program goals and objectives, minimum work standards and work processes to ensure compliance with laws, regulations and requirements.

|                                  |           |          |               |
|----------------------------------|-----------|----------|---------------|
| <b>CHIEF ESD APPEALS REFEREE</b> | <b>40</b> | <b>A</b> | <b>12.110</b> |
| <b>ESD APPEALS REFEREE II</b>    | <b>38</b> | <b>B</b> | <b>12.121</b> |
| <b>ESD APPEALS REFEREE I</b>     | <b>36</b> | <b>B</b> | <b>12.135</b> |

Page 2 of 5

## CLASS CONCEPTS (cont'd)

### Chief ESD Appeals Referee (cont'd)

Supervise subordinate supervisors and appeals referees; identify parameters under which offices function and optimum methods of operation; conduct staff meetings to share information and ensure appropriate methods for resolving problems; review operational status of the appeals program in each office, identify performance deficiencies, and ensure compliance with policies, directives and procedures.

Review second level of testimony and prepare a digest of testimony; answer correspondence; advise Board of Review on law, precedent and policy applicable to appeals being heard; compose written Board decisions and opinions from notations of Board action.

**ESD Appeals Referee II:** Under general direction of the Chief ESD Appeals Referee, incumbents perform the full range of duties in the series concept and in addition, coordinate, organize and supervise ESD Appeals Referee I positions and clerical support staff in a regional office.

Provide appropriate training and staff development; provide technical expertise on more difficult cases; answer subordinate questions and resolve problems/complaints with staff and clients; develop work performance standards, and conduct performance evaluations; recommend and prepare documentation for disciplinary action; review and summarize double affirmative cases for the Board of Review; attend Board hearings in the manager's absence and write reversal and remand decisions.

Evaluate workload and production reports and adjust work assignments to meet federal requirements; complete and score quality assurance case evaluations quarterly and transmit results to the Department of Labor.

**ESD Appeals Referee I:** Incumbents perform the full range of duties described in the series concept under general supervision of an ESD Appeals Referee II. Work is assigned according to caseload standards or status and is reviewed through case reviews and evaluation by an ESD Appeals Referee II, subsequent appeals and Board of Review action. This is the journey level in the series.

\*\*\*\*\*

## MINIMUM QUALIFICATIONS

### INFORMATIONAL NOTE:

- \* Current certification as a paralegal or graduation from an accredited school of law may be substituted for one year of the required experience.

### CHIEF ESD APPEALS REFEREE

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in public or business administration, social science, English or related field and four years of experience which included managing diverse programs and functions of an office; supervising subordinate managers, supervisors or professional staff providing a variety of unemployment insurance services *or similar program of benefit service delivery*; interpreting and applying complex rules, regulations, policies and procedures; analyzing complex information, problems, situations, practices and procedures and identify relevant concerns, factors, tendencies and relationships; preparing comprehensive management reports and recommendations; monitoring critical office functions; evaluating and revising policies and procedures; establishing staffing patterns and priorities; developing and implementing new services and procedures; and establishing and maintaining working relationships with agency management, government officials and professionals in the community; OR an equivalent combination of education and experience *as described above*. (See Informational Note)



CHIEF ESD APPEALS REFEREE  
 ESD APPEALS REFEREE II  
 ESD APPEALS REFEREE I  
 Page 3 of 5

|    |   |        |
|----|---|--------|
| 40 | A | 12.110 |
| 38 | B | 12.121 |
| 36 | B | 12.135 |

## MINIMUM QUALIFICATIONS (cont'd)

### CHIEF ESD APPEALS REFEREE (cont'd)

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

Working knowledge of: methods and techniques of efficient administration, including all aspects of unemployment insurance benefit service delivery *or similar program of benefit service delivery*; administrative hearing processes and procedures [-]; *quality control methodology and goal setting for hearings and decisions in an assigned program; principles and practices of in-service training and supervision. Ability to: supervise subordinate staff including organizing work flow to accomplish directives, delegating responsibility, conducting training, evaluating performance and administering necessary discipline; interact effectively with internal management and external agencies and entities*; review subordinate determinations and decisions and recommend appropriate action; project workload and appropriate necessary staff and equipment; conduct meetings with subordinate managers and supervisors regarding program development, coordination and implementation. Skill in: preparing comprehensive management reports and analysis; coordinating the functions and diverse programs of an office with a large staff or multiple locations; setting priorities to accurately reflect the needs and goals of all aspects of assigned programs; *and all knowledge, skills and abilities required at the lower levels.*

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

Ability to: manage unemployment insurance benefit service delivery; review and prepare reports for management regarding statewide appeal hearings offices; develop and implement regional or statewide policies and procedures; establish standard procedures which comply with due process and other legal requirements.

### ESD APPEALS REFEREE II

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in public or business administration, social science, English or related field and two years of experience conducting quasi-judicial hearings for contested unemployment insurance benefit administrative decisions *or conducting similar judicial or administrative hearings*; interpreting *[unemployment]* laws, case law, rules, regulations or policies; eliciting facts in dispute from adversarial parties; and analyzing a variety of relevant factors for the purpose of making and preparing a written decision; **OR** two years as an ESD Appeals Referee I in Nevada State service; **OR** an equivalent combination of education and experience *as described above.* (See Informational Note)

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

Working knowledge of: quality control practices for administrative hearings and decisions; *legal precedents concerning unemployment insurance benefits, experience rating, rulings and employer tax liability cases; standard rules of evidence, hearsay evidence, and due process requirements.* Ability to: assess the effectiveness of work methods and recommend improvements; organize material, information and resources in a systematic way to optimize efficiency and program effectiveness; maintain current knowledge of program-related regulations, guidelines and requirements and disseminate information to subordinate staff [-]; *interact effectively with hearings participants, petitioners, legal counsel, witnesses and representatives of the department in a manner which produces an orderly, impartial environment and ensures due process; use appropriate terminology in the decision to effectively explain the facts of the claim, adjudicative interpretations, and justifications of lawful conclusions to all parties involved; logically evaluate arguments and identify their strengths and weaknesses in application to each case heard; communicate decisions concerning motions and objections.* Skill in: resolving complaints and problems; *performing legal research; and all knowledge, skills and abilities required at the lower level.*



|                           |    |   |        |
|---------------------------|----|---|--------|
| CHIEF ESD APPEALS REFEREE | 40 | A | 12.110 |
| ESD APPEALS REFEREE II    | 38 | B | 12.121 |
| ESD APPEALS REFEREE I     | 36 | B | 12.135 |

Page 4 of 5

### MINIMUM QUALIFICATIONS (cont'd)

#### ESD APPEALS REFEREE II (cont'd)

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

~~[Working knowledge of: quality control methodology and goal setting for hearings and decisions in an assigned program; principles and practices of in-service training and supervision. Ability to: supervise subordinate staff including organizing work flow to accomplish directives, delegating responsibility, conducting training, evaluating performance and administering necessary discipline; interact effectively with internal management and external agencies and entities.](These are identical to the Entry Level Knowledge, Skills and Abilities required for Chief ESD Appeals Referee.)~~

#### ESD APPEALS REFEREE I

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in public or business administration, social science, English or related field and two years of professional experience in a unemployment insurance program, *administrative hearings office, or local court jurisdiction* which included making determinations or adjudicating issues through interpretation and application of federal and State laws, regulations and procedures; analysis of policy, precedents and current circumstances; and writing concise, logical, grammatically correct, and understandable decisions or technical documentation; **OR** an equivalent combination of education and experience *as described above*. (See Informational Note)

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

Working knowledge of: interpretation and application of federal and State laws and regulations related to the assignment; program policies and procedures applicable to the assigned hearings areas; English grammar and composition. General knowledge of: standard rules of evidence, hearsay evidence, and due process. Ability to: make appropriate decisions based on an analysis of policy, precedents, and current circumstances; read and interpret laws, regulations, policies, procedures, legal documents and/or medical reports; effectively communicate with persons from a variety of social, economic and educational levels, both verbally and in writing; establish priorities which accurately reflect the relative importance of job responsibilities; maintain an unbiased attitude and deal objectively with individuals in emotionally charged situations; evaluate information and truthfulness of testimony; present information in a tactful manner; schedule hearings based on complexity, anticipated length of hearing, and disputed facts; determine needed information and phrase questions accordingly. Skill in: relating and interpreting laws and precedents to specific issues under review; writing concise, logical, grammatically correct, and understandable decisions; recognizing degrees of truth and reliability in evaluating information; dealing effectively with hostile or emotional people; interviewing to elicit specific information or facts; maintaining control and focus of a hearing or meeting.

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

~~[Working knowledge of: legal precedents concerning unemployment insurance benefits, experience rating, rulings and employer tax liability cases; standard rules of evidence, hearsay evidence, and due process requirements. Ability to: interact effectively with hearings participants, petitioners, legal counsel, witnesses and representatives of the department in a manner which produces an orderly, impartial environment and ensures due process; use appropriate terminology in the decision to effectively explain the facts of the claim, adjudicative interpretations, and justifications of lawful conclusions to all parties involved; logically evaluate arguments and identify their strengths and weaknesses in application to each case heard; communicate decisions concerning motions and objections. Skill in: performing legal research.](These are identical to the Entry Level Knowledge, Skills and Abilities required for ESD Appeals Referee II.)~~

CHIEF ESD APPEALS REFEREE  
 ESD APPEALS REFEREE II  
 ESD APPEALS REFEREE I  
 Page 5 of 5

|    |   |        |
|----|---|--------|
| 40 | A | 12.110 |
| 38 | B | 12.121 |
| 36 | B | 12.135 |

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

|                 | <u>12.110</u>    | <u>12.121</u>    | <u>12.135</u>    |
|-----------------|------------------|------------------|------------------|
| ESTABLISHED:    | 1/1/61           | 7/18/80          | 1/1/61           |
| REVISED:        |                  |                  | 12/1/63          |
| REVISED:        | 12/1/65          |                  | 12/1/65          |
| REVISED:        | 7/18/80          | 12/18/80-3       | 7/18/80          |
| REVISED:        | 7/1/87P-12       | 7/1/87P-12       | 7/1/87P-12       |
|                 | 4/14/87PC        | 4/14/87PC        | 4/14/87PC        |
| REVISED:        | 7/1/03P          | 7/1/03P          | 7/1/03P          |
|                 | 7/2/02PC         | 7/2/02PC         | 7/2/02PC         |
| <b>REVISED:</b> | <b>9/30/16PC</b> | <b>9/30/16PC</b> | <b>9/30/16PC</b> |



**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective: September 30, 2016.

**Item VI-C-1-c:**

| CURRENT |                 |       |       | PROPOSED |                 |       |       |
|---------|-----------------|-------|-------|----------|-----------------|-------|-------|
| CODE    | TITLE           | GRADE | EEO-4 | CODE     | TITLE           | GRADE | EEO-4 |
| 12.136  | ESD Manager IV  | 41    | A     | 12.136   | ESD Manager IV  | 41    | A     |
| 12.137  | ESD Manager III | 39    | A     | 12.137   | ESD Manager III | 39    | A     |
| 12.138  | ESD Manager II  | 37    | A     | 12.138   | ESD Manager II  | 37    | A     |
| 12.139  | ESD Manager I   | 36    | A     | 12.139   | ESD Manager I   | 36    | A     |

**EXPLANATION OF CHANGE**

The Nevada Department of Administration, Division of Human Resource Management conducted a class specification maintenance review for the ESD Manager series. In consultation with management and agency Human Resource staff at the Department of Employment, Training and Rehabilitation it was determined that the concepts, minimum qualifications and knowledge, skills and abilities are consistent with current expectations and no changes were necessary.

