

Steve Sisolak
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STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management

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PERSONNEL COMMISSION

Meeting Notice

DATE: Friday, June 24, 2022

TIME: 9:00 a.m.

LOCATION:	State Library and Archives Building	Grant Sawyer Building
	100 N. Stewart Street	555 E. Washington Avenue
	Room 110	Room 1400
	Carson City, Nevada 89701	Las Vegas, NV 89101

Effective June 1, 2021, the Governor’s Emergency Directive expired, and Open Meeting Law procedures were reinstated.

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

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

Agenda

- I. Call to Order, Welcome, Roll Call, Announcements.**
- II. Public Comment:** No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020).

FOR POSSIBLE ACTION

- III. Approval of Minutes of Previous Meetings:**

A. Held March 25, 2022.....5-13

FOR POSSIBLE ACTION

IV. Discussion and Approval of Addition of Classes or Positions for Pre-Employment Screening for Controlled Substances.....14-30

- A. The Department of Public Safety requests the addition of the following positions to the list approved for pre-employment screening for controlled substances:
 - 1. Classes and positions requested for approval of preemployment screening for controlled substances:
 - a. 2.212 Administrative Assistant II, PCN 4709-09022 and 4709-09023
 - b. 7.624 Management Analyst III, PCN 4709-09025
 - c. 7.649 Program Officer I, PCN 4702-11140 and 4709-09026

FOR POSSIBLE ACTION

V. Discussion and Approval or Denial of Proposed Permanent Regulation Changes to Nevada Administrative Code, Chapter 284.....31-91

A. LCB File No. R015-21

- Sec. 1. NAC 284.5811 Family and medical leave: Maximum amount in 12-month; eligibility; use.

B. LCB File No. R016-21

- Sec. 1. NEW "Sex- or gender-based harassment" defined.
- Sec. 2. NAC 284.010 Definitions.
- Sec. 3. NAC 284.496 Classes and training concerning prevention of sex- or gender-based harassment.
- Sec. 4. NAC 284.498 Training of supervisory and managerial employees.
- Sec. 5. NAC 284.650 Causes for disciplinary or corrective action.
- Sec. 6. NAC 284.696 Unlawful discrimination.
- Sec. 7. NAC 284.718 Confidential records.
- Sec. 8. NAC 284.726 Access to confidential records.
- Sec. 9. NAC 284.771 Sex- or gender-based harassment.
- Sec. 10. NAC 284.0995 "Sexual harassment" defined.

C. LCB File No. R017-21

- Sec. 1. NEW Appeal of determination to release confidential records.
- Sec. 2. NAC 284.718 Confidential records.
- Sec. 3. NAC 284.726 Access to confidential records.

D. LCB File No. R125-21

- Sec. 1. NAC 284.470 Preparation, filing, contents, discussion and distribution of reports; powers and duties of employees; review; adjustment of grievances.
- Sec. 2. NAC 284.5243 Break times and place for a mother of a child under 1 year of age to express breastmilk: Procedures for employee to request break times and place; efforts to address employee’s needs; date of receipt of request; response to request by department or agency.
- Sec. 3. NAC 284.656 Contents and delivery of notice of proposed action; employee authorized to seek explanation of reasons for proposed action or procedures for disciplinary actions from agency.
- Sec. 4. NAC 284.6561 Predisciplinary review before propose dismissal, demotion or suspension; waiver by employee.
- Sec. 5. NAC 284.680 Date of receipt of grievance or complaint.

FOR POSSIBLE ACTION

VI. Discussion and Approval or Denial of Proposed Temporary Regulation Changes to Nevada Administrative Code, Chapter 284.....92-102

- Sec. 1. NEW Succession plan; appointments.
- Sec. 2. NEW Certification of employees who prepare succession plans.
- Sec. 3. NAC 284.058 “Eligible person” defined.
- Sec. 4. NAC 284.313 Limitation of competition in recruitment; applications.

INFORMATIONAL ITEM

VII. Report of Uncontested Classification Plan Changes Not Requiring Personnel Commission Approval per NRS 284.160.....103-109

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

- Posting: #05-22
13.310 Correctional Lieutenant/Sergeant Series
- Posting: #06-22
6.809 Chief, Environmental Programs
- Posting: #07-22
9.354 Chief Pilot Serires
- Posting: #08-22
7.641 HAVA Administrator
- Posting: #09-22
1.955 Park Aid Series

VIII. Discussion and Announcement of Dates for Upcoming Meetings.

IX. Commission Comments

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

XI. Adjournment

Supporting material for this meeting is available at the Division of Human Resource Management at 209 E. Musser Street, Suite 101, Carson City, Nevada, 89701; 555 E. Washington Avenue, Suite 1400, Las Vegas, NV, 89101; or on our website [http://hr.nv.gov/Boards/PersonnelCommission/Personnel Commission - Meetings/](http://hr.nv.gov/Boards/PersonnelCommission/Personnel_Commission_-_Meetings/). To obtain a copy of the supporting material, you may contact Michelle Garton at (775) 684-0136 or mgarton@admin.nv.gov.

Inquiries regarding the items scheduled for this Commission meeting may be made to Michelle Garton at (775) 684-0136 or mgarton@admin.nv.gov.

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

Persons who wish to receive notice of meetings must subscribe to the Division of Human resource Management LISTSERV HR Memorandums, which can be found on the following webpage:

http://hr.nv.gov/Services/HRM_Email_Subscription_Management/. If you do not wish to subscribe to LISTSERV and wish to receive notice of meetings, you must request to receive meeting notices and renew the request every 6 months thereafter per NRS 241.020(3)(c), which states in part, "A request for notice lapses 6 months after it is made." Please contact Michelle Garton at (775) 684-013 or mgarton@admin.nv.gov to make such requests.

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

Carson City

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

Las Vegas

Grant Sawyer Building, 555 East Washington Avenue

Online

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

**STATE OF NEVADA
PERSONNEL COMMISSION**

Held at the Nevada State Library and Archives Building, 100 N. Carson Street, Room 110, Carson City; and via video conference in Las Vegas at the Grant Sawyer Building, 555 E. Washington Avenue, Room 1400.

