



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
209 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | www.hr.nv.gov | Fax: (775) 684-0124

REGULATIONS WORKSHOP

DATE: March 7, 2018
TIME: 9:00 a.m.
PLACE: Legislative Counsel Bureau Grant Sawyer Building
Room 2135 Room 4412E
401 S. Carson Street 555 E. Washington Avenue
Carson City, Nevada Las Vegas, Nevada

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

AGENDA

1. Call To Order
2. Review of proposed changes to NAC 284:

<u>NAC #</u>	<u>Regulation Leadline</u>
NEW	Refusal to submit to a screening test: Reasons an applicant or employee shall be deemed to have refused a test; potential consequences of a refusal to submit to a screening test.
284.893	Return to work of employee who tests positive for alcohol or controlled substance while on duty.
284.890	Transportation of employee to and from location of screening test.
284.578	Leave of absence without pay.
284.470	Preparation, filing, contents, discussion and distribution of reports; powers and duties of employees; review; adjustment of grievances.
284.478	Appeal of decision of reviewing officer.

284.658 “Complaint” and “Grievance” defined.

284.678 Submission, form and contents of grievance; informal discussions.

3. Adjournment

This workshop will be conducted in accordance with the Open Meeting Law (NRS 241.020).

NOTE: Comments by the general public will be taken following a description of the proposed regulation changes. Public comment may be limited to 15 minutes per person at the discretion of the staff member conducting the workshop.

If anyone has questions or wishes to discuss in further detail, the items scheduled for this regulations workshop, please contact Shelley Blotter at (775) 684-0105.

Notices have been posted on the Division of Human Resource Management’s website at www.hr.nv.gov and at the following locations:

CARSON CITY

Blasdel Building, 209 E. Musser Street
NV State Library and Archives, 100 N. Stewart Street
Legislative Counsel Bureau (LCB), 401 S. Carson Street

LAS VEGAS

Grant Sawyer State Office Building,
555 E. Washington Avenue

LCB website: www.leg.state.nv.us

Nevada Public Notice website: www.notice.nv.gov

We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Division of Human Resource Management, in writing, at 100 N. Stewart Street, Suite 200, Carson City, Nevada 89701-4204 or call Nora Johnson at (775) 684-0135, no later than five working days before the meeting.

**NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED PERMANENT REGULATIONS**

The Division of Human Resource Management, 100 N. Stewart Street, Suite 200, Carson City, Nevada, telephone number (775) 684-0148, is proposing the permanent adoption and amendment of regulations pertaining to Chapter 284 of Nevada Administrative Code. A workshop has been set for 9:00 a.m. on Wednesday, March 7, 2018, at the Legislative Counsel Bureau, 401 S. Carson Street, Room 2135, Carson City, Nevada and by video conference at the Grant Sawyer Building, 555 E. Washington Avenue, Room 4412E, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following topics that may be addressed in the proposed regulations:

<u>NAC #</u>	<u>Regulation Leadline</u>
NEW	Refusal to submit to a screening test: Reasons an applicant or employee shall be deemed to have refused a test; potential consequences of a refusal to submit to a screening test.
284.893	Return to work of employee who tests positive for alcohol or controlled substance while on duty.
284.890	Transportation of employee to and from location of screening test.
284.578	Leave of absence without pay.
284.470	Preparation, filing, contents, discussion and distribution of reports; powers and duties of employees; review; adjustment of grievances.
284.478	Appeal of decision of reviewing officer.
284.658	<i>“Complaint” and “Grievance”</i> defined.
284.678	Submission, form and contents of grievance; informal discussions.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Division of Human Resource Management at 100 N. Stewart Street, Suite 200, Carson City, Nevada, telephone number (775) 684-0148, or 555 E. Washington Avenue, Suite 1400, Las Vegas, Nevada, telephone number (702) 486-0034. A reasonable fee for copying may be charged. The agency’s Small Business Impact Statement is attached.