However, there was a verbiage change with regards to the Workforce Innovation and Opportunity Act which was previously titled the Workforce Investment Act. Also, changes were made to the minimum qualifications at the Education and Experience, Entry Level and Full Performance Knowledge, Skills and Abilities in order to maintain consistency with formatting and structure.

ESD Managers plan, organize, coordinate and manage the operations and services provided to customers at one or more workforce investment and/or unemployment insurance offices; participate in planning and developing service delivery strategies and ensure implementation in accordance with applicable laws, regulations, policies and procedures; represent the agency in the community; and supervise subordinate managers, supervisors and/or professional staff.

*12.136 – ESD Manager IV, Grade 41:* Under administrative direction of the Administrator or Deputy Administrator, ESD, incumbents plan, organize, coordinate and manage multiple services, programs and activities associated with the operation of workforce investment offices and unemployment insurance programs. Responsibilities include all facets of service delivery for re-employment and training programs, employer services and unemployment insurance services

*12.137 – ESD Manager III, Grade 39:* Under general direction of an ESD Manager IV, incumbents at this level manage the delivery of unemployment insurance services in a large operations center and supervise subordinate ESD managers, or they manage multiple large, full service workforce investment offices which provide extensive employer and community outreach services, and supervise subordinate

supervisors. Incumbents ensure the achievement of mandated goals and objectives for assigned offices in accordance with the Workforce Innovation and Opportunity Act.

*12.138 – ESD Manager II, Grade 37:* Under general direction, incumbents at this level manage the delivery of unemployment insurance or workforce investment services in a large office or a statewide program with regional offices and supervise a staff which typically includes at least one subordinate supervisor or an extensive staff involved in employer and community outreach.

*12.139 – ESD Manager I, Grade 36:* Under general direction, incumbents at this level perform the full range of duties described in the series concept and manage the delivery of workforce investment services in a small office serving a limited number of employers and job seeking customers and supervise a staff of interviewers and program representatives.

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



**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

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**CLASS SPECIFICATION**

| <u>TITLE</u>    | <u>GRADE</u> | <u>EEO-4</u> | <u>CODE</u> |
|-----------------|--------------|--------------|-------------|
| ESD MANAGER IV  | 41           | A            | 12.136      |
| ESD MANAGER III | 39           | A            | 12.137      |
| ESD MANAGER II  | 37           | A            | 12.138      |
| ESD MANAGER I   | 36           | A            | 12.139      |

**SERIES CONCEPT**

ESD Managers plan, organize, coordinate and manage the operations and services provided to customers at one or more workforce investment and/or unemployment insurance offices; participate in planning and developing service delivery strategies and ensure implementation in accordance with applicable laws, regulations, policies and procedures; represent the agency in the community; and supervise subordinate managers, supervisors and/or professional staff.

Direct overall service delivery and operations in assigned local, regional or statewide unit offices and ensure division goals are accomplished effectively, efficiently, and within applicable laws, regulations and policies; develop and revise office policies and procedures; monitor and evaluate office activities to ensure appropriateness and quality of service, program compliance and efficient work flow; resolve complaints in a diplomatic, professional manner; coordinate and integrate operations with other offices, program areas or workforce investment partners; recommend, implement and monitor plans for improvement.

Compile and submit a variety of reports to management regarding staff, production and special projects; evaluate the timeliness, customer service and quality of work performed in the office, teams or unit; work with data processing and program support staff to identify and resolve issues; recommend and implement corrective action to meet designated goals and objectives; direct staff in program implementation; disseminate and interpret policies and procedures to ensure consistent application of federal and State program standards.

Participate in statewide service delivery planning, development and implementation to ensure program responsiveness to customer needs within available resources; implement new program services and provide feedback regarding proposed changes; compile, analyze and report statistical data; advise administration of potential problem areas; participate in the development of Nevada's workforce investment system.

Supervise subordinate managers, supervisors or professional staff as assigned; participate in employee interviews and recommend selection of personnel; ensure appropriate training is provided; prepare training materials and conduct group training in areas of expertise; delegate authority and responsibility to staff; review and approve work performance standards; write and conduct performance evaluations; review and approve training and performance evaluations written by subordinate supervisors; recommend and initiate disciplinary action; represent the agency in grievance proceedings for office or unit employees; assess staffing needs and re-assign and provide justification for additional staff.

Develop and justify budget recommendations for the office, unit or teams and submit to division administration; monitor financial resources to ensure compliance with budgetary limits; approve expenditures and submit to administration for payment.

Serve as facility manager responsible for the physical condition of the office; locate, plan and organize office space; establish and ensure implementation of appropriate safety and security measures; arrange for building and equipment maintenance and repairs.



|                        |           |          |               |
|------------------------|-----------|----------|---------------|
| <b>ESD MANAGER IV</b>  | <b>41</b> | <b>A</b> | <b>12.136</b> |
| <b>ESD MANAGER III</b> | <b>39</b> | <b>A</b> | <b>12.137</b> |
| <b>ESD MANAGER II</b>  | <b>37</b> | <b>A</b> | <b>12.138</b> |
| <b>ESD MANAGER I</b>   | <b>36</b> | <b>A</b> | <b>12.139</b> |

Page 2 of 7

### **SERIES CONCEPT (cont'd)**

Oversee and coordinate all customer services provided in a local office by employees of the division, workforce investment partners, volunteers and students in training.

Under workforce investment, serve as the division representative in the community to recognize and respond to community needs and concerns; serve on community, private, employer, and public boards and commissions and economic development agencies; coordinate efforts and services with area service providers, government agencies, educational institutions and other partners to provide rapid response and comprehensive services to customers; resolve all complaints concerning employees or services provided in the office by ESD employees and workforce partners; coordinate and implement office policies that all partners agree upon to ensure efficient and effective operation; ensure the office meets workforce investment system goals to provide seamless services between mandatory partners with varying eligibility requirements and performance measures.

Evaluate staffing on telephone queue lines in an unemployment insurance operations center and make ongoing adjustments to work assignments to ensure adequate coverage and minimize customer wait time; respond to the Board of Review regarding contested Hearings Officer decisions.

Perform related duties as assigned.

\*\*\*\*\*

### **CLASS CONCEPTS**

**ESD Manager IV:** Under administrative direction of the Administrator or Deputy Administrator, ESD, incumbents plan, organize, coordinate and manage multiple services, programs and activities associated with the operation of workforce investment offices and unemployment insurance programs. Responsibilities include all facets of service delivery for re-employment and training programs, employer services and unemployment insurance services.

Incumbents provide overall supervision to managers in assigned offices, programs and services; identify parameters under which offices function and optimum methods of operation; ensure appropriate methods for resolving problems; review operational status of programs in each office, identify performance deficiencies, and implement corrective action plans that ensure compliance with policies, directives and procedures.

They also analyze and evaluate the impact of mandated program changes and make recommendations for successful implementation; facilitate and direct implementation of new programs; request information and analysis from support services sections to assist in problem identification and resolution; allocate staffing resources, training and capital to provide optimal service throughout the region; publish directives regarding goals, program objectives, minimum work standards and work processes to ensure compliance with laws, regulations and requirements.

Positions with the additional responsibility of managing a program support services unit establish, implement and monitor the accomplishment of program goals and objectives statewide; direct the development of statewide plans, policies, procedures, and support systems for the program; analyze changes required to computer and accounting systems and establish priorities for system work requests; oversee the development of new or revised policies and procedures and secure administrative approval; render decisions on exceptional cases or unusual operational issues; monitor program quality and compliance through results of on-site visits.

This level is distinguished from the ESD Manager III by supervision of subordinate managers and either regional responsibility for all facets of program implementation and service delivery for multiple large, complex programs comparable to the size, complexity and scope of both unemployment insurance benefit and workforce investment programs, or statewide responsibility for development, implementation and service delivery which

|                 |    |   |        |
|-----------------|----|---|--------|
| ESD MANAGER IV  | 41 | A | 12.136 |
| ESD MANAGER III | 39 | A | 12.137 |
| ESD MANAGER II  | 37 | A | 12.138 |
| ESD MANAGER I   | 36 | A | 12.139 |

Page 3 of 7

### CLASS CONCEPTS (cont'd)

#### **ESD Manager IV:**

includes management of the program's support services for a large, complex program comparable to the unemployment insurance tax contributions program.

**ESD Manager III:** Under general direction of an ESD Manager IV, incumbents at this level manage the delivery of unemployment insurance services in a large operations center and supervise subordinate ESD managers, or they manage multiple large, full service workforce investment offices which provide extensive employer and community outreach services, and supervise subordinate supervisors. Incumbents ensure the achievement of mandated goals and objectives for assigned offices in accordance with the Workforce *[Investment] Innovation and Opportunity* Act.

This level is distinguished from ESD Manager II positions by responsibility for either management of multiple, large, full service workforce investment offices or supervision of subordinate ESD Managers located in a large operations center.

**ESD Manager II:** Under general direction, incumbents at this level manage the delivery of unemployment insurance or workforce investment services in a large office or a statewide program with regional offices and supervise a staff which typically includes at least one subordinate supervisor or an extensive staff involved in employer and community outreach.

This level is distinguished from ESD Manager I positions by responsibility for supervision of a larger and higher level staff. ESD Manager II's are either responsible for management of an office that provides a greater diversity of program services, serves a larger population of customers, and has larger budgets; or they manage the statewide delivery of services for a single program with the scope and complexity comparable to unemployment insurance benefit payment control or benefit accuracy measurement.

**ESD Manager I:** Under general direction, incumbents at this level perform the full range of duties described in the series concept and manage the delivery of workforce investment services in a small office serving a limited number of employers and job seeking customers and supervise a staff of interviewers and program representatives. The office or facility is shared with representatives of the workforce investment system and community partners and typically serves a multi-county, rural area. Incumbents have responsibility for coordinating delivery of service by all partners and ensuring the safety, health and welfare of all occupants.