**MEETING MINUTES
March 25, 2022
(Subject to Commission Approval)**

**COMMISSIONERS PRESENT
IN CARSON CITY:**

Ms. Patricia Hurley, Commissioner

**COMMISSIONERS PRESENT
IN LAS VEGAS:**

Ms. Katherine Fox, Chairperson
Mr. Mark Olson, Commissioner
Mr. Andreas Spurlock, Commissioner
Mr. Rick McCann, Commissioner

**STAFF PRESENT IN
CARSON CITY:**

Mr. Frank Richardson, Administrator, DHRM
Ms. Michelle Garton, Deputy Administrator, DHRM
Ms. Beverly Ghan, Deputy Administrator, DHRM
Ms. Lisa Evans, Deputy Attorney General, Office of the Attorney General

**STAFF PRESENT IN
LAS VEGAS:**

Ms. Heather Dapice, Supervisory Personnel Analyst, DHRM

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

Chairperson Fox: Called the meeting to order on Friday, March 25, 2022, at approximately 9:00 a.m. She welcomed everyone. She introduced newest Commission member Rick McCann and Deputy Attorney General, Lisa Evans.

Commissioner McCann: Introduced himself, indicating that he came to Nevada in 1980 and practiced at a law firm until approximately 2000, at which time he was representing law enforcement. He explained that he created an organization called the Nevada Association of Public Safety Officers, which represents police officers around the state and approximately 18 different associations or unions for law enforcement. He informed the Commission that on December 31, 2021, he formally retired as the Executive Director of the organization.

II. PUBLIC COMMENT

Chairperson Fox: Indicated that there was no public comment.

**III. APPROVAL OF MINUTES OF PREVIOUS MEETINGS DATED September 24, 2021 –
Action Item**

Chairperson Fox: The first item on the agenda is the approval of the minutes previously held, we will approve item 3a for the Personnel Commission meeting held September 24, 2021. Commissioners are there any additions or revisions to post minutes.

Michelle Garton: Indicated that in the last meeting, Commissioner Olson made a motion, and it was seconded by Commissioner Maloney

Chairperson Fox: Agreed that the record needs to reflect that change and asked if there are other revisions to the meeting minutes from June 25, 2021. Moved that the Commission approve the meeting minutes of the June 25, 2021, Personnel Commission meeting with page 2 of the meeting minutes revised to reflect the correct Commissioners.

Unidentified Speaker: Indicated that the meeting minutes to be approved are from September 24.

Commissioner McCann: Abstained from the vote.

Chairperson Fox: Withdrew her motion.

Commissioner Olson: Moved that the Commission approve the minutes of the September 24, 2021, meeting with the corrections under items 1 and 3 as discussed as pertained to June 25.

Chairperson Fox: All those in favor of approving the minutes from the September 24, 2021, Personnel Commission Meeting, signify by saying aye.

The motion passes unanimously.

MOTION: Moved to approve minutes of September 24, 2021, with revisions to items 1 and items 3 as discussed as pertained to June 25.
BY: Commissioner Olson
SECOND: Chairperson Fox
VOTE: The vote was unanimous in favor of the motion.

Chairperson Fox: Moving to the next item IV, for possible action, an item for the Tourism and Cultural Affairs.

IV. Prohibitions and Penalties: Discussion and Approval of Specific Activities Considered Inconsistent, Incompatible, or in Conflict with Employee's Duties and the Process of Progressive Discipline.

A. Tourism and Cultural Affairs

Nora Johnson: Introduced herself as a Personnel Analyst of the Division of Human Resource Management, Consultation and Accountability. She explained that in accordance with NAC 284.742, an appointing authority shall identify specific activities considered inconsistent, incompatible, or in conflict with employees' duties and identify the penalties for such activities, the prohibitions and penalties being subject to the approval of the Personnel Commission. She indicated that the Department of Tourism and Cultural Affairs has updated their prohibitions and penalties previously approved by the Personnel Commission and in effect since August 6, 2011. She drew attention to prohibitions Number A-4 and Number J-1, References to the state Executive Branch Sexual Harassment and Discrimination Policy, which may be subject to a policy title change contingent upon regulation adoption in the future. She informed the Commission that representatives from the agency and agency HR services are available to answer questions.

Chairperson Fox: Asked Commissioners if they had any questions. Seeing and hearing none, called for a motion.

Unidentified Speaker: Called for a motion to approve specific activities considered inconsistent, incompatible, or in conflict with employees' duties and the process of progressive discipline.

Unidentified Speaker: Seconded the motion.

Chairperson Fox: It has been so moved and seconded, any public comment, discussion.

Chairperson Fox: All those in favor please signify by stating aye.
The motion passes unanimously.

MOTION: Moved to approve specific activities considered inconsistent,

incompatible, or in conflict with employees' duties and the process of progressive discipline.

BY: Commissioner Olson
SECOND: Commissioner Hurley
VOTE: The vote was unanimous in favor of the motion.

Chairperson Fox: Continuing to item V, discussion and approval or denial of proposed emergency regulation changes to Nevada Administrative Code, Chapter 284.

V. Discussion and Approval or Denial of Proposed Emergency Regulation Changes to Nevada Administrative Code, Chapter 284

Frank Richardson: Division Administrator, explained that this morning's presentation is in response to the great resignation, a wave of retirements in the state, and the retention issues due to the COVID pandemic. He is here today to present emergency regulations for consideration and possible approval. He indicated that an amendment to Chapter 284 of NAC has been proposed that provides an avenue for the appointing authority to submit a succession plan to the Division Administrator for approval. The regulation also provides that any employee developing succession plans must attend training. If a succession plan request is approved, the current employee or appointment is not required to meet (inaudible) as the succession plan will contain training certifications. He opened the floor for questions.

Unidentified Speaker: Asked if with the succession plan and the proviso that the individual selected does not have to meet qualification, is there a guarantee for that person that if they go through the selection and the qualification process, they understand that the person then has that job or if there is follow up involved.