This Notice of Workshop to Solicit Comments on Proposed Permanent Regulations has been sent to all persons on the agency’s mailing list for administrative regulations and posted at the following locations:

CARSON CITY

Blasdel Building, 209 E. Musser Street
NV State Library and Archives, 100 N. Stewart Street
Legislative Counsel Bureau (LCB), 401 S. Carson Street

LAS VEGAS

Grant Sawyer State Office Building,
555 E. Washington Avenue

LCB website: www.leg.state.nv.us

Division of Human Resource Management

website: www.hr.nv.gov

Nevada Public Notice website: www.notice.nv.gov

In addition, this Notice of Workshop to Solicit Comments on Proposed Permanent Regulations has been sent to:

ALL STATE AGENCIES

ALL NEVADA COUNTY PUBLIC LIBRARIES

NOTE: We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Division of Human Resource Management, in writing, at 100 N. Stewart Street, Suite 200, Carson City, Nevada 89701-4204 or call Nora Johnson at (775) 684-0135, no later than five working days before the meeting.

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, outlines when an employment candidate or employee has refused to submit to a screening test.

Subsection 1 defines terminology used in the section. Subsection 2 outlines what situations would constitute an employment candidate or an employee having refused to submit to an alcohol or drug screening test. Subsection 3 outlines the consequences of an employment candidate's refusal to submit to a screening test. Subsection 4 provides that an employee who refuses to submit to a screening test is subject to disciplinary action.

NEW Refusal to submit to a screening test: Reasons an applicant or employee shall be deemed to have refused a test; potential consequences of a refusal to submit to a screening test.

1. As used in this section:

(a) "Collection site" means a location where specimens are collected;

(b) "Collector" means a person trained to instruct and assist an applicant or employee in providing a specimen;

(c) "Medical Review Officer" means a licensed physician who reviews, verifies, and reports specimen test results;

(d) "Specimen" means breath or fluid collected from an applicant or employee for the purpose of a screening test.

2. An applicant or employee is considered to have refused to submit to a screening test when the applicant or employee:

(a) Provides oral or written notice that he or she refuses to take the requested screening test;

(b) Fails to appear at the collection site for a screening test within a reasonable time after being directed to do so by the appointing authority;

(c) Fails to remain at the collection site until the collection process is complete;

(d) Fails to provide a specimen;

(e) Fails to provide a sufficient amount of specimen when directed, and it has been determined, through a required medical evaluation, that there was no legitimate medical explanation for the failure;

(f) Fails to undergo a medical examination or evaluation, as directed by the appointing authority;

(g) Fails to cooperate with any part of the testing process including refusal to sign required forms;

(h) Brings materials to the collection site for the purpose of adulterating, substituting, or diluting the specimen;

(i) Attempts to adulterate, substitute, or dilute the specimen;

(j) Wears a prosthetic or other device that could be used to interfere with the collection process; or

(k) Admits to the collector or Medical Review Officer that he or she has adulterated or substituted the specimen.

3. An applicant for a position affecting public safety who refuses or is deemed to have refused a screening test required pursuant to NRS 284.4066 shall be subject to revocation of the offer of employment.

4. An employee who refuses or is deemed to have refused to submit to a screening test required pursuant to NRS 284.4065 or subsection 1 of NAC 284.893 is subject to disciplinary action, including, without limitation, dismissal, at the discretion of the employee's appointing authority.

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, removes subsection 3 from NAC 284.893 because it is now being included as subsection 4 of the new regulation above.

NAC 284.893 Return to work of employee who tests positive for alcohol or controlled substance while on duty. (NRS 284.065, 284.155, 284.407)

1. The appointing authority of an employee who tests positive for the presence of alcohol or a controlled substance while on duty and who, as a result, is subject to disciplinary action pursuant to NAC 284.646 or 284.650 but is not terminated shall, before allowing the employee to return to work, require the employee to:

(a) Provide to the appointing authority documentation from a counselor who is licensed or certified pursuant to chapter 641C of NRS or another health care provider who has training or experience in substance abuse counseling, which verifies that the employee is able to return to duty and perform the essential functions of his or her job.