\*\*\*\*\*

### MINIMUM QUALIFICATIONS

#### **ESD MANAGER IV**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in business, finance, public administration or related field and four years of professional and managerial experience which included managing diverse programs and functions of an office with a large staff or offices in multiple locations; supervising subordinate managers, supervisors and/or professional staff providing a variety of workforce investment or unemployment insurance services; interpreting and applying complex rules, regulations and policies; analyzing complex information and identifying relevant concerns, factors, tendencies and relationships; preparing comprehensive management reports and recommendations; monitoring critical office functions; evaluating and revising policies and procedures; establishing staffing patterns and priorities; developing and implementing new services and procedures; and establishing and maintaining working relationships with agency management, government officials and professionals in the community to improve or expand services; ***OR one year of experience as an ESD Manager III in Nevada State service; OR*** an equivalent combination of education and experience ***as described above.***



|                 |    |   |        |
|-----------------|----|---|--------|
| ESD MANAGER IV  | 41 | A | 12.136 |
| ESD MANAGER III | 39 | A | 12.137 |
| ESD MANAGER II  | 37 | A | 12.138 |
| ESD MANAGER I   | 36 | A | 12.139 |

Page 4 of 7

## MINIMUM QUALIFICATIONS (cont'd)

### ESD MANAGER IV (cont'd)

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

**Working knowledge of:** methods and techniques of efficient administration, including all aspects of unemployment insurance benefit or workforce investment service delivery; administrative hearing processes and procedures; other workforce related programs administered by local, State and federal agencies; services, roles, and responsibilities of human services agencies within the State. *General knowledge of: principles, theories, techniques and trends in public administration including budgeting, financial management, employee relations and governmental programs related to workforce investment or unemployment insurance services and activities.* **Ability to:** review subordinate determinations and decisions and recommend appropriate action; project workload and appropriate necessary staff and equipment; conduct meetings with subordinate managers and supervisors regarding program development, coordination and implementation; develop and coordinate partnerships with other state, county and local agencies and organizations. **Skill in:** preparing comprehensive management reports and analysis; coordinating the functions and diverse programs of an office with a large staff or multiple locations; setting priorities to accurately reflect the needs and goals of all aspects of assigned programs; *managing space, equipment and material resources and developing justifications for acquisitions;* and all knowledge, skills and abilities required at the lower levels.

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

**Ability to:** manage statewide or regional unemployment insurance and/or workforce investment service delivery; review and prepare reports for management regarding office and program operations and services; develop and implement regional or statewide policies and procedures; establish standard procedures which comply with due process and other legal requirements applicable to the assignment.

### ESD MANAGER III

**EDUCATION AND EXPERIENCE:** Graduation from high school or equivalent education and six years of program experience at a professional level, four years of which must have included supervising a staff of employees providing the full range of unemployment insurance or workforce investment services; monitoring critical office functions; evaluating and/or revising policies and procedures; establishing staffing patterns; implementing new services and procedures; and establishing and maintaining working relationships with agency staff, government officials and professionals in the community; ***OR one year of experience as an ESD Manager II in Nevada State service; OR*** an equivalent combination of education and experience *as described above.*

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

**Working knowledge of:** organizational structure, functions, processes, and applicable regulatory requirements related to unemployment insurance or workforce investment program service delivery; team processes and management; ~~[State and agency administrative regulations]~~ *State and federal laws and regulations and departmental policies and procedures related to unemployment insurance or workforce investment program service delivery; principles, practices and methods required for the assigned program service delivery, management and supervision; State and agency administrative regulations.* **Ability to:** establish staffing patterns and ratios and monitor critical office functions in a large operations center or multiple locations; manage the implementation of new services or procedures for a large group of employees and/or multiple locations; supervise subordinate managers and/or professional staff; *forecast program and community needs for a diverse population of customers, employers, and occupations; prepare training materials and conduct formal training sessions; prepare narrative and statistical reports for management which requires compiling and analyzing diverse information from a variety of sources; administer disciplinary action; develop and implement policies and procedures for a single location or program area with a diverse customer population.* **Skill in:** *strategic planning and goal-setting for an*



|                 |    |   |        |
|-----------------|----|---|--------|
| ESD MANAGER IV  | 41 | A | 12.136 |
| ESD MANAGER III | 39 | A | 12.137 |
| ESD MANAGER II  | 37 | A | 12.138 |
| ESD MANAGER I   | 36 | A | 12.139 |

Page 5 of 7

*office that provides a service to the public; reading, interpreting and applying difficult, technical documents, complex federal guidelines, and legal documents to implement new and revised policies and procedures; establishing and maintaining effective and cooperative working relationships with staff, representatives from other agencies, government officials, employers and professionals in the community; mediating between contending parties; negotiating and exchanging ideas, information and opinions with others in order to arrive jointly at decisions, conclusions or solutions; managing a large staff of employees performing a variety of functions and serving a diverse customer population; and all knowledge, skills and abilities required at the lower levels.*

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

*(These are identical to the Entry Level Knowledge, Skills and Abilities required for ESD Manager III.)*

~~[General knowledge of: principles, theories, techniques and trends in public administration including budgeting, financial management, employee relations and governmental programs related to workforce investment or unemployment insurance services and activities. Skill in: managing space, equipment and material resources and developing justifications for acquisitions.]~~

## **ESD MANAGER II**

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and five years of program experience, three years of which were at a professional level and included responsibility for managing a program or supervising a work unit (Workforce Services Representative IV, Unemployment Insurance Representative IV, or ESD Program Specialist I), providing services to customers of diverse backgrounds; interpreting and applying complex rules, regulations, policies and procedures; composing business correspondence and reports; analyzing information, problems, situations, practices or procedures and formulating conclusions to resolve program or unit-related problems; assisting complainants in a diplomatic, tactful and discreet manner; and developing and maintaining working relationships with professionals and staff outside the work unit; ***OR one year of experience as an ESD Manager I in Nevada State service; OR*** an equivalent combination of education and experience *as described above*.

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

*Working knowledge of: workforce investment programs and services; statutes and regulations governing assigned programs; workforce related programs administered by local, State, and federal agencies; organizational structure, functions, processes, and applicable regulatory requirements in the Employment Security Division; application and interpretation of federal and State laws governing assigned programs; workload standards governing program service delivery including quality, quantity and timeliness; State regulations regarding supervision and personnel administration; local market conditions within the State, local industries and demand occupations. General knowledge of: services, roles, and responsibilities of human services agencies within the community; government administrative processes including budgeting and internal control procedures; budget preparation and maintenance procedures; prevailing wage survey information and minimum wage laws; team dynamics, processes, consensus building and management. Ability to: negotiate and exchange ideas, information and opinions with others in order to arrive jointly at decisions, conclusions or solutions; perceive and define cause and effect relationships in labor market conditions; organize material, information, work flow and personnel in a systematic way to optimize efficiency; supervise staff including training, conducting performance evaluations and recommending disciplinary action; analyze workload and time distribution reports; develop recommendations to improve control and accountability for office operations; forecast program and community needs; analyze computer program requirements and communicate these to automated systems staff support; organize work flow to accomplish established goals and objectives for an organization that serves a diverse customer population. Skill in: negotiation and problem resolution; customer service management for a diverse population of customers; interacting with complainants in a diplomatic, tactful and discreet manner; and all knowledge, skills and abilities required at the lower levels.*

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



|                 |    |   |        |
|-----------------|----|---|--------|
| ESD MANAGER IV  | 41 | A | 12.136 |
| ESD MANAGER III | 39 | A | 12.137 |
| ESD MANAGER II  | 37 | A | 12.138 |
| ESD MANAGER I   | 36 | A | 12.139 |

Page 6 of 7

*(These are identical to the Entry Level Knowledge, Skills and Abilities required for ESD Manager III.)*  
~~[Working knowledge of: State and federal laws and regulations and departmental policies and procedures related to unemployment insurance or workforce investment program service delivery; principles, practices and methods required for the assigned program service delivery, management and supervision; State and agency administrative regulations. Ability to: forecast program and community needs for a diverse population of customers, employers, and occupations; prepare training materials and conduct formal training sessions; prepare narrative and statistical reports for management which requires compiling and analyzing diverse information from a variety of sources; administer disciplinary action; develop and implement policies and procedures for a single location or program area with a diverse customer population. Skill in: strategic planning and goal setting for an office that provides a service to the public.]~~

## **ESD MANAGER I**

**EDUCATION AND EXPERIENCE:** Graduation from high school or equivalent education and five years of program experience, three years of which were at a professional level and included providing services to customers of diverse backgrounds; interpreting and applying complex rules, regulations, policies and procedures; composing business correspondence and reports; analyzing information, problems, situations, practices or procedures and formulating conclusions to resolve problems; assisting complainants in a diplomatic, tactful and courteous manner; and developing and maintaining working relationships with professionals and staff outside the work unit; OR three years of experience as a Workforce Services Representative III in Nevada State service; OR an equivalent combination of education and experience *as described above*.

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

**Working knowledge of:** State and federal affirmative action and equal employment opportunity laws and regulations; math computations including addition, subtraction, multiplication, division, ratios and percentages. **General knowledge of:** principles and practices of management; basic principles of organizational management and public administration; principles and practices of training and supervision. **Ability to:** read and interpret difficult technical documents, complex federal guidelines and legal documents; interpret departmental rules, regulations and policies; make oral group presentations to provide information or explain procedures and policies; establish and maintain effective and cooperative working relationships with agency staff, representatives from other agencies, government officials, employers and professionals in the community; motivate others and stimulate staff to effective action; mediate between contending parties; interact with persons of diverse backgrounds for the purpose of providing assistance or services; analyze information, problems, situations, practices or procedures to identify relevant concerns, factors, tendencies and relationships and formulate logical and objective conclusions or alternatives and their implications; interact with complainants in a diplomatic, tactful and discreet manner; use a computer for word processing and data entry and retrieval. **Skill in:** interpreting and applying complex laws, regulations, policies and procedures; writing grammatically correct, concise and understandable correspondence and reports in English; interacting with complainants in a diplomatic and tactful manner.