Frank Richardson: Explained that the succession plan is designed so that the employee can move into the position once they've signed the succession planning document.

Chairperson Fox: Questioned how often performance evaluations would be accepted when the employee is placed into the higher job classification.

Frank Richardson: Indicated that for an employee that's placed into that higher classification, it would be like any other employee moving into a probationary position and would have an evaluation.

Chairperson Fox: Pointed out that this process slowly encourages supervisors to managers to complete timely performance evaluations.

Frank Richardson: Explained that the intent is to have supervisors, managers, and HR become more involved in the career progression of each employee in the state as part of the larger mechanism being developed.

Chairperson Fox: Are there any questions from the Commissioners.

Commissioner Spurlock: Indicated his confusion based on the reading materials and requested clarity regarding the terms, particularly as some people may determine even early in their careers that they have no interest in supervising. He asked if a vacancy is anticipated that has, for example, a five-year experience minimum qualification and if there are two employees with differing years of experience, how the employee is chosen for the succession plan development opportunity, or if it would be offered to both employees. He next questioned how global the offering would be and the layout for the timeframe of the offerings for employees.

Frank Richardson: Explained that this is a larger piece of an onboarding plan that takes place for up to a year as employees are brought in to be developed. He further explained that there is a career progressive plan where employees are met with, and their interests are developed. He indicated that employees are wanted to stay with the state with the understanding that these opportunities are available to everyone, so employees will be engaged with at several levels through the process, starting with the onboarding, then moving forward with career planning and so forth with the ultimate goal of plans for employees to continue to move on. He acknowledged that there are sometimes bumps along the way but indicated that the best approach consists of having continuous operations over the next 10 years.

Commissioner Spurlock: Asked for clarification about whether or not the development plan is optional for the few people that state they're not interested in supervising, even early in their careers.

Frank Richardson: Confirmed that the intent is to make this available to everyone, indicating that the extensive training program exists to ensure that the staff who put in place the succession plans understand that there is equity for everyone involved and that this cannot be discriminatory. He reiterated that this program starts with initial employment all the way up through development to the top.

Commissioner Spurlock: Asked for confirmation of good business practices, citing the question of gender discrimination.

Frank Richardson: Indicated confirmed that this is correct and that all plans are thoroughly backed to ensure that they are appropriate, good business practice, and available to everyone.

Chairperson Fox: Asked what the EEO's role would be.

Frank Richardson: Responded that the EEO's office evaluates the language in the succession plan as an additional safeguard to ensure there is nothing discriminatory. He further explained the hope that some of his can be tied to the affirmative action plan going forward but indicated that possibility has not yet been explored.

Chairperson Fox: Do any Commissioners have any additional questions?

Unidentified Speaker: Asked if there is a sunset for the emergency regulation or if it would be a permanent part of business going forward.

Frank Richardson: Indicated that the intent is to make this a permanent regulation after workshopping it and that this business structure and plan to work on pathways for employees to stay is intended to remain in place.

Unidentified Speaker: Asked if approved, is there a six-month or one-year follow-up review intended to revisit and tweak the plan as necessary.

Frank Richardson: Indicated his support for this suggestion, explaining that the program will be watched closely and any ideas on how to develop and evaluate this plan going forward are welcome.

Commissioner Spurlock: Questioned whether or not the collective bargaining unit will be contacted given that workshops will be beginning, and whether or not the plan will then be returning to the Commission or final approval.

Michelle Garton: Indicated that the Division today is requesting approval of these regulations as they exist right now, on an emergency basis, so that if adopted, they will be in effect for 120 days following the governor's endorsement. She then noted that there will be a workshop on the 11th of the following month and invited the Commission to attend. Following the workshop, the proposed plan will then be sent over to the Legislative Council Bureau for pre-adoption review with the hope of posting it 30 days prior to the June Personnel Commission Meeting, at which time the plan would be considered for further adoption.

Chairperson Fox: Opined that sufficient planning has not taken place regarding the executive process for promotion but asked if language would be included in the collective bargaining agreements regarding succession planning.

Frank Richardson: Explained that there is not, as of yet, any language that conflicts with succession planning regulation, and did indicate his belief that it would be a benefit to multiple users to try and get some positive feedback. He next indicated that the executive process is designed for very hard-to-fill positions that are currently open and that the succession planning regulation would not be useful for those types of roles, thus requiring the approval process through the Division of Human Resources to address whether succession funding is appropriate for that particular division or department or if it could be useful

in the future.

Chairperson Fox: Commented that it would be disappointing if succession planning and the movement of employees to a higher job class replaces the state continuing to evaluate job classes and pay to assist (inaudible).

Commissioner McCann: Discussed the difficulty in filling law-enforcement positions right now and asked for clarification as to whether this is a replacement process for the normal, competitive processing of promotion or if it is a design to fill in necessary people into a rank or position that otherwise might not have had all the time and experience at this point.

Frank Richardson: Confirmed that Commissioner McCann was correct and that this solution is hoped to help maintain continuity going forward so that highly trained staff are in these crucial positions.

Chairperson Fox: Asked for any questions from the public for the Division.

Angela Scurry: Asked for confirmation that when the career paths are being filled, if those who have not chosen to follow that path along the way are not forgotten and that the opportunities for them still exist in the future.

Chairperson Fox: Asked for confirmation that Commissioner Scurry's comments were heard.

Flores: Confirmed that they were.

Chairperson Fox: Asked for any additional public comments.

Brian Boughter: Human Resources Manager for DETR, asked what safeguards in place to prevent favoritism.

Frank Richardson: Acknowledged that favoritism can be a problem in promotions, and the Division is doing its best to build the state succession plan such that opportunities are shared with everyone equally and remain transparent to thwart these types of issues.

Commissioner Spurlock: Asked for clarification regarding whether or not the hard-to-fill jobs are defined in advance or if they are decided upon on a case-by-case basis.

