

**JIM GIBBONS**  
*Governor*

**STATE OF NEVADA**

**TODD C. RICH**  
*Director*



**DEPARTMENT OF PERSONNEL**  
**209 East Musser Street, Room 101**  
**Carson City, Nevada 89701-4204**  
**(775) 684-0150**  
**<http://dop.nv.gov>**

**MEMO PERD # 06-08**

January 24, 2008

TO: Nevada County Libraries  
State Library and Archives

FROM: Todd Rich, Director  
Department of Personnel

A handwritten signature in dark ink, appearing to read "T. Rich".

SUBJECT: NOTICE OF PUBLIC HEARING – NAC 284 Regulation Changes

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The regulation changes included with this memorandum are being proposed for adoption at the March 22, 2008, Personnel Commission meeting. This meeting will be held at 9:00 a.m. at the Legislative Building, Room 4100, 401 South Carson Street, Carson City, Nevada and by video conference at the Grant Sawyer Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada.

Please post the enclosed *Notice of Public Hearing* along with the *text of the proposed regulation*.

TR:vk

Enclosures



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## **NOTICE OF INTENT TO ACT UPON A REGULATION**

### **Notice of Hearing for the Amendment of Regulations of the Department of Personnel**

The Personnel Commission will hold a public hearing at 9:00 a.m., on March 21, 2008, at the Legislative Building, 401 S. Carson Street, Room 4100 and in Las Vegas at the Grant Sawyer Building, Room 4401, 555 East Washington Avenue via videoconferencing. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to chapter 284 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

- These regulations do not have a direct economic effect on any business or the public.
- Enforcement of these regulations will not result in an increased cost.
- To our knowledge, these regulations do not overlap or duplicate the regulations of other State or local governmental agencies.
- These regulations do not establish any new fee or increase an existing fee.
- A statement of the need for and the purpose of the proposed regulations precede the text of each regulation included in the attached document. The following regulation amendments will be considered at this meeting:

**Regulation Lead Line:**

Appeal of allocation of position or change in classification  
Civil leave with pay to serve on a jury or as witness  
Presentation and contents of petitions

**NAC #**

NAC 284.152  
NAC 284.582  
NAC 284.830

Persons wishing to comment upon the proposed action of the Personnel Commission may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Department of Personnel, 209 E. Musser Street, Suite 101, Carson City, Nevada 89701, Attention Shelley Blotter. Written submissions must be received by the Department of Personnel on or before February 29, 2008. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Personnel Commission may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the Department of Personnel, 209 E. Musser Street, Carson City, and 555 East Washington Avenue, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

**CARSON CITY**

Blasdel Building, 209 East Musser Street  
Nevada State Library and Archives, 100 Stewart St  
Capitol Building, Main Floor  
Legislative Building, 401 South Carson Street  
Department of Personnel Web Site [www.dop.nv.gov](http://www.dop.nv.gov)  
Main branch of Nevada County Public Libraries

**LAS VEGAS**

Grant Sawyer State Office Building  
555 East Washington Avenue

Additionally, this notice has been sent to all State agencies.

## REGULATIONS PROPOSED FOR PERMANENT ADOPTION

**Sec 1. NAC 284.152 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, details an appellant's responsibility when appealing the results of a classification study to the Personnel Commission. The intent of this amendment is to provide the Personnel Commission with information regarding the appellant's rationale for their disagreement with the classification study result, as they must do when appealing to the Director.

**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 days after the date of receipt of written notice of the action, file a written appeal of the action with the Director. The appeal must:

(a) Address the points outlined in the Department of Personnel'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 ~~[why he disagrees]~~ **for the disagreement.**

2. The Director will issue a decision on the appeal within 20 working days after he receives the appeal unless:

(a) He 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 Director delegates the duty to decide the appeal to a designated representative pursuant to subsection 3.

3. The Director may delegate the duty to decide the appeal to a designated representative if the Director is unavailable or reasonably believes he has a conflict of interest. If the Director makes such a delegation, the designated representative shall issue a decision on the appeal within 20 working days after the Director received the appeal.

4. The appellant or the agency affected by the decision may, ~~[appeal it to the Commission]~~ within 30 days after receipt of written notice of the decision ~~[from]~~ **of the Director[-] or his designated representative, appeal the decision to the Commission. The appeal must:**

**(a) Be in writing;**

**(b) Be addressed to the Director;**

**(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)

**Sec 2. NAC 284.582 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, adds language as is consistent with the changes to NRS 6.190 made during the 2007 Legislative Session. It clarifies that an employee cannot be required to use either sick leave or annual leave when required to serve on a jury. The proposed amendment also references NRS 6.190 to ensure that State agencies are following the statute regarding working hours prior to the start of jury duty for the affected employee.

**NAC 284.582 Civil leave with pay to serve on jury or as witness. (NRS 284.065, 284.155, 284.175, 284.345)**

1. Except as otherwise provided in subsection 2, civil leave with pay must be granted to any employee who is required, during his normal hours of work, to serve:

(a) On a jury; or

(b) As a witness in a court or at an administrative hearing if he is not a party to the action and the action is not related to his job.

➔ The period of the leave must not be deducted from the balance of his *sick leave or* annual leave. An employee who is granted the leave must receive his regular pay while on the leave, and he may retain any fee paid to him for his service as a juror or witness.

2. If an employee, in his official capacity as a state employee and as part of his required duties, serves as a witness during his regular working hours, he shall accept any witness fee offered to him and relinquish it to the agency by which he is employed.

3. If an employee is paid travel expenses and subsistence allowances by the court or public agency for which he performs service as a witness, he may retain that payment only if the State has not provided him payment for the same purpose. If the State has provided him such a payment, he shall relinquish it to the agency by which he is employed.

4. ~~[Am]~~ ***In accordance with NRS 6.190, an*** agency shall attempt to adjust the working hours of employees who work night shifts and are called as witnesses or for jury duty during the day. If an agency feels this is impractical, in the case of jury duty, it shall petition the court to excuse the juror.

[Personnel Div., Rule VII § E subsec. 5, eff. 8-11-73]—(NAC A by Dep't of Personnel, 12-13-83, 10-26-84; 5-27-86; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005)

**Sec 3. NAC 284.830 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, changes the timelines for parties wishing to petition the adoption, amendment, or repeal of a regulation from 90 days to 120 days to allow appropriate processing time for the Department of Personnel. This amendment is necessitated by the changes made in chapter 233B of NRS during the 2007 Legislative Session. The NRS 233B now requires that language approved by the Legislative Counsel must be posted for at least 30 days.

**NAC 284.830 Presentation and contents of petitions. (NRS 284.065)**

1. Petitions to initiate the adoption, amendment or repeal of a regulation must be presented in writing in a letter addressed to the Director at least [~~90~~] **120** days before a regularly scheduled meeting of the Commission.
2. Petitions to protest the adoption, amendment or repeal of a regulation must be presented in writing in a letter addressed to the Director at least 20 days before a regularly scheduled meeting of the Commission.
3. Such a petition must contain or be accompanied by relevant data, views and arguments. If a petition is for a new regulation or an amendment to an existing regulation, the petitioner shall also submit the proposed language.

[Personnel Div., Rule XVII § C subsecs. 1 & 2 + Rule XVII § D subsec. 1, eff. 8-11-73]—  
(NAC A by Dep't of Personnel, 10-26-84; 8-14-90)