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

*(These are identical to the Entry Level Knowledge, Skills and Abilities required for ESD Manager II.)*  
~~[Working knowledge of: workforce investment programs and services; statutes and regulations governing assigned programs; workforce related programs administered by local, State, and federal agencies; organizational structure, functions, processes, and applicable regulatory requirements in the Employment Security Division; application and interpretation of federal and State laws governing assigned programs; workload standards governing program service delivery including quality, quantity and timeliness; State regulations regarding supervision and personnel administration; local market conditions within the State; local industries and demand occupations. General knowledge of: services, roles, and responsibilities of human services agencies within the community; government administrative processes including budgeting and internal control procedures; budget preparation and maintenance procedures; prevailing wage survey information and minimum wage laws. Ability to: negotiate and exchange ideas, information and opinions]~~



|                 |    |   |        |
|-----------------|----|---|--------|
| ESD MANAGER IV  | 41 | A | 12.136 |
| ESD MANAGER III | 39 | A | 12.137 |
| ESD MANAGER II  | 37 | A | 12.138 |
| ESD MANAGER I   | 36 | A | 12.139 |

Page 7 of 7

~~with others in order to arrive jointly at decisions, conclusions or solutions; perceive and define cause and effect relationships in labor market conditions; organize material, information, work flow and personnel in a systematic way to optimize efficiency; supervise staff including training, conducting performance evaluations and recommending disciplinary action; analyze workload and time distribution reports; develop recommendations to improve control and accountability for office operations; forecast program and community needs; analyze computer program requirements and communicate these to automated systems staff support. Skill in: negotiation and problem resolution.]~~

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

|                 | <u>12.136</u>       | <u>12.137</u>       | <u>12.138</u>       | <u>12.139</u>       |
|-----------------|---------------------|---------------------|---------------------|---------------------|
| ESTABLISHED:    | 7/1/03P<br>7/2/02PC | 7/1/03P<br>7/2/02PC | 7/1/03P<br>7/2/02PC | 7/1/03P<br>7/2/02PC |
| <b>REVISED:</b> | <b>9/30/16PC</b>    | <b>9/30/16PC</b>    | <b>9/30/16PC</b>    | <b>9/30/16PC</b>    |



**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective: September 30, 2016.

**Item VI-C-2-a**

| CURRENT |  |       |       | PROPOSED |   |           |          |
|---------|--|-------|-------|----------|---|-----------|----------|
| CODE    | TITLE                                  | GRADE | EEO-4 | CODE     | TITLE   | GRADE     | EEO-4    |
| 12.450  | Orientation and Mobility Instructor II | 34    | B     | 12.450   | <i>Orientation and Mobility Instructor II</i> | <i>34</i> | <i>B</i> |
| 12.451  | Orientation and Mobility Instructor I  | 31    | B     | 12.451   | <i>Orientation and Mobility Instructor I</i>  | <i>31</i> | <i>B</i> |

**EXPLANATION OF CHANGE**

The Nevada Department of Administration, Division of Human Resource Management, conducted a class specification maintenance review for Orientation and Mobility Instructor. In conjunction with the Department of Employment, Training and Rehabilitation that utilizes this classification, it was determined that minor revisions be made to the series concept and minimum qualifications to maintain consistency with formatting structure, type of evaluations conducted and classifications that may be supervised. It is recommended that the class specification be revised with minor changes. Regarding the series concept, revisions were made to include "distance" to the functional vision evaluations conducted. Additionally, "may supervise Rehabilitation Technician II's" was added to the series concept to indicate the classification that may be supervised by the Orientation and Mobility Instructor.

Orientation and Mobility Instructors provide specialized training to blind and visually impaired clients in orientation, mobility and the use of low vision aids in clients' worksite, school, residence and other locations within the community; supervise Rehabilitation Instructors and may supervise Rehabilitation Technicians; and counsel clients in achieving a positive self- image. They may also review pertinent medical, psychological, audiological and ophthalmological reports regarding the extent of clients' visual and secondary disabilities and level of functioning; assess clients' functionality in social, personal and employment settings, color discrimination, auditory abilities, knowledge of cardinal directions, and obvious deficiencies in posture or gait; assess clients' abilities and aptitudes for traveling indoors, outdoors, on public transportation and in residential and business environments through the use of actual or simulated travel situations; recommend adaptive devices needed to begin training; prepare individual instruction plans for orientation and mobility training; provide advanced mobility training to blind and visually impaired clients; identify and address clients' anxieties and fears related to independent mobility; conduct functional near and distance vision evaluations; and maintain required case file documentation. Additionally, the incumbent may also conduct in-service training, educational lectures and demonstrations for schools, clubs and organizations and act as a consultant in the community to provide information regarding the specific techniques of visual rehabilitation.

*12.450 – Orientation and Mobility Instructor II, Grade 34:* Under general direction, incumbents perform the full range of duties described in the series concept. This is the journey level in the series. It is

distinguished from the Orientation and Mobility Instructor I by greater independence and decision-making; greater consequence of error required to conduct advanced mobility training; and supervisory responsibility.

*12.451 – Orientation and Mobility Instructor I, Grade 31:* Under general supervision, incumbents learn to instruct visually impaired and blind clients in advanced methods and techniques of travel. This is the entry level in the series which provides for progression to the higher level upon meeting the minimum qualifications and with the recommendation of the appointing authority.

Agencies utilizing these classifications support the changes.

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



**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

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**CLASS SPECIFICATION**

| <u>TITLE</u>                           | <u>GRADE</u> | <u>EEO-4</u> | <u>CODE</u> |
|--|--------------|--------------|-------------|
| ORIENTATION AND MOBILITY INSTRUCTOR II | 34           | B            | 12.450      |
| ORIENTATION AND MOBILITY INSTRUCTOR I  | 31           | B            | 12.451      |

**SERIES CONCEPT**

Orientation and Mobility Instructors provide specialized training to blind and visually impaired clients in orientation, mobility and the use of low vision aids in clients' worksite, school, residence and other locations within the community; supervise Rehabilitation Instructors *and may supervise Rehabilitation Technicians*; and counsel clients in achieving a positive self- image.

Review pertinent medical, psychological, audiological and ophthalmological reports regarding the extent of clients' visual and secondary disabilities and level of functioning; assess clients' functionality in social, personal and employment settings, color discrimination, auditory abilities, knowledge of cardinal directions, and obvious deficiencies in posture or gait; assess clients' abilities and aptitudes for traveling indoors, outdoors, on public transportation and in residential and business environments through the use of actual or simulated travel situations; recommend adaptive devices needed to begin training; prepare individual instruction plans for orientation and mobility training.

Provide advanced mobility training to blind and visually impaired clients; instruct clients in basic pre-mobility skills, sighted guide techniques, basic and advanced long/support cane techniques which integrate concepts of sensory training, sound localization and spatial characteristics.

Identify and address clients' anxieties and fears related to independent mobility; encourage and motivate clients in using adaptive aids and equipment.

Conduct functional near *and distance* vision evaluations; assimilate medical information regarding clients' eye condition, visual acuities, visual fields and secondary disabilities; determine clients' functional residual vision; recommend and demonstrate optical aids to increase clients' functional use of residual vision and make appropriate recommendations.

Use computers, software and hard copy files to maintain required case file documentation; report and evaluate clients' progress toward goals and objectives as a member of the rehabilitation team.

Conduct in-service training, educational lectures and demonstrations for schools, clubs and organizations; act as a consultant in the community to provide information regarding the specific techniques of visual rehabilitation; foster awareness and understanding of persons with visual disabilities; provide information relative to environmental modifications for visually impaired persons.

Supervise Rehabilitation Instructor II's *and may supervise Rehabilitation Technician II's*; provide training and employee development; monitor caseloads and client progress; conduct performance evaluations; initiate first-level disciplinary actions.

Perform related duties as assigned.

\*\*\*\*\*



|   |           |          |               |
|---|-----------|----------|---------------|
| <b>ORIENTATION AND MOBILITY INSTRUCTOR II</b> | <b>34</b> | <b>B</b> | <b>12.450</b> |
| <b>ORIENTATION AND MOBILITY INSTRUCTOR I</b>  | <b>31</b> | <b>B</b> | <b>12.451</b> |

Page 2 of 3

## CLASS CONCEPTS

**Orientation and Mobility Instructor II:** Under general direction, incumbents perform the full range of duties described in the series concept. This is the journey level in the series. It is distinguished from the Orientation and Mobility Instructor I by greater independence and decision-making; greater consequence of error required to conduct advanced mobility training; and supervisory responsibility.

**Orientation and Mobility Instructor I:** Under general supervision, incumbents learn to instruct visually impaired and blind clients in advanced methods and techniques of travel. This is the entry level in the series which provides for progression to the higher level upon meeting the minimum qualifications and with the recommendation of the appointing authority.

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## MINIMUM QUALIFICATIONS

### ORIENTATION AND MOBILITY INSTRUCTOR II

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in rehabilitation of the blind, orientation and mobility, rehabilitation teaching or special education and one year of professional experience providing training in orientation, mobility and the use of low vision aids to blind or visually impaired clients in a rehabilitation setting; **OR** one year of experience as an Orientation and Mobility Instructor I in Nevada State service *as described above*.

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

**Working knowledge of:** *human eye including diseases of the eye and their functional implications; sighted-guide, self-protective, self-familiarization and other pre-cane techniques; methods of long cane instruction for indoor and outdoor travel; techniques used to develop auditory, olfactory and orientation skills in visually impaired persons. General knowledge of: assistive devices; optical aids; magnification and its properties; illumination and its effect on functional vision; social and physical problems of visually impaired and blind persons. Ability to: evaluate visually impaired individuals for deficiencies in mobility skills; evaluate functional near and distance vision skills; recognize and minimize clients' fear and anxiety; independently prioritize, schedule and conduct lessons, evaluations and meetings; choose appropriate instructional methods for individual clients; and all knowledge, skills and abilities required at the lower level.*

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

**Working knowledge of:** principles and practices of supervision; techniques for fitting long/support canes for visually impaired persons; principles, practices, methods and techniques associated with the use of canes while traveling in a wide range of environments; public and private transportation systems available in the community; information related to dog guide schools including procedures to apply for services. **Ability to:** effectively evaluate subordinates' work performance; instruct visually impaired clients in various indoor, outdoor, residential, business and rural travel situations including the use of visual and non-visual clues and the recognition of environmental obstacles; work within established agency policies and federal laws and regulations.

### ORIENTATION AND MOBILITY INSTRUCTOR I

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in rehabilitation of the blind, orientation and mobility, rehabilitation teaching or special education.

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

**Working knowledge of:** principles of peripatology and orientation and mobility instruction; theories, principles and practices associated with instruction of persons with visual disabilities; methods used to communicate with visually impaired persons; utilization of medical and psychological consultation

### MINIMUM QUALIFICATIONS (cont'd)

#### ORIENTATION AND MOBILITY INSTRUCTOR I (cont'd)

##### ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (cont'd)

services; human growth and development; medical terminology; eye functions, eye pathologies, and the principles of optics. **General knowledge of:** effective educational principles and practices applicable to the orientation and mobility instruction of persons with visual impairments. **Ability to:** adapt educational principles to teaching the visually impaired; establish rapport and gain the trust of others; work with and teach persons from a variety of ethnic, social and educational backgrounds; read and analyze medical and psychological reports; make oral presentations to individuals and groups; accurately document casework activities and prepare written status and progress reports.