Frank Richardson: Explained that the positions where there are not candidates at all or candidates that do not meet minimum qualifications are designated as the hard-to-fill jobs for which the succession plan is reviewed in order to build the skillset for critical positions that are unable to be filled and/or have a lack of qualified staff.

Chairperson Fox: Asked for any additional public comments.

Brian Boughter: Asked if additional staffing would be considered for those people involved.

Frank Richardson: Explained that as much as that additional staff would be desired, it's unlikely that this would happen given the current situation with the transition with HRS systems.

Chairperson Fox: Asked for any additional public comment.

Angela Scurry: Asked how adding these additional responsibilities to current staff will reduce the opportunity for turnover.

Frank Richardson: Explained that current Division staff are moved around as necessary to take on special assignments and opined that this will not likely cause any resignations within the organization but rather, the departments will see this as a valuable tool. He further explained that working on this plan is optional

and not something departments are mandated to do; rather, it is a pathway that allows for another tool in the toolbox to work on this.

Commissioner Scurry: Asked for confirmation that the departments to which Mr. Richardson referred already have positions that need filling and questioned what kind of components are going to be added in order to provide a department the latitude to be able to step into this in order to work towards the succession planning to fill positions.

Frank Richardson: Indicated his hope for a regulation in place that would allow departments to move competent staff up that show aptitude and eagerness to work in these roles. He cautioned, however, that guardrails exist to ensure that the processes and planning are appropriate, well-managed, and reviewed by the Division. He acknowledged, however, that this would create extra work for some staff that may or may not be worth the effort, depending on the type of position.

Commissioner McCann: Reiterated his concern that should one person get the job over the other, it could pose a grievable issue by the person who did not get the job.

Frank Richardson: Conceded that this would be grievable but is hopeful that when going forth with this success plan, that the appropriate guardrails are in place in order to ensure that the best candidate is placed in the position, and that in the case of an issue, EHR will review for appropriateness. He further indicated his expectation that this would spark some interest during the next round of negotiations coming in October. He further acknowledged that these are conversations he hopes to have with the unions for the purposes of refining the process.

Chairperson Fox: I will entertain a motion.

Chairperson Fox: Move to approve agenda item V of proposed emergency regulation changes to Nevada Administrative Code, Chapter 284, Sections 1, 2, 3, and 4.

Unidentified Speaker: I will second that motion.

Chairperson Fox: It has been moved and seconded that the Commission approved the proposed emergency regulation changes to Nevada Administrative Code Chapter 284, Sections 1, 2, 3, and 4.

Chairperson Fox: Commission discussion.

Chairperson Fox: Indicated that she would like to see the state have workshops with employee groups to begin the implementation process at the appropriate time, follow up with the Commission as to how it is working, and commended the Division for its out-of-box thinking regarding succession planning.

Chairperson Fox: All those in favor signify by stating aye. The motion passes unanimously.

MOTION: Moved to approve the proposed emergency regulation changes to Nevada Administrative Code, Chapter 284, Sections 1, 2, 3, and 4
BY: Chairperson Fox
SECOND: Commissioner Hurley
VOTE: The vote was unanimous in favor of the motion

Chairperson Fox: The next item for possible action on the agenda, is discussion and approval of proposed class specification maintenance review of classes recommended for revisions.

VI. Discussion and Approval of Proposed Class Specification Maintenance Review of Classes Recommended for Revisions and Abolishment.

- A. Fiscal Management & Staff Services
 - 1. Subgroup: Business Management

- a. 7.219 Business Enterprise Officer Series
- 2. Subgroup: Public Information
 - a. 7.846 Museum Attendant Series

Rachel Baker: Personnel Analyst classification and recruitment section of the Division of Human Resource Management indicated that she is presenting the recommended changes to the fiscal management staff services, occupational group, subgroup business management for the Business Enterprise Officer Series. She explained that it was determined that the class concept for the Business Enterprise Officer I is consistent with the current expectations and does not require revisions at this time but that the class concept for the Business Enterprise Officer II, needs to be revised for clarification, as well as recommended revisions be made to the Education and Experience Sections of the Minimum Qualifications of both levels to maintain consistency with verbiage, formatting, and structure. She further explained that she will also be presenting for approval the revisions proposed for the Museum Attendant Series, which is in the Public Information Subgroup and is item 6A-2A on the agenda. She informed the Commission that it was determined that the class concept of the Museum Attendant I is consistent with current expectations and does not require revisions at this time. However, it is recommended that the class concept for the Museum Attendant II be revised to include additional responsibilities in the class. It is also recommended that revisions be made to the Education and Experience Section of the Mineral Qualifications at both levels to maintain consistency. The changes to the two class specifications are supported and representatives from both departments are available to answer questions.

Chairperson Fox: Are there any Commissioner questions or comments on agenda item VIA, 1A and 2A.

Chairperson Fox: Is there any public comment. Hearing none, seeing none.

Commissioner Olson: I will move that the Commission approve the proposed Class Specification maintenance review of classes recommended for revisions.

Chairperson Fox: I second that motion.

Chairperson Fox: It has been moved and seconded, any discussion, all those in favor say aye. The motion passes unanimously.

MOTION: Moved to approve Agenda item 6A
 BY: Commissioner Olson
 SECOND: Chairperson Fox
 VOTE: The vote was unanimous in favor of the motion.

- B. Mechanical & Construction Trades
 - 1. Subgroup: Skilled Trades & Allied
 - a. 9.434 Events Center Technician Series
 - b. 9.475 Water System Manager/Operator Series
 - 2. Subgroup: Semi-Skilled General Labor
 - a. 9.485 Maintenance Repair Worker Series

Rachel Baker: Indicated that she is presenting the recommended changes to Mechanical and Construction Trades, Occupational Group, Subgroup Skilled Trades and Allied for the Event Center Technician Series. She indicated that upon review by subject matter experts from the Nevada System of Higher Education, University of Nevada, Reno, and UNLV as well as analysts from the Division of Human Resource Management, it is recommended that the series in class concepts be amended to update verbiage and clarify duties performed at both levels. In the entry levels, knowledge, skills, and abilities at both levels be amended to clarify what KSAs are required to perform the duties outlined. It is further recommended that revisions be made to the Education and Experience Section minimum qualifications at both levels to maintain consistency.