(b) Submit to a screening test.

2. The employee is responsible for the cost of any:

(a) Counseling services the employee receives to verify that the employee is able to return to duty and perform the essential functions of his or her job and any documentation of those services; and

(b) Screening test,

↪ required pursuant to subsection 1.

~~[3.— An employee who fails or refuses to submit to a screening test required pursuant to subsection 1 is subject to disciplinary action, including, without limitation, termination, at the discretion of the employee's appointing authority.]~~

(Added to NAC by Personnel Comm'n by R066-09, eff. 10-27-2009; A by R195-09, 4-20-2010; R138-12, 10-4-2013)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, includes language regarding the reasonable belief of an appointing authority as a basis to provide transportation of an employee to the location of the screening test. A pre-employment test does not require an appointing authority to provide transportation.

An additional amendment to NAC 284.890 is included in section 7 of LCB File R118-17, which will be proposed for adoption at the March 2, 2018, meeting of the Personnel Commission.

NAC 284.890 Transportation of employee to and from location of screening test. (NRS 284.065, 284.155, 284.407) If an employee is required to submit to a screening test, *based on the appointing authority's reasonable belief that the employee is under the influence of alcohol or drugs*, the appointing authority shall provide transportation for the employee to the location of the test. After the employee submits to the screening test, the appointing authority shall provide transportation for the employee to his or her home.

(Added to NAC by Dep't of Personnel, eff. 12-26-91)

Explanation of Proposed Change: Senate Bill 361 of the 2017 Legislative Session amends NRS 613, in part, to make it unlawful for an employer to discharge, discipline, discriminate against in any manner, deny promotion, or threaten such action against, any employee who has requested accommodations, requested leave pursuant to section 1 of the bill, attended court proceedings, or has an act of violence committed against them at the employee's workplace.

This amendment, proposed by the Division of Human Resource Management, makes a conforming change to use the same language proposed in NAC 284.576 and currently used in NAC 284.2508, 284.539, and 284.554 for the same provision of leave due to an act of domestic violence.

NAC 284.578 Leave of absence without pay. (NRS 284.065, 284.155, 284.345, 284.360)

1. Except as otherwise provided in NRS 284.360, an appointing authority may grant a leave of absence without pay to an employee for not more than 1 year for any satisfactory reason.

2. The Commission may grant leaves of absence without pay in excess of 1 year for purposes deemed beneficial to the public service.

3. An appointing authority may require an employee on leave of absence without pay to submit every 2 weeks a statement of his or her intent to return to work.

4. If the reason for granting the leave no longer exists, the appointing authority may revoke the leave after notifying the employee in writing and allowing, so far as is practicable, not less than 5 working days after the date of notification for the employee to return to work.

5. An employee shall request leave without pay at least 30 days in advance of when the need for the leave is foreseeable, if practicable.

6. An employee may not use leave without pay in lieu of sick leave or annual leave without approval of the appointing authority.

7. An employee who is using leave pursuant to the Family and Medical Leave Act may not use leave without pay until the employee has exhausted all the accrued sick leave, accrued annual leave, accrued compensatory time and catastrophic leave that the employee is eligible to use based on the nature of the absence, as required by NAC 284.5811.

8. An appointing authority shall grant leave without pay, upon request, to an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator if:

(a) The employee has been employed in public service for at least 90 days; and

(b) The combination of all leave taken by the employee for this purpose ~~[, including, without limitation, sick leave, annual leave, compensatory time and leave without pay,]~~ does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence occurred.

[Personnel Div., Rule VII § E subsecs. 1-4, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 3-23-94; 10-27-97; A by Personnel Comm'n by R145-05, 12-29-2005; R060-09, 11-25-2009; R037-17, 1-1-2018)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, requires an employee to return a report on performance to his or her supervisor for forwarding to the appointing authority, if the employee is not requesting review. If the employee does request a review, he or she will return the report on performance to his or her supervisor, who will forward it to the appointing authority or the designated reviewing officer.