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

~~[Working knowledge of: human eye including diseases of the eye and their functional implications. General knowledge of: assistive devices; optical aids; magnification and its properties; illumination and its effect on functional vision; social and physical problems of visually impaired and blind persons. Ability to: evaluate functional near and distance vision skills; recognize and minimize clients' fear and anxiety; independently prioritize, schedule and conduct lessons, evaluations and meetings; choose appropriate instructional methods for individual clients.] (These are identical to the Entry Level Knowledge, Skills and Abilities required for the Orientation and Mobility Instructor II.)~~

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

|                 | <u>12.450</u>    | <u>12.451</u>    |
|-----------------|------------------|------------------|
| ESTABLISHED:    | 4/13/70          | 1/17/72          |
| REVISED:        | 4/4/75           |                  |
| REVISED:        | 7/1/93P          | 7/1/93P          |
|                 | 10/23/92PC       | 10/23/92PC       |
| REVISED:        | 6/27/03PC        | 6/27/03PC        |
| <b>REVISED:</b> | <b>9/30/16PC</b> | <b>9/30/16PC</b> |



**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective: **September 30, 2016.**

**Item VI-C-2-b:**

| CURRENT |   |       |       | PROPOSED |   |       |       |
|---------|---|-------|-------|----------|---|-------|-------|
| CODE    | TITLE   | GRADE | EEO-4 | CODE     | TITLE   | GRADE | EEO-4 |
| 12.460  | Correctional Substance Abuse Program Director | 38    | A     | 12.460   | Correctional Substance Abuse Program Director | 38    | A     |

**EXPLANATION OF CHANGE**

The Nevada Department of Administration, Division of Human Resource Management, conducted a class specification maintenance review for Correctional Substance Abuse Program Director. In conjunction with the Nevada Department of Corrections (NDOC), Correctional Programs that utilize this classification, it was determined that revisions be made to the concept and minimum qualifications. It is recommended that the class specification be revised with changes that reflect current occupational language, methods and practices being used by NDOC's Substance Abuse Programs and to maintain consistency with formatting structure.

Revisions were made to remove the reference to in-patient care. In-patient level of care requires 24-hour care with treatment staff members on site 24 hours daily and NDOC does not provide that level of care. Custody staff are not considered treatment team members in this definition and levels of care for treatment are defined by The American Society of Addiction Medicine criteria, third edition, 2013. Also, "education and prevention programs" is replaced with "evidence-based interventions and service"; "correctional rehabilitation philosophy" is replaced with "evidence-based principles for substance abusers in a correctional setting as"; and "for programming ensuring it adheres to evidence-based practices" and "as well as evidence-based practices" are added. Education/Prevention Programs are not proven effective by research outcomes to decrease recidivism rates and/or lead to long-term sobriety, as a result NDOC stopped those services approximately four years ago. This was replaced with evidence-based principles and practices. Additionally, replaced "tests" with "screening tools and assessments"; added "ensuring that statewide substance abuse programs meet the performance measures as listed in the Program Proposals, making improvements as necessary"; and replaced "patients" with "substance abusers enrolled in substance abuse programming". "Psychiatric treatment planning methods" was struck-out. Psychiatric refers to psychological medication prescribed by a licensed Psychiatrist and the resource is provided through the NDOC Mental Health Department and not the NDOC Substance Abuse Programs Department.

The Correctional Substance Abuse Program Director develops, directs, and oversees the implementation and evaluation of statewide correctional substance abuse programming in the Department of Corrections. Incumbents design, develop and modify statewide correctional substance abuse programming; direct and oversee the implementation and evaluation of the department's substance abuse programs; identify and procure funding for substance abuse programs from local, state and federal resources. They also serve as a department representative and liaison with a variety of groups, agencies, and individuals; coordinate the department's drug treatment strategy with the state's substance abuse plan; and meet with officials from related task forces, committees, regulators and private providers. Additionally, they direct delivery of



substance abuse counseling and treatment services and participate in treatment planning for patients with co-occurring disorders to ensure treatment plans are consistent with agency policy and guidelines.

The agency utilizing this classification supports the changes.

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



STATE OF NEVADA  
Department of Administration  
Division of Human Resource Management

CLASS SPECIFICATION

| <u>TITLE</u>                                  | <u>GRADE</u> | <u>EEO-4</u> | <u>CODE</u> |
|---|--------------|--------------|-------------|
| CORRECTIONAL SUBSTANCE ABUSE PROGRAM DIRECTOR | 38           | A            | 12.460      |

Under administrative direction, the Correctional Substance Abuse Program Director develops, directs, and oversees the implementation and evaluation of statewide correctional substance abuse programming in the Department of Corrections.

Design, develop, *deliver*, and modify statewide correctional substance abuse programming such as *out-patient*, intensive ~~[in-patient and]~~ out-patient ~~[therapy]~~, and residential treatment~~[, and education and prevention programs]~~ *that are evidence-based interventions and services*; develop or modify the department's substance abuse plan *for programming ensuring it adheres to evidence-based practices*; acquire approval for the plan from appropriate department administrators; develop or modify the substance abuse treatment curriculum, operations and programming manual *in accordance with evidence-based principles for substance abusers in a correctional setting*; develop a system-wide substance abuse education program; and locate resources and negotiate contracts with service providers.

Direct and oversee the implementation and evaluation of the department's substance abuse programs; evaluate the department's classification system related to the referral of offenders for substance abuse treatment and make recommendations as needed; provide in-service training in the use and interpretation of ~~[tests]~~ *screening tools and assessments*, other than standard psychological instruments, to assess individuals in need of substance abuse treatment; provide in-service training and functional guidance to staff regarding substance abuse treatment and education; manage and coordinate substance abuse treatment in the department; monitor and evaluate substance abuse programs through on-site visits and analyzing program data and reports *ensuring that statewide substance abuse programs meet the performance measures as listed in the Program Proposals, making improvements as necessary*; prepare periodic reports for submission to management.

Identify and procure funding for substance abuse programs from local, State and federal resources; administer grant programs.

Serve as a department representative and liaison with a variety of groups, agencies, and individuals; coordinate the department's drug treatment strategy with the State's substance abuse plan *for programming*; meet with officials from related task forces, committees, regulators and private providers.

Direct delivery of substance abuse counseling and treatment services; interview applicants; assign and review work through subordinate supervisors; provide training, guidance, and motivation; evaluate performance; and initiate disciplinary action.

Participate in treatment planning for ~~[patients]~~ *substance abusers enrolled in substance abuse programming* with co-occurring disorders to ensure treatment plans are consistent with agency policy and guidelines, *as well as evidence-based practices*.

Perform related duties as assigned.

\*\*\*\*\*



### MINIMUM QUALIFICATIONS

**EDUCATION AND EXPERIENCE:** Master's degree from an accredited college or university in social work, psychology, health science, or related field; three years of experience providing substance abuse counseling services as a certified or licensed substance abuse counselor; and three years of managerial experience which included responsibility for supervising counseling staff, developing and implementing program curriculum, acquiring program funding, and managing all components of a substance abuse

#### **MINIMUM QUALIFICATIONS (cont'd)**

##### **EDUCATION AND EXPERIENCE (cont'd)**

treatment program; **OR** Bachelor's degree from an accredited college or university with a major in social work, psychology, health science, or related field; four years of experience providing substance abuse counseling services as a certified or licensed substance abuse counselor; and three years of managerial experience which included responsibility for supervising counseling staff, developing and implementing program curriculum, acquiring program funding, and managing all components of a substance abuse treatment program *as described above*.

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

**Working knowledge of:** principles, practices, and methods of substance abuse counseling and education; family, social, and economic problems encountered by substance abusers; facilities, programs, and related resources available for rehabilitation, education, and training in the field of substance abuse; substance abuse testing procedures, including biological testing and interpretation of test scores; principles and practices of management and supervision; educational curriculum development, ~~psychiatric treatment planning methods,~~ psychotherapy programming principles, and drug rehabilitation philosophy. **General knowledge of:** patterns of disease and concepts of alcoholism and drug abuse. **Ability to:** apply the principles and practices of counseling, guidance, rehabilitation and management of treatment activities; oversee and advise treatment teams; develop, write, and implement a substance abuse treatment program and associated policies and procedures; establish and maintain cooperative working relationships with subordinate staff, administrators, clinical staff, custody staff, representatives of other agencies and government officials; develop program curriculum; write grant proposals to obtain program funding; administer grant programs; establish work priorities, delegate assignments, and train, motivate, and supervise staff; write concise, logical, grammatically correct reports, correspondence, and program documents; make oral group presentations; read and interpret technical information such as research reports, and federal and State laws and regulations; organize resources and staff in a systematic way to meet objectives and optimize program effectiveness and efficiency; work independently with minimal direction.

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

**Working knowledge of:** department casework and institutional procedures; ~~correctional-rehabilitation philosophy~~ *evidence-based principles for substance abusers in a correctional setting as* related to substance abuse programming; agency and State administrative policies and procedures. **General knowledge of:** State and agency policies and practices related to budgeting and accounting. **Ability to:** implement and manage substance abuse programs in a correctional environment.

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.

12.460

ESTABLISHED: 7/1/93P  
10/23/92PC  
REVISED: 3/29/01UC  
REVISED: 6/27/03PC  
**REVISED: 9/30/16PC**



**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#: 38-16

Effective: 04/22/16

| CURRENT |       |       |       | APPROVED |  |       |       |
|---------|-------|-------|-------|----------|--|-------|-------|
| CODE    | TITLE | GRADE | EEO-4 | CODE     | TITLE                                      | GRADE | EEO-4 |
|         | NEW   |       |       | 10.200   | Primary Care Workforce Development Manager | 40    | B     |

### BASIS FOR RECOMMENDATION

As a result of an Individual Classification Study (NPD-19) and in partnership with Subject Matter Experts from the Department of Health & Human Services and the Division of Human Resource Management, it was determined that a new class specification was to be created based upon the duties and responsibilities of the position.

Within the Department of Health & Human Services, the singular Primary Care Workforce Development Manager develops, organizes, coordinates, implements, evaluates and manages long-range, broad-based planning and program development for the recruitment and retention of primary care professionals and other "difficult to recruit" health and social service professionals to the State of Nevada.

In reviewing the job duties and responsibilities, Human Resource Management recommends the Primary Care Workforce Development Manager be allocated at grade 40, two grades above the subordinate supervisory Health Resource Analyst III and to recognize similar characteristics as the Health Program Manager series, ESD Manager series, Social Services Chief series, and Social Services Manager series. The preponderant duties allow for this class to be assigned to the Medical, Health & Related Services Occupational Group, Health Related Services Subgroup. As this position performs duties similar to the above listed series, this class will be assigned to the EEO-4 category: B – Professional.

Both management and agency human resource personnel within the division participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

**POSTING#: 39-16**

**Effective: 04/29/16**

| CURRENT |            |       |       | APPROVED     |   |           |          |
|---------|------------|-------|-------|--------------|---|-----------|----------|
| CODE    | TITLE      | GRADE | EEO-4 | CODE         | TITLE                                       | GRADE     | EEO-4    |
|         | <i>New</i> |       |       | <i>9.205</i> | <i>Seasonal Forestry Equipment Operator</i> | <i>28</i> | <i>G</i> |

#### **BASIS FOR RECOMMENDATION**

As a result of an Individual Classification Study (NPD-19) and in partnership with Subject Matter Experts from the Department of Conservation & Natural Resources, Division of Forestry and the Division of Human Resource Management, it was determined that a new class specification be created for seasonal staff that operate specialized forestry vehicles and equipment.