Heather Dapice: Supervisory Personnel Analyst for the State of Nevada Division of Human Resource Management, indicated that regarding the content and current expectations, it was determined that item 6a requires no changes at

this time. However, minor changes were made in that context of the Water System Operator II, Water System Operator I, and Water System Worker to maintain consistency with certification.

Rachel Baker: Explained that upon review by subject matter experts from the department, participating agencies that utilize the series, as well as analysts within the Division of Human Resource Management, it is recommended that the class concept for the Maintenance Repair Worker IV be revised to clarify (inaudible). Class concepts for the remaining levels remain consistent with expectations. Positions in these classes that may be subject to callback or callout are not specific to the Department of Corrections and therefore it is recommended that the special requirements be amended to reflect such. Additionally, minor revisions were made to the Educational Experience Section of the Minimum Qualification at all levels to maintain consistency. In addition, changes were also made to broaden (inaudible). The changes to the class specification are supported.

Commissioner Spurlock: Asked if something had happened historically that indicated the need to add the verbiage regarding performing a full range of duties, asking why the need to spell that out.

Heather Dapice: Discussed different levels and the different duties required for the different levels.

Chairperson Fox: Are there any questions or comments on agenda item VIB.

Unidentified Speaker: I will move that the Commission approve agenda item VI B1 and B2.

Unidentified Speaker: I will second the motion.

Chairperson Fox: It has been moved and seconded, any discussion, all those in favor say aye. The motion passes unanimously.

MOTION: Moved to approve Agenda item 6A
BY: Commissioner Olson
SECOND: Chairperson Fox
VOTE: The vote was unanimous in favor of the motion.

Chairperson Fox: The next item is an informational item VII on the Agenda.

VII. Report of Uncontested Classification Plan changes not requiring the Personnel Commission approval per NRS 284.160.

This agenda item was inaudible.

Posting #01-22
7.700 State Education Funding Manager/Specialist Series
Posting #02-22
13.101 Agricultural Enforcement Officer Series
Posting #03-22
7.208 Organizational Change Manager, OPM***
Posting #04-22
11.600 Deputy Administrator, Emergency Management***

VIII. Discussion and Announcement of dates for Upcoming Meetings.

Chairperson Fox: Asked if the meeting would work better for June 17 or June 24.

Frank Richardson: Replied that June 24 would be preferred, but June 17th could work.

Unidentified Speakers: Indicated that they were available on June 24.

Chairperson Fox: Indicated that the next meeting would take place on June 24. She then asked if the Division had a

preference for the September meeting, indicating the dates of September 15 or 23.

Frank Richardson: Indicated that the Division does not have a preference.

Chairperson Fox: Set the September meeting date for the 16.

IX. Commission Comments

Unidentified Speaker: Informed the Commission that this was their first meeting and thanked everyone. There were no additional comments from the Commission.

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

Chairperson Fox: None heard or seen.

XI. Adjournment

Chairperson Fox: Seeing and hearing no further discussion, we are adjourned.

Personnel Commission Meeting
June 24, 2022

FOR INFORMATION ONLY

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

STATE OF NEVADA

POSITIONS/CLASSES APPROVED FOR PRE-EMPLOYMENT CONTROLLED SUBSTANCE TESTING CHANGES EFFECTIVE JUNE 25, 2021

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

<u>CLASS/TITLE CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
1.401	WEIGHTS AND MEASURES INSPECTOR IV	
1.404	WEIGHTS AND MEASURES INSPECTOR III	
1.407	WEIGHTS AND MEASURES INSPECTOR II	
1.410	WEIGHTS AND MEASURES INSPECTOR I	
1.413	WEIGHTS AND MEASURES ASSISTANT (SEASONAL)	
1.608	FIELD ASSISTANT II (PARC)	
1.737	BIOLOGIST I*	AGR - PCN 4600-0025
1.770	WILDLIFE AREA SUPERVISOR II	
1.771	WILDLIFE AREA SUPERVISOR I	
1.772	FISH HATCHERY SUPERVISOR II	
1.774	FISH HATCHERY SUPERVISOR I	
1.776	FISH HATCHERY TECHNICIAN III	
1.778	FISH HATCHERY TECHNICIAN II	
1.780	FISH HATCHERY TECHNICIAN I	
1.785	WILDLIFE AREA TECHNICIAN III	
1.786	WILDLIFE AREA TECHNICIAN II	
1.787	WILDLIFE AREA TECHNICIAN I	
1.811	FORESTER III	
1.812	FIRE MANAGEMENT OFFICER II	
1.813	FORESTER II	
1.814	FIRE MANAGEMENT OFFICER I	
1.816	BATTALION CHIEF	
1.817	CONSERVATION CREW SUPERVISOR III	
1.818	FORESTER I	
1.819	FIREFIGHTER II	
1.820	CONSERVATION CREW SUPERVISOR II	
1.822	FIRE CONTROL DISPATCHER III	
1.823	SEASONAL FIRE CONTROL DISPATCHER II*	DCNR-FORESTRY DIVISION - ALL PCNS
1.824	SEASONAL FIRE CONTROL DISPATCHER I*	DCNR-FORESTRY DIVISION - ALL PCNS
1.825	CONSERVATION CREW SUPERVISOR I	
1.826	FIRE CONTROL DISPATCHER II	
1.827	FIRE CONTROL DISPATCHER I	
1.828	SEASONAL FIREFIGHTER III*	DCNR-FORESTRY DIVISION - ALL PCNS