The amendment to subsection 14 will allow a permanent classified employee to file a grievance regarding a contested report on performance, only if the overall rating on the report is approved as substandard by an appointing authority after review, which is reflected on the report on performance document as “Does Not Meet Standards.” An employee would be unable to file a grievance regarding a contested report on performance that “Meets Standards” or “Exceeds Standards.” If an employee is rated “Does Not Meet Standards” in one or more job elements, but the overall rating remains “Meets Standards” or “Exceeds Standards,” the employee would be unable to file a grievance related to the report on performance.

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

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

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

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

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

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

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

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

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

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

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

(a) The report must contain a written notice that such reports affect merit pay increases; and

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

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

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

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

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

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

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

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

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

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

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

13. An employee and his or her appointing authority or the designee of the appointing authority may agree in writing to extend one or more of the periods prescribed in subsection 9 or 10.

14. If ~~[a reviewing officer]~~ *an appointing authority* fails to respond to a request for review from an employee *whose overall rating of performance was substandard*, within the time required by this section, the employee may institute the procedure for the adjustment of a grievance pursuant to NAC 284.658 to 284.6957, inclusive.

[Personnel Div., Rule IX § A, eff. 8-11-73; A 12-28-75]—(NAC A by Dep’t of Personnel, 10-26-84; 9-17-87; 10-18-89; 11-16-95; R031-98, 4-17-98; A by Personnel Comm’n by R065-98, 7-24-98; A by Dep’t of Personnel by R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm’n by R069-02, 8-14-2002; R096-03, 10-30-2003; R144-05, 12-29-2005; R174-08, 9-29-2008; R056-10, 10-26-2011; R007-11, 10-26-2011; R041-15, 12-21-2015; R043-15, 12-21-2015)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, will allow a permanent classified employee to file a grievance regarding a contested report on performance, only if the overall rating on the report was approved as substandard by an appointing authority after review, which is reflected on the evaluation document as “Does Not Meet Standards.” An employee would be unable to file a grievance regarding a contested report on performance that “Meets Standards” or “Exceeds Standards.” If an employee is rated “Does Not Meet Standards” in one or more job elements, but the overall rating remains “Meets Standards” or “Exceeds Standards,” the employee would be unable to file a grievance related to the report on performance. If an employee requests review by a reviewing officer pursuant to NAC 284.470, the employee may file a grievance only if the overall rating was approved by the appointing authority as substandard after such review.

NAC 284.478 Appeal of decision of reviewing officer. (NRS 284.065, 284.155, 284.340, 284.384) Upon completion of the review process conducted pursuant to NAC 284.470, a permanent employee *whose appointing authority has approved, after review, an overall rating of performance that was substandard* may appeal a contested report on performance through the procedure for the adjustment of a grievance pursuant to NAC 284.658 to 284.6957, inclusive.

[Personnel Div., Rule IX § D, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-18-89; R197-99, 1-26-2000; A by Personnel Comm’n by R007-11, 10-26-2011)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, will allow a permanent classified employee to file a grievance regarding a contested report on performance, only if the overall rating on the report was approved as substandard by an appointing authority after review, which is reflected on the evaluation document as “Does Not Meet Standards.” An employee would be unable to file a grievance regarding a contested report on performance that “Meets Standards” or “Exceeds Standards.” If an employee is rated “Does Not Meet Standards” in one or more job elements, but the overall rating remains “Meets Standards” or “Exceeds Standards,” the employee would be unable to file a grievance related to the report on performance. If an employee requests review by a reviewing officer pursuant to NAC 284.470, the employee may file a grievance only if the overall rating was approved by the appointing authority as substandard after such review.