Under general supervision, a Seasonal Forestry Equipment Operator will operate specialized forestry vehicles and equipment on a statewide basis, to include aviation fuel trucks, firefighter crew transports, forklifts and other assigned vehicles and/or equipment; and perform routine equipment maintenance.

In reviewing the job duties and responsibilities, it was determined that a grade 28 was warranted as the duties, responsibilities and minimum qualifications, while not exact, are similar to the Special Equipment Operator II, 7.203, grade 28. The preponderance of duties allows for this class to be assigned to the Mechanical & Construction Trades Occupational Group, Equipment Operations subgroup. As this position performs work which requires special manual skills and a thorough comprehensive knowledge of the processes involved in the work, this class will be assigned to the following EEO-4 category: G – Skilled Craft Workers.

Both management and agency human resource personnel within the division participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.



**POSTING#: 40-16**

**Effective: 04/29/16**

| CURRENT |   |       |       | APPROVED |   |       |       |
|---------|---|-------|-------|----------|---|-------|-------|
| CODE    | TITLE                                       | GRADE | EEO-4 | CODE     | TITLE                                       | GRADE | EEO-4 |
| 4.201   | Assistant Administrator, Archives & Records | 41    | A     | 4.201    | Assistant Administrator, Archives & Records | 41    | A     |

### **BASIS FOR RECOMMENDATION**

At the request of the Nevada State Library, Archives & Public Records (NSLAPR), and as a result of an organizational name change, the Division of Human Resource Management recommends changes to the Assistant Administrator, Archives & Records class specification to reflect a change from the Nevada State Library & Archives to NSLAPR.

Also, at the request of NSLAPR and upon review by subject matter experts within the Division of Human Resource Management, it is recommended that the Education & Experience section of the Minimum Qualifications be modified to reflect the addition of "*OR certification as a Records Manager from the Institute of Certified Records Managers and five years of experience as described above.*" This addition is consistent with other certifications and would allow for expanded recruitment.

These changes required no modifications of either the entry level or full performance knowledge, skills and abilities.

Both management and agency human resource personnel within the division participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

**POSTING#: 41-16**  
**Effective: 05/04/16**

| CURRENT |                       |       |       | APPROVED |                       |       |       |
|---------|-----------------------|-------|-------|----------|-----------------------|-------|-------|
| CODE    | TITLE                 | GRADE | EEO-4 | CODE     | TITLE                 | GRADE | EEO-4 |
| 4.204   | State Records Manager | 37    | A     | 4.204    | State Records Manager | 37    | A     |
| 4.210   | Records Analyst II    | 33    | B     | 4.210    | Records Analyst II    | 33    | B     |
| 4.212   | Records Analyst I     | 31    | B     | 4.212    | Records Analyst I     | 31    | B     |

### **BASIS FOR RECOMMENDATION**

At the request of the Nevada State Library, Archives & Public Records (NSLAPR), and as a result of an organizational name change, the Division of Human Resource Management recommends changes to the State Records class specification to reflect a change from the Nevada State Library & Archives to NSLAPR.

Also, a minor change was made to the class concept for Records Analyst I to indicate "*satisfactory performance*" must be met for progression to the next level. In addition, the Education and Experience section of the Minimum Qualifications were modified at every level to reflect the addition of experience "*as described above.*" These modifications allow for consistency in formatting and structure.

These changes required no modifications of either the entry level or full performance knowledge, skills and abilities.

Both management and agency human resource personnel within the division participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

**POSTING#: 42-16**

**Effective: 05/19/16**

| CURRENT |             |       |       | APPROVED |             |       |       |
|---------|-------------|-------|-------|----------|-------------|-------|-------|
| CODE    | TITLE       | GRADE | EEO-4 | CODE     | TITLE       | GRADE | EEO-4 |
| 7.803   | Curator IV  | 37    | B     | 7.803    | Curator IV  | 37    | B     |
| 7.823   | Curator III | 35    | B     | 7.823    | Curator III | 35    | B     |
| 7.808   | Curator II  | 33    | B     | 7.808    | Curator II  | 33    | B     |
| 7.834   | Curator I   | 31    | B     | 7.834    | Curator I   | 31    | B     |

### **BASIS FOR RECOMMENDATION**

At the request of the Division of Museums and History, Human Resource Management recommends revisions to the Curator series. The class concepts of the Curator I were revised to update and accurately describe the duties performed by incumbents in that class. The minimum qualifications of the levels have been modified to maintain formatting consistency. Additionally, the experience required to perform the duties of the classes was clarified and expanded at the Curator I and II levels. For this reason, the knowledge, skills and abilities of both classes were updated accordingly.

Curators perform a broad range of professional and technical museum work involving, but not limited to, assessment, evaluation, survey, inventory, preservation, research, education and planning for a specific collection and/or program area within a museum. Incumbents apply a variety of professional and advanced technical knowledge, skills, methods and practices in performing duties of a specialized nature. They implement collection management policy and procedures; assess and recommend acquisition of objects, archival materials, manuscripts, and photographs for museum collections; coordinate and curate collections controlled by federal agencies and other entities as stipulated in agreements; conduct research and develop content and media for programs; and participate in the preparation of long-term and temporary exhibits. They also provide technical information on museum collection practices and disciplines for outside entities; may produce publications on program areas and collections for general and specialized audiences; and interpret results of completed surveys. Additionally, they perform field evaluations and site excavations including locating, identifying and recording specific sites, and cataloging and plotting recovered artifacts; utilize information for report preparation, scientific research, and educational purposes and/or to determine impact to cultural resource as required.

Human Resource Management worked closely with staff from the Nevada Division of Museums and History and the changes are supported.



POSTING#: 43-16

Effective: 05/19/16

| CURRENT |       |       |       | APPROVED |                     |       |       |
|---------|-------|-------|-------|----------|---------------------|-------|-------|
| CODE    | TITLE | GRADE | EEO-4 | CODE     | TITLE               | GRADE | EEO-4 |
|         |       |       |       | 7.659    | NSHE Specialist III | 35    | B     |
|         | NEW   |       |       | 7.660    | NSHE Specialist II  | 33    | B     |
|         |       |       |       | 7.661    | NSHE Specialist I   | 31    | B     |

## BASIS FOR RECOMMENDATION

At the request of the various institutions within the Nevada System of Higher Education (NSHE), Human Resource Management has recommended establishing a new class series titled NSHE Specialist for positions unique to a college or university setting. Many positions within NSHE perform professional-level work for program areas such as Pathology Services Laboratory, Gaming Management Program, or Area Health Education Center; or for student needs such as financial aid/scholarships, academic advisement, or Disability Resource Center; or from the specialized business needs such as parking services, academic program accreditation, or real estate acquisition and rentals.

It is recommended that the series be placed in the Fiscal Management & Staff Services Occupational Group, Administrative and Budget Analysis subgroup to recognize the professional work performed by these positions. Furthermore, it is recommended that the NSHE Specialist III class be allocated at grade 35 to recognize the decision-making authority and management of staff. Positions in this class perform activities with a broad scope that typically impacts multiple agencies. It is also recommended that the NSHE Specialist II be allocated at grade 33 to recognize the scope of responsibility and supervision exercised over the respective area. The NSHE Specialist I is recommended to be allocated at grade 31 to reflect that positions in this class work within established parameters and have more limited decision-making authority than positions at the higher levels in the series.

**7.659 - NSHE Specialist III, Grade 35:** Under administrative direction, incumbents perform the duties described in the series concept. Incumbents at this level typically train, supervise and evaluate the performance of lower level professional staff, technical and/or administrative support staff and have wide latitude in determining specific methods, operations, activities and processes required to manage their work unit. Work products and activities have campus-wide and sometimes system-wide impact. This level is distinguished from the NSHE Specialist II by a broader scope of responsibility; the higher-level of knowledge, skills and abilities required; and by greater consequence of error. Decisions are made independently through the direction of overall academic/service goals and objectives.

**7.660 - NSHE Specialist II, Grade 33:** Under general direction, incumbents perform the duties described in the series concept and may supervise lower level administrative support positions and student workers. Incumbents may report to an NSHE Specialist III, administrative faculty or academic faculty. This level is distinguished from the NSHE Specialist I by greater supervisory responsibility; decision making authority; and scope of the program/services provided. Decisions are made independently following evaluation of a variety of broad or non-specific parameters or regulations.

**7.661 - NSHE Specialist I, Grade 31:** Under limited supervision, incumbents perform professional level work as described in the series concept. This is the journey level in the series. Decisions are made independently within defined regulations, parameters or program guidelines. Work products affecting audiences beyond the normal scope of program services are typically reviewed by higher level staff or administration. Incumbent at this level may train, supervise and evaluate the performance of technical or administrative support staff.

During this review, Human Resource Management worked closely with staff from the University of Nevada, Reno, Business Center North who, in conjunction with staff from other institutions within NSHE, assisted in developing the class specification.

**POSTING#: 44-16**  
**Effective: 05/19/16**

| CURRENT |                   |       |       | APPROVED |                          |       |          |
|---------|-------------------|-------|-------|----------|--------------------------|-------|----------|
| CODE    | TITLE             | GRADE | EEO-4 | CODE     | TITLE                    | GRADE | EEO-4    |
| 1.119   | Agriculturist IV  | 37    | B     | 1.119    | <i>Agriculturist IV</i>  | 37    | <i>B</i> |
| 1.120   | Agriculturist III | 34    | B     | 1.120    | <i>Agriculturist III</i> | 34    | <i>B</i> |
| 1.123   | Agriculturist II  | 33    | B     | 1.123    | <i>Agriculturist II</i>  | 33    | <i>B</i> |
| 1.128   | Agriculturist I   | 30    | B     | 1.128    | <i>Agriculturist I</i>   | 30    | <i>B</i> |

### **BASIS FOR RECOMMENDATION**

At the request of the Agency HR Services, Human Resource Management recommends the removal of the special requirement that an applicant be subject to the requirements of Nevada Revised Statutes 284.4066, pre-employment screening for controlled substances. The Agriculturist series is not included in the State of Nevada Classes Approved for Pre-Employment Drug Testing list and this requirement does not apply.

Agriculturists perform a variety of inspections and enforcement duties related to regulated agricultural programs such as seed testing and seed certification, commercial pest control licensing, commercial nursery inspection and licensing, vertebrate pest control, noxious weeds, insect and plant disease quarantine surveys, and commercial feed and agricultural product grading. The Agriculturists also administer or participate in administering the commercial pest control firm and operator licensing program, restricted-use certification program, nursery licensing and inspection program, vertebrate pest control program, organic certification program and producer certification program; enforce state and federal laws and regulations related to mixing, use and disposal of pesticides by licensed and certified applicators, and public applicators, as well as the sale and distribution of pesticides and fertilizers at retail outlets or user locations. The Agriculturists prepare a variety of inspection reports for regulatory action; participate in weed survey, identification and control program; inspect commercial feeds at retail outlets or user locations; perform shipping point and conditional inspections of agricultural commodities at wholesale and retail establishments; and inspect retail outlets for the unlawful entry and distribution of prohibited and/or non-compliant products.