1.829	SEASONAL FIREFIGHTER II*	DCNR-FORESTRY DIVISION - ALL PCNS
1.831	SEASONAL FIREFIGHTER I*	DCNR-FORESTRY DIVISION - ALL PCNS
1.835	HELITACK SUPERVISOR	
1.850	FIRE CAPTAIN	
1.852	FIREFIGHTER I	
1.907	PARKS REGIONAL MANAGER (NON-COMMISSIONED)	
1.912	PARK INTERPRETER	
1.918	LIFEGUARD II	
1.919	LIFEGUARD I	
1.921	PARK RANGER III (NON-COMMISSIONED)	
1.922	PARK RANGER II (NON-COMMISSIONED)	
1.923	PARK RANGER I (NON-COMMISSIONED)	
1.967	PARK SUPERVISOR III (NON-COMMISSIONED)	
1.968	PARK SUPERVISOR II (NON-COMMISSIONED)	
1.969	PARK SUPERVISOR I (NON-COMMISSIONED)	
2.124	MAIL SERVICE SUPERVISOR*	BCN - ALL PCNS
2.126	MAIL SERVICE TECHNICIAN*	BCN - ALL PCNS
2.127	MAIL SERVICE CLERK I*	BCN - ALL PCNS
2.129	MAIL SERVICE CLERK II*	BCN - ALL PCNS
2.153	LEGAL SECRETARY II*	TAXI - PCN 0038
2.210	ADMINISTRATIVE ASSISTANT IV*	DPS - PCNS 3743-0106, 3743-33, 3743-1111, 3743-1112, 4701-0106, 4701-0155, 4701-0706, 4701-0805, 4701-0870, 4709-42, 4709-70, 4709-71, 4709-72, 4709-73, 4709-206, 4709-625, 4709-645, 4709-665, 4709-1004, 4709-1006, 4709-1007, 4709-1009, 4709-8004, 4709-8018, 4709-8031, 4709-8038, 4709-8039, 4709-8040, 4709-8041, 4709-8042, 4709-8043, 4709-8049, 4709-8050, 4709-9013, 4709-9018, 4709-9019, 4713-0706, 4713-155, 4713-805; MIL - PCN 4006; TAXI - PCN 0023
2.211	ADMINISTRATIVE ASSISTANT III*	DMV - PCNS RE7015, WF7047; DPS - PCNS 3740-1412, 3743-0028, 3743-5, 3743-15, 3743-17, 3743-32, 3743-34, 3743-60, 3743-61, 3743-62, 3743-64, 3743-65, 3743-1011, 3743-1014, 3743-1017, 3743-1020, 3743-1100, 3743-1101, 3743-1102, 3743-1103, 3743-1104, 3743-1105, 3743-1106, 3743-1107, 3743-1108, 3743-1109, 3744-10, 3744-13, 3744-16, 3744-19, 4702-51, 4702-147, 4702-315, 4702-328, 4702-648, 4702-705, 4702-871, 4702-11033, 4702-11034, 4709-36, 4709-37, 4709-58, 4709-620, 4709-630, 4709-8005, 4709-8007, 4709-8010, 4709-8011, 4709-8016, 4709-8017, 4709-8019, 4709-8020, 4709-8021, 4709-9001, 4709-9002, 4709-9011, 4709-9012, 4709-

		9016, 4709-9017; MIL – PCNS 4007, 4008, 4010, 4011, 4012, 4013, 4014, 4015, 4030; TAXI - PCNS 0011, 0061
2.212	ADMINISTRATIVE ASSISTANT II*	DPS - PCNS 3743-1021, 4702-32, 4709-2, 4709-8044, 4709-8045, 4709-8046, 4709-8048, 4709-9003, 4709-9004, 4709-9005, 4709-9006, 4709-9007, 4709-9008, 4709-9009, 4709-9010, 4709-16, 4709-17, 4709-18, 4709-25, 4709-26, 4709-34, 4709-57, 4709-62, 4709-204, 4709-205, 4709-605, 4709-660, 4709-8006, 4709-8008, 4709-8009, 4713-0870; MIL – PCN 4003; TAXI - PCNS 0003, 0013, 0020, 0043, 0046, 0066, 0074, 0075, 0092, 0095
2.301	ACCOUNTING ASSISTANT III*	DPS - PCNS 3743-16, 4709-38, 4709-8022
2.303	ACCOUNTING ASSISTANT II*	DPS - PCN 4709-15
2.819	SUPPLY TECHNICIAN III*	PURCHASING - PCN 0027
2.824	SUPPLY TECHNICIAN II*	PURCHASING - PCN 0029; BCN - ALL PCNS
2.827	SUPPLY ASSISTANT*	BCN - ALL PCNS
2.836	SUPPLY TECHNICIAN I*	BCN - ALL PCNS; MIL – PCN 4029
3.203	FOOD SERVICE COOK/SUPERVISOR II*	BCN - ALL PCNS
3.206	FOOD SERVICE COOK/SUPERVISOR I*	BCN - ALL PCNS; MIL – PCNS 4025, 4026, 4027, 4028
3.213	FOOD SERVICE WORKER II*	BCN - ALL PCNS
3.218	FOOD SERVICE WORKER I*	BCN - ALL PCNS
3.504	DRIVER – SHUTTLE BUS II*	BCN – ALL PCNS
3.505	DRIVER - SHUTTLE BUS I	
3.506	DRIVER - VAN/AUTOMOBILE	
3.520	FAMILY SUPPORT WORKER III*	BCN - ALL PCNS
3.521	FAMILY SUPPORT WORKER II*	BCN - ALL PCNS
3.524	FAMILY SUPPORT WORKER I*	BCN - ALL PCNS
3.530	TRANSPORTATION AND SAFETY ATTENDANT III*	NDVS – ALL PCNS
3.535	TRANSPORTATION AND SAFETY ATTENDANT II*	NDVS – ALL PCNS
3.540	TRANSPORTATION AND SAFETY ATTENDANT I*	NDVS – ALL PCNS
5.103	PRINCIPAL	
5.104	VICE PRINCIPAL	
5.106	ACADEMIC TEACHER	
5.112	VOCATIONAL EDUCATION INSTRUCTOR	
5.174	CHILD CARE WORKER II*	BCN - ALL PCNS
5.175	CHILD CARE WORKER I*	BCN - ALL PCNS
6.209	SUPERVISOR III, ASSOCIATE ENGINEER*	NDOT - PCNS 017009, 017046, 018-037, ALL PCNS BEGINNING W/ 930
6.211	SUPERVISOR II, ASSOCIATE ENGINEER*	NDOT - PCNS 027006, 028006, 255001, ALL PCNS BEGINNING W/ 930
6.215	SUPERVISOR I, ASSOCIATE ENGINEER*	NDOT -PCNS 017021, 017034, 017048, 028008, ALL PCNS BEGINNING W/ 930
6.223	ADMINISTRATOR I, PROFESSIONAL ENGINEER*	NDOT - PCN 301012