NAC 284.658 “Complaint” and “grievance” defined. (NRS 284.065, 284.155, 284.340, 284.384) As used in NAC 284.341 and 284.658 to 284.697, inclusive, section 1 of LCB File No. R076-15 and sections 3 and 4 of LCB File No. R033-17, unless the context otherwise requires:

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

2. “Grievance” means an act, omission or occurrence which a permanent classified employee feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement or a *substandard* contested report on performance. The act, omission or occurrence must be established with factual information including, but not limited to, the date, time and place of the act, omission or occurrence and the names of other persons involved. For the purposes of NAC 284.341 and 284.658 to 284.697, inclusive, section 1 of LCB File No. R076-15 and sections 3 and 4 of LCB File No. R033-17, the term “grievance” does not include any grievance for which a hearing is provided by federal law or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390.

[Personnel Div., Rule XV part § A, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep’t of Personnel, 8-28-85; 10-18-89; 8-1-91; 3-27-92; R082-00, 8-2-2000; A by Personnel Comm’n by R023-05, 10-31-2005; R007-11, 10-26-2011; R026-11, 12-30-2011, eff. 1-1-2012; R076-15, 4-4-2016; R033-17, 10-31-2017)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, will require that a meeting between the employee and the agency is conducted during the 20 working days, when efforts are being made to resolve a grievance. If the issue is not resolved and a grievance is filed, information regarding the required meeting will also be included in the statement of the grievance.

NAC 284.678 Submission, form and contents of grievance; informal discussions. (NRS 284.065, 284.155, 284.340, 284.384)

1. Except as otherwise provided in subsections 3 and 4 and NAC 284.692, an employee who feels aggrieved and wishes to file a formal grievance must submit the grievance in writing to his or her immediate supervisor on the official form, or in a letter if the official form is not available, within 20 working days after the date of the event leading to the grievance or the date the employee learns of the event leading to the grievance. The parties should make every effort to resolve the grievance through informal discussions within these 20 working days. *An informal discussion between the parties must be conducted during these 20 working days, and the date and time of the meeting must be included in the statement of the grievance.*

2. If the employee submits a letter, it must include:

- (a) His or her name;
- (b) His or her most recent date of hire;
- (c) His or her position;
- (d) His or her department, division and section;
- (e) His or her mailing address;
- (f) His or her business telephone number;
- (g) A statement that he or she is filing a formal grievance;

- (h) The date, time and place of the event leading to the grievance or the date the employee learns of the event leading to the grievance;
- (i) A concise statement of the grievance;
- (j) A detailed description of the grievance, including the names of other persons involved in the event, if any;
- (k) A proposed solution of the grievance;
- (l) His or her signature; and
- (m) The date he or she signed the statement.

3. Except as otherwise provided in NAC 284.692, if a grievance relates to a contested report on performance, an employee must file a grievance that identifies the specific points of contention, if such specificity is provided, not later than 10 working days after the date the employee receives a decision regarding the review conducted by the appointing authority pursuant to NAC 284.470. Except as otherwise provided in NAC 284.692, if the grievance relates to the failure of a reviewing officer or appointing authority to respond to a request for a review within the time required by NAC 284.470, an employee must file a grievance not later than 10 working days after the date on which the time for such a response expired.

4. A grievance filed pursuant to subsection 3 must be filed with:

- (a) The person who is at the next appropriate level of the grievance process; or
- (b) If the person who is at the next appropriate level of the grievance process is the reviewing officer or other person who prepared or reviewed the report on performance, the person who is at the next appropriate level of the grievance process above such reviewing officer or other person who prepared or reviewed the report on performance.

5. A grievance regarding a report on performance must be filed with the highest administrator in the department pursuant to NAC 284.690 before being submitted to the Committee pursuant to NAC 284.695.

[Personnel Div., Rule XV § A part subsec. 1, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 10-18-89; 3-23-94; R197-99, 1-26-2000; A by Personnel Comm'n by R023-05, 10-31-2005; R191-09, 4-20-2010; R007-11, 10-26-2011; R076-15, 4-4-2016)



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February 15, 2018

Regulation Small Business Impact Statement

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

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

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

Peter Long

Peter Long, Administrator

February 15, 2018

Date