The Department of Agriculture supports the changes.



**POSTING#: 45-16**

**Effective: 05/19/16**

| CURRENT |  |       |       | APPROVED |                  |       |       |
|---------|--|-------|-------|----------|------------------|-------|-------|
| CODE    | TITLE  | GRADE | EEO-4 | CODE     | TITLE            | GRADE | EEO-4 |
| 6.205   | Assistant Director, Planning and Program Development | 46    | A     |          | <i>ABOLISHED</i> |       |       |

#### **BASIS FOR RECOMMENDATION**

As a result of this classification being scheduled for abolishment through attrition, and in conjunction with the Nevada Department of Transportation, it has been determined that the Assistant Director, Planning and Program Development is no longer utilized by the agency. It has been verified that there are no incumbents currently holding this class title. Therefore, the Division of Human Resource Management recommends that the class specification be abolished.

The Department of Health and Human Services supports abolishing this class specification.

**POSTING#: 46-16**  
**Effective: 05/19/16**

| CURRENT |                                   |       |       | APPROVED |                  |       |       |
|---------|-----------------------------------|-------|-------|----------|------------------|-------|-------|
| CODE    | TITLE                             | GRADE | EEO-4 | CODE     | TITLE            | GRADE | EEO-4 |
| 6.204   | Assistant Transportation Director | 49*   | A     |          | <i>ABOLISHED</i> |       |       |

#### **BASIS FOR RECOMMENDATION**

As a result of this classification being scheduled for abolishment through attrition, and in conjunction with the Nevada Department of Transportation, it has been determined that the Assistant Transportation Director class is no longer utilized by the agency. It has been verified that there are no incumbents currently holding this class title. Therefore, the Division of Human Resource Management recommends that the class specification be abolished.

The Nevada Department of Transportation supports abolishing the class specification.

**POSTING#: 47-16**  
**Effective: 06/09/16**

| CURRENT |  |       |       | APPROVED |                                    |       |       |
|---------|--|-------|-------|----------|------------------------------------|-------|-------|
| CODE    | TITLE  | GRADE | EEO-4 | CODE     | TITLE                              | GRADE | EEO-4 |
| 5.204   | Administrator, Southern Office and Teacher Licensing | 42    | A     | 5.204    | <i>Educator Licensure Director</i> | 41    | A     |

### **BASIS FOR RECOMMENDATION**

As the result of an Individual Classification Study (NPD-19) and in partnership with Subject Matter Experts for the Nevada Department of Education and the Division of Human Resource Management, it was determined that modifications to the Administrator, Southern Office & Teacher Licensing class specification be completed as a result of changes to the duties and responsibilities of the class.

It is recommended that the current class title be changed to Educator Licensure Director as the position no longer acts in the capacity of an Administrator. This is similar to the Education Programs Director and will provide consistency with how the agency titles positions.

It is also recommended that the requirement of a Master's degree be changed to a Bachelor's degree from an accredited college or university in education, education administration, business, public administration or closely related field and that there be an increase in the number of years of professional level experience from three years to five years. Furthermore, it is recommended that the duties and responsibilities for educator licensure and background investigations be expanded. It is also recommended that responsibility for administration of the statewide school transportation program be removed. These modifications required minimal changes to the Entry Level and Full Performance, Knowledge, Skills and Abilities.

Lastly, due to the changes in the minimum qualifications and duties performed, it is recommended that the grade for the position be decreased from a grade 42 to a grade 41. This provides alignment with the Education Programs Director, 5.205, grade 41 positions.

Both management and agency human resource personnel within the division participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.



**POSTING#: 48-16**

**Effective: 06/9/16**

| CURRENT |                            |       |       | APPROVED |                                   |       |       |
|---------|----------------------------|-------|-------|----------|-----------------------------------|-------|-------|
| CODE    | TITLE                      | GRADE | EEO-4 | CODE     | TITLE                             | GRADE | EEO-4 |
| 13.265  | Youth Parole Counselor III | 40*   | B     | 13.265   | <i>Youth Parole Counselor III</i> | 40*   | B     |
| 13.266  | Youth Parole Counselor II  | 39*   | B     | 13.266   | <i>Youth Parole Counselor II</i>  | 39*   | B     |
| 13.267  | Youth Parole Counselor I   | 35*   | B     | 13.267   | <i>Youth Parole Counselor I</i>   | 35*   | B     |

\* Reflects a 3-grade, special salary adjustment granted by the Legislature to improve recruitment and retention.

## **BASIS FOR RECOMMENDATION**

At the request of the Department of Health & Human Services (DHHS), Division of Child & Family Services (DCFS), the Division of Human Resource Management has conducted a review of the Youth Parole Counselor Series. Analysts within the Division of Human Resource Management worked with subject matter experts from DCFS, and as a result of this review, it is recommended that the experience requirements of the minimum qualifications at the Youth Parole Counselor II and I levels be revised.

It is recommended that the experience required be clarified and broadened in order to expand and encompass a broader range of applicants. It is also recommended that equivalencies be added for Correctional Officers, Forensic Specialists, Group Supervisors and Parole & Probation Specialists both to enlarge the number of qualified applicants and create an additional career ladder for current State employees.

These modifications required no changes to the entry level or full performance knowledge, skills and abilities.

Both management and agency human resource personnel within the division participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

**POSTING#: 49-16**  
**Effective: 06/27/16**

| CURRENT |  |       |       | APPROVED |                  |       |       |
|---------|--|-------|-------|----------|------------------|-------|-------|
| CODE    | TITLE  | GRADE | EEO-4 | CODE     | TITLE            | GRADE | EEO-4 |
| 11.516  | Safety Supervisor, Mechanical Unit – DIR       | 39*   | B     |          | <i>ABOLISHED</i> |       |       |
| 11.535  | Safety Specialist, Boiler & Elevator – DIR     | 37*   | B     |          | <i>ABOLISHED</i> |       |       |
| 11.536  | Safety Representative, Boiler & Elevator – DIR | 35*   | B     |          | <i>ABOLISHED</i> |       |       |

\*Reflects a two grade, special salary adjustment granted by the 2013 Legislature to improve recruitment and retention for the Division of Industrial Relations.

| CURRENT |                                   |       |       | APPROVED |  |       |       |
|---------|-----------------------------------|-------|-------|----------|--|-------|-------|
| CODE    | TITLE                             | GRADE | EEO-4 | CODE     | TITLE  | GRADE | EEO-4 |
|         | <i>New</i>                        |       |       | 11.564   | <i>Safety Supervisor, Elevator – DIR</i>     | 39*   | B     |
| 11.538  | Safety Specialist, Elevator – DIR | 37*   | B     | 11.538   | <i>Safety Specialist, Elevator – DIR</i>     | 37*   | B     |
|         | <i>New</i>                        |       |       | 11.563   | <i>Safety Representative, Elevator – DIR</i> | 34*   | B     |

\*Reflects a two grade, special salary adjustment granted by the 2013 Legislature to improve recruitment and retention for the Division of Industrial Relations.

| CURRENT |                                     |       |       | APPROVED |  |       |       |
|---------|-------------------------------------|-------|-------|----------|--|-------|-------|
| CODE    | TITLE                               | GRADE | EEO-4 | CODE     | TITLE                                      | GRADE | EEO-4 |
|         | <i>New</i>                          |       |       | 11.529   | <i>Safety Supervisor, Boiler – DIR</i>     | 39*   | B     |
| 11.537  | Safety Specialist, Boiler – DIR     | 37*   | B     | 11.537   | <i>Safety Specialist, Boiler – DIR</i>     | 37*   | B     |
| 11.549  | Safety Representative, Boiler – DIR | 34*   | B     | 11.549   | <i>Safety Representative, Boiler – DIR</i> | 34*   | B     |

\*Reflects a two grade, special salary adjustment granted by the 2013 Legislature to improve recruitment and retention for the Division of Industrial Relations.

## **BASIS FOR RECOMMENDATION**

As the result of an Individual Classification Study (NPD-19) and in partnership with Subject Matter Experts from the Department of Business & Industry, Division of Industrial Relations, Mechanical Compliance Section and the Division of Human Resource Management, it was determined that the Safety Supervisor, Mechanical Unit – DIR, Safety Specialist, Boiler & Elevator – DIR and the Safety Representative, Boiler & Elevator – DIR be abolished. It was also determined to add a Safety Supervisor and Safety Representative to the current Safety Specialist, Elevator – DIR class specifications and a Safety Supervisor, Boiler – DIR to the current Safety Specialist, Boiler class specifications. As it is extremely difficult to employ individuals with both the Elevator and Boiler skill sets, the separation of the Boiler & Elevator series into their own distinct class specifications will allow for better recruitment and retention of staff.

It is recommended that the both the Safety Supervisor, Boiler – DIR and Safety Supervisor, Elevator – DIR be allocated at a grade 39 and the Safety Representative, Elevator – DIR be allocated at a grade 34. This will maintain alignment with the abolished series, as well as, other class specifications within the Safety Inspections sub-group of the Regulatory & Public Safety Occupational Group.

Also, minor modifications to the existing class specifications were made to maintain standardization of verbiage and structure.

Both management and agency human resource personnel within the division participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.



**POSTING#: 50-16**

**Effective: 06/27/16**

| CURRENT |                        |       |       | APPROVED |                               |       |          |
|---------|------------------------|-------|-------|----------|-------------------------------|-------|----------|
| CODE    | TITLE                  | GRADE | EEO-4 | CODE     | TITLE                         | GRADE | EEO-4    |
| 4.220   | State Archives Manager | 37    | A     | 4.220    | <i>State Archives Manager</i> | 37    | <i>A</i> |
| 4.225   | Archivist II           | 33    | B     | 4.225    | <i>Archivist II</i>           | 33    | <i>B</i> |
| 4.230   | Archivist I            | 31    | B     | 4.230    | <i>Archivist I</i>            | 31    | <i>B</i> |

### **BASIS FOR RECOMMENDATION**

In conjunction with the Nevada State Library, Archives & Public Records, the Division of Human Resource Management recommends minor revisions to the Archivist series concept to account for changes in the name of the Division; however, these modifications required no changes to the minimum qualifications.

Human Resource Management also recommended minor revisions to the knowledge, skills and abilities to maintain formatting consistency.