6.224	MANAGER I, PROFESSIONAL ENGINEER*	NDOT - ALL PCNS BEGINNING W/ 930
6.228	STAFF II, ASSOCIATE ENGINEER*	NDOT - PCNS 018024, 018025, 018036, 018037, 018046, 018047
6.229	STAFF I, ASSOCIATE ENGINEER*	NDOT - PCNS 020014, 034001, 255002, 080001, 080002, 080005, 080006, 080007, 080010
6.305	ENGINEERING TECHNICIAN V*	NDOT - PCN 028015
6.308	ENGINEER TECHNICIAN IV*	NDOT - PCN 027023, ALL PCNS BEGINNING W/ 930
6.313	ENGINEERING TECHNICIAN III*	NDOT - PCNS 017037, 017038, 017039, 017040, 017041, 017042, 017050, 017051, 017052, 027019, 027022, 028010, 028011, 028013, 028016, 028021, 028022, 028030, 101342, 255003, ALL PCNS BEGINNING W/ 930
6.355	ARCHITECTURAL DRAFTER IV*	BCN - ALL PCNS
6.358	ARCHITECTURAL DRAFTER III*	BCN - ALL PCNS
6.750	CONSTRUCTION PROJECT COORDINATOR III*	BCN - ALL PCNS
6.751	PROJECT MANAGER III*	BCN - ALL PCNS
6.754	BUILDING CONSTRUCTION INSPECTOR III*	BCN - ALL PCNS; D of A - ALL PCNS
6.755	BUILDING CONSTRUCTION INSPECTOR IV*	D of A - ALL PCNS
6.758	CONSTRUCTION PROJECT COORDINATOR II*	BCN - ALL PCNS
6.762	PROJECT MANAGER II*	BCN - ALL PCNS
6.763	PROJECT MANAGER I*	BCN - ALL PCNS
6.966	DEVELOPMENT TECHNICIAN IV*	BCN - ALL PCNS
6.978	DEVELOPMENT TECHNICIAN III*	BCN - ALL PCNS
6.979	DEVELOPMENT TECHNICIAN II*	BCN - ALL PCNS
6.980	DEVELOPMENT TECHNICIAN I*	BCN - ALL PCNS
6.981	ELECTRONICS TECHNICIAN II*	BCN, NDOC - ALL PCNS
6.987	ELECTRONICS TECHNICIAN III*	BCN, NDOC - ALL PCNS
6.988	ELECTRONICS TECHNICIAN I*	BCN, NDOC - ALL PCNS
7.141	ACCOUNTANT TECHNICIAN II*	DPS - PCNS 0030, 4709-1010
7.143	ACCOUNTANT TECHNICIAN I*	DPS - PCN 4702-30
7.154	AUDITOR II*	DHHS PBH - PCNS 0031, 0033, 0041
7.216	ADMINISTRATIVE SERVICES OFFICER III*	DPS - PCN 4709-0023
7.217	ADMINISTRATIVE SERVICES OFFICER II*	DPS - PCN 4709-23
7.218	ADMINISTRATIVE SERVICES OFFICER I*	DPS - PCN 3743-6
7.519	TRAINING OFFICER I*	NDOT - ALL PCNS
7.524	TRAINING OFFICER II*	DPS - NHP - HAZARDOUS MATERIALS - PCN 5
7.624	MANAGEMENT ANALYST III*	DPS - PCNS 4709-3, 4709-200, 4709- 9015
7.625	MANAGEMENT ANALYST II*	DPS - PCN 4709-39; TAXI - PCNS 0002, 0078
7.637	MANAGEMENT ANALYST I*	DPS - PCNS 3743-9, 3743-79, 4709-40
7.643	PROGRAM OFFICER III*	DHHS PBH - PCN 0038; DPS - PCN 4702-0086; MIL - PCN 4016
7.647	PROGRAM OFFICER II*	BCN - PCN P0000505; DPS- PCNS 3743-1022, 4701-0950, 4709-19, 4709- 24, 4709-35, 4709-8003, 4709-8012; MIL - PCNS 4005, 4009, 4017