Archivists perform a broad range of professional level duties in support of the State Archives or the special collections section of a university or community college library. Incumbents appraise, accession, describe or catalog, make available and perform research in special collections, published library materials and official records of continuing value; review records by examining the form, quantity, availability and information content of the collection to assess the evidential, informational and research value; acquire and accession records, manuscripts and other materials by communicating with potential sources of collections; secure the transfer of legal title and receive materials. They also ensure patrons receive the full benefit of information available in the archives by providing reference service. Incumbents conduct oral histories; identify and arrange documents and materials to provide accessibility to patrons and staff; establish access to documents and materials by editing or developing finding aids describing the content, scope and shelf location as well as the history of the associated agency, office or person; preserve and protect documents and materials. They also seek funding for special projects by preparing grant applications for submission to federal and State granting agencies and private funding sources; justify the need for the project, summarize the objectives and project plan, estimate associated expenses, and develop time lines and conduct historical research and report findings. Additionally, incumbents promote professional and public awareness of the archives' activities by making oral presentations, composing articles for publication, and participating in professional organizations. They develop and implement methods to gather and analyze information concerning the number and type of patrons that use the archives, materials accessioned and deaccessioned, and the type of materials used in order to identify trends and properly allocate resources.

The Nevada State Library, Archives & Public Records supports the changes.

**POSTING#: 51-16**  
**Effective: 07/29/16**

| CURRENT |               |       |       | APPROVED |               |       |       |
|---------|---------------|-------|-------|----------|---------------|-------|-------|
| CODE    | TITLE         | GRADE | EEO-4 | CODE     | TITLE         | GRADE | EEO-4 |
| 4.106   | Librarian IV  | 37    | B     | 4.106    | Librarian IV' | 37    | B     |
| 4.109   | Librarian III | 35    | B     | 4.109    | Librarian III | 35    | B     |
| 4.112   | Librarian II  | 33    | B     | 4.112    | Librarian II  | 33    | B     |
| 4.115   | Librarian I   | 31    | B     | 4.115    | Librarian I   | 31    | B     |

### **BASIS FOR RECOMMENDATION**

At the request of the Nevada State Library, Archives & Public Records (NSLAPR), and as a result of an organizational name change, the Division of Human Resource Management recommends modification to the Librarian class specification to reflect a change from the Nevada State Library & Archives to Nevada State Library, Archives & Public Records.

Also, through information gathered as a result of an individual classification study, the Division of Human Resource Management, in consultation with a Subject Matter Expert from NSLAPR, recommends changes to the series and class concepts to account for emerging technologies, clarification in duties and experience equivalencies.

These changes required modifications to the education and experience sections of the minimum qualifications to account for the allowance of additional areas of experience and to allow for progression from one level in the series to the next. Also, minor changes were made to the entry level and full performance knowledge skills and abilities to account for these changes, as well as, to maintain consistency with formatting and structure.

Both management and agency human resource personnel within the division participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

**POSTING#: 52-16**

**Effective: 07/29/16**

| CURRENT |                                      |       |       | APPROVED |   |       |       |
|---------|--------------------------------------|-------|-------|----------|---|-------|-------|
| CODE    | TITLE                                | GRADE | EEO-4 | CODE     | TITLE   | GRADE | EEO-4 |
| 6.303   | Supervisor, Right-of-Way Engineering | 38    | B     | 6.303    | <i>Supervisor, Right-of-Way Survey Services</i> | 38    | B     |

#### **BASIS FOR RECOMMENDATION**

As a result of changes made to the Manager, Right-of-Way Survey Services series, 6.301, and in partnership with Subject Matter Experts from the Department of Transportation, it was determined that the class specification for Supervisor, Right-of-Way Engineering be amended to account for a change in title to better reflect the duties being performed and to maintain consistency with the Manager, Right-of-Way Survey Services series.

It is therefore recommended that the title be changed from Supervisor, Right-of-Way Engineering to Supervisor, Right-Of-Way Survey Services. It is also recommended that minor modifications to the series concept and the minimum qualifications be made to reflect this change.

Both management and agency human resource personnel within the division participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.



**POSTING#: 53-16**

**Effective: 07/29/16**

| CURRENT |                                   |       |       | APPROVED |  |       |       |
|---------|-----------------------------------|-------|-------|----------|--|-------|-------|
| CODE    | TITLE                             | GRADE | EEO-4 | CODE     | TITLE  | GRADE | EEO-4 |
| 6.301   | Manager, Right-of-Way Engineering | 41    | A     | 6.301    | Manager II, Right-of-Way Survey Services - PLS | 42    | A     |
|         | New                               |       |       | 6.302    | Manager I, Right-of-Way Survey Services        | 40    | A     |

## **BASIS FOR RECOMMENDATION**

As a result of an Individual Classification Study (NPD-19) and in partnership with Subject Matter Experts from the Department of Transportation, it was determined that the class specification for Manager, Right-of-Way Engineering be amended to account for mandated changes in licensure, the need for an additional level to manage day-to-day operations and to retitle the series to better reflect the duties being performed.

NRS 625.530 states that *"the State of Nevada or any of its political subdivisions, including a county, city or town, shall not engage in any public work requiring the practice of professional engineering or land surveying, unless the maps, plans, specifications, reports and estimates have been prepared by, and the work executed under the supervision of a professional engineer, professional land surveyor or registered architect."* As a result of this statute, it is recommended that the class specification for the Manager, Right-of-Way Engineering be amended to reflect the requirement for licensure as a Professional Land Surveyor (PLS). Due to this requirement, minimum qualifications were developed to detail knowledge, skills and abilities required of the PLS. It is also recommended that the title be changed to Manager II, Right-of-Way Survey Services – PLS to both account for the licensure requirement and to better reflect that the duties are more reflective of professional surveying versus engineering. It is further recommended that the grade of the class be increased one grade, from 41 to 42, which is consistent with a grade level reassessment resulting in new licensing requirements and changes in the scope of work performed and the knowledge, skills and abilities required to perform them.

As a result of the PLS being the Individual in Responsible Charge of Work and the requirement to exercise final approval of right-of-way plans for all projects Statewide in accordance with NRS 625, there is a need for an additional level manager to manage the day-to-day operations of survey services. It is therefore recommended that a Manager I, Right-of-Way Survey Services, grade 40, be created utilizing the minimum qualifications previously established for the manager position. The grade 40 is recommended as it is two grades below the Manager II, Right-of-Way Survey Services and two grades higher than the Supervisor, Right-of-Way Survey Services, grade 38. This is consistent with other series' in State service.

Additionally, class concepts were created at both levels to differentiate the duties, responsibilities and minimum qualifications between the two levels. Furthermore, special requirements and an informational note were added to detail PLS licensure requirements and the requirement for a valid Nevada driver's license or evidence of equivalent mobility. Lastly, minor modifications were made to the series concept to account for changes in verbiage and in duties being performed.

Both management and agency human resource personnel within the division participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

**POSTING#: 01-17**  
**Effective: 08/10/16**

| CURRENT |                            |       |       | APPROVED     |                                   |           |          |
|---------|----------------------------|-------|-------|--------------|-----------------------------------|-----------|----------|
| CODE    | TITLE                      | GRADE | EEO-4 | CODE         | TITLE                             | GRADE     | EEO-4    |
| 1.812   | Fire Management Officer II | 37    | D     | <i>1.812</i> | <i>Fire Management Officer II</i> | <i>37</i> | <i>D</i> |
| 1.814   | Fire Management Officer I  | 36    | D     | <i>1.814</i> | <i>Fire Management Officer I</i>  | <i>36</i> | <i>D</i> |
| 1.816   | Battalion Chief            | 35    | D     | <i>1.816</i> | <i>Battalion Chief</i>            | <i>35</i> | <i>D</i> |
| 1.850   | Fire Captain               | 33    | D     | <i>1.850</i> | <i>Fire Captain</i>               | <i>33</i> | <i>D</i> |
| 1.819   | Firefighter II             | 31    | D     | <i>1.819</i> | <i>Firefighter II</i>             | <i>31</i> | <i>D</i> |
| 1.852   | Firefighter I              | 28    | D     | <i>1.852</i> | <i>Firefighter I</i>              | <i>28</i> | <i>D</i> |

### **BASIS FOR RECOMMENDATION**

At the request of the Department of Conservation & Natural Resources, Forestry Division, the Division of Human Resource Management has conducted a review of the Fire Management Series. Analysts within the Division of Human Resource Management worked with subject matter experts from the Division, and as a result of this review, it is recommended that duties, responsibilities and minimum qualifications associated with emergency incidents such as structure fires, medical emergencies, vehicle accidents and hazardous materials incidents, as well as, inspection of commercial buildings with associated duties, be removed.

This recommendation is based on these duties and responsibilities being allocated to the County level.

As a result of this recommendation, modifications to the series concept, class concepts and minimum qualifications were made to address removal of these duties and responsibilities.

Also, additional minor modifications were made to the minimum qualifications to maintain consistency with formatting and structure.

Both management and agency human resource personnel within the division participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

**POSTING#: 02-17**  
**Effective: 08/10/16**

| CURRENT |                          |       |       | APPROVED      |                                |            |          |
|---------|--------------------------|-------|-------|---------------|--------------------------------|------------|----------|
| CODE    | TITLE                    | GRADE | EEO-4 | CODE          | TITLE                          | GRADE      | EEO-4    |
| 10.168  | Licensed Psychologist II | 45*   | A     |               | No Change                      |            |          |
| 10.170  | Licensed Psychologist I  | 44*   | B     |               | No Change                      |            |          |
| 10.171  | Psychological Assistant  | 41*   | B     | <i>10.171</i> | <i>Psychological Assistant</i> | <i>41*</i> | <i>B</i> |

\* Reflects a 2-grade, special salary adjustment authorized by the 2007 Legislature to improve recruitment and retention.

## **BASIS FOR RECOMMENDATION**

At the request of the Department of Health & Human Services (DHHS), Division of Public & Behavioral Health (PB&H), the Division of Human Resource Management has conducted a review of the Psychologist series. Analysts within the Division of Human Resource Management worked with subject matter experts from PB&H, and as a result of this review, it is recommended that the education and experience requirements of the minimum qualifications at the Psychological Assistant be revised.

It is recommended that the Doctorate in Psychology be removed and clarification of an active doctoral psychology internship and/or successful completion of a doctoral psychology internship program be required at the time of application. An informational note was added indicating that applicants must attach copies of their active doctoral internship program, certificate of successful completion of their doctoral psychology internship program or verification of their Doctorate in Psychology degree to their application in order to be considered eligible for employment. An additional informational note was added indicating that individuals offered employment as a Psychological Assistant must have a Doctorate in Psychology and approval as a Registered Psychological Assistant by the Nevada Board of Psychological Examiners at the time of appointment.

These changes will give interns participating in the Nevada Psychology Internship Consortium (NV-PIC), as well as other approved internship programs, the ability to apply for Psychological Assistant positions and then be granted conditional offers of employment. Currently, the State is losing excellent applicants to private employment, as interns would not meet the education and experience requirements as currently written.

Lastly, additional special requirements were added related to background investigations and requirement of a Nevada driver's license or equivalent mobility, to maintain consistency with structure and formatting.

These modifications required no changes to the entry level or full performance knowledge, skills and abilities.

Both management and agency human resource personnel within the division participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.