7.649	PROGRAM OFFICER I*	DPS - PCN 3744-82, 4702-322, 4709-8030, 4709-8036, 4709-8037, 4709-8052, 4709-9020, 4709-9021; FIRE MARSHAL - PCNS 4, 106; NDOC - PCNS 3710-0064, 3710-0202; BCN - PCNS P0002816, P0000588
7.653	PUBLIC SERVICE INTERN II*	NDOT - ALL PCNS BEGINNING W/ 940
7.655	BUSINESS PROCESS ANALYST III*	DPS - PCN 4709-7005, 4709-7014, 4709-8023
7.656	BUSINESS PROCESS ANALYST II*	DPS - PCNS 4702-0046, 4709-7013, 4709-8024, 4709-8025
7.657	BUSINESS PROCESS ANALYST I*	DPS - PCNS 4709-7010, 4709-7011, 4709-7012, 4709-7015
7.665	PUBLIC SERVICE INTERN I*	MIN - PCNS 09015, 09016, 09017, 09018, 09019, 09020, 09022, 09023
7.713	TRANSPORTATION TECHNICIAN III*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
7.714	TRANSPORTATION TECHNICIAN IV*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
7.715	TRANSPORTATION TECHNICIAN II*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
7.722	TRAFFIC CENTER TECHNICIAN SUPERVISOR	
7.724	TRAFFIC CENTER TECHNICIAN II	
7.725	TRAFFIC CENTER TECHNICIAN I	
7.726	TRAFFIC CENTER TECHNICIAN TRAINEE	
7.745	STATISTICIAN II*	DPS - PCN 4709-21
7.901	CHIEF IT MANAGER*	NDOT - PCN 016060
7.902	IT MANAGER III*	DPS - PCN 4709-0207
7.904	IT MANAGER I*	NDOT - PCN 016065; BCN UNR - PCN P0005682
7.921	IT PROFESSIONAL IV*	DPS - PCN 4709-8032; NDOT - PCNS 016061, 016063
7.925	IT PROFESSIONAL III*	DPS - PCNS 4709-0150, 4709-8033; NDOT - PCNS 016062, 016064, 91001, 92001, 93002; BCN UNR - ALL FACILITIES SERVICES PCNS
7.926	IT PROFESSIONAL II*	NDOT - PCNS 91005, 92002, 93001, 93003, 95001, 96001, 92003, 93005, 94003; BCN UNR - ALL FACILITIES SERVICES PCNS
7.929	IT PROFESSIONAL I*	BCN UNR - ALL FACILITIES SERVICES PCNS
7.951	IT PROFESSIONAL TRAINEE*	BCN UNR - ALL FACILITIES SERVICES PCNS
9.103	HIGHWAY MAINTENANCE MANAGER	
9.106	HIGHWAY MAINTENANCE SUPERVISOR II	
9.115	HIGHWAY MAINTENANCE SUPERVISOR I	
9.117	HIGHWAY MAINTENANCE WORKER IV	
9.120	HIGHWAY MAINTENANCE WORKER III	
9.127	HIGHWAY MAINTENANCE WORKER II	
9.130	HIGHWAY MAINTENANCE WORKER I	
9.137	HIGHWAY CONSTRUCTION AID	
9.200	SPECIAL EQUIPMENT OPERATOR III	
9.201	EQUIPMENT OPERATION INSTRUCTOR	

9.203	SPECIAL EQUIPMENT OPERATOR II	
9.204	GROUNDS EQUIPMENT OPERATOR I*	BCN - ALL PCNS
9.205	SEASONAL FORESTRY EQUIPMENT OPERATOR	
9.208	DRIVER WAREHOUSE WORKER TRAINEE*	NDOC - ALL PCNS
9.209	GROUNDS EQUIPMENT OPERATOR II*	BCN - ALL PCNS
9.210	DRIVER WAREHOUSE WORKER I	
9.211	DRIVER WAREHOUSE WORKER II	
9.212	DRIVER WAREHOUSE SUPERVISOR	
9.315	HIGHWAY EQUIPMENT MECHANIC SPVR I	
9.317	HIGHWAY EQUIPMENT MECHANIC III	
9.318	HIGHWAY EQUIPMENT MECHANIC II	
9.321	HIGHWAY EQUIPMENT MECHANIC I	
9.322	EQUIPMENT MECHANIC IV*	BCN, DCNR-FORESTRY DIVISION - ALL PCNS
9.323	EQUIPMENT MECHANIC III*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOW - ALL PCNS
9.326	EQUIPMENT MECHANIC-IN-TRAINING IV*	BCN, NDOT - ALL PCNS
9.327	AUTO BODY WORKER*	NDOT - ALL PCNS
9.328	EQUIPMENT MECHANIC-IN-TRAINING III*	BCN, NDOT - ALL PCNS
9.330	EQUIPMENT MECHANIC-IN-TRAINING II*	BCN, NDOT - ALL PCNS
9.331	EQUIPMENT MECHANIC II*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOT, NDOW - ALL PCNS
9.332	EQUIPMENT MECHANIC-IN-TRAINING I*	BCN, NDOT - ALL PCNS
9.333	EQUIPMENT MECHANIC I*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOT, NDOW - ALL PCNS
9.334	FLEET SERVICE WORKER IV*	BCN, NDOT - ALL PCNS
9.335	FLEET SERVICE WORKER III*	BCN, NDOT - ALL PCNS
9.336	FLEET SERVICE WORKER II*	BCN, NDOT - ALL PCNS
9.337	FLEET SERVICE WORKER I*	BCN, NDOT - ALL PCNS
9.353	AVIATION SERVICES OFFICER	
9.354	CHIEF PILOT	
9.355	PILOT II	
9.356	PILOT III	
9.357	AIRCRAFT MAINTENANCE SPECIALIST	
9.359	PILOT I	
9.404	HVACR SPECIALIST IV*	BCN - ALL PCNS
9.408	HVACR SPECIALIST II*	BCN, NDOC - ALL PCNS
9.413	HVACR SPECIALIST III*	BCN, NDOC - ALL PCNS
9.417	WELDER I*	BCN, NDOC, NDOT - ALL PCNS
9.418	LOCKSMITH I*	BCN, NDOC - ALL PCNS
9.420	HEAT PLANT SPECIALIST II*	BCN, NDOC - ALL PCNS
9.421	HVACR SPECIALIST I*	BCN, NDOC, NDOT - ALL PCNS
9.422	HEAT PLANT SPECIALIST IV*	BCN, NDOC - ALL PCNS
9.423	CARPENTER I*	BCN, NDOC, NDOT - ALL PCNS
9.424	CARPENTER II*	BCN, NDOC - ALL PCNS
9.425	HEAT PLANT SPECIALIST III*	BCN, NDOC - ALL PCNS
9.426	ELECTRICIAN I*	BCN, NDOC, NDOT - ALL PCNS
9.428	HEAT PLANT SPECIALIST I*	BCN, NDOC - ALL PCNS
9.429	PAINTER I*	BCN - ALL PCNS
9.430	WELDER II*	BCN, NDOC, NDOT - ALL PCNS
9.431	LOCKSMITH II*	BCN, NDOC - ALL PCNS
9.432	PLUMBER I*	BCN, NDOC - ALL PCNS
9.434	EVENTS CENTER TECHNICIAN II*	BCN - ALL LAWLOR EVENTS CENTER PCNS

9.437	EVENTS CENTER TECHNICIAN I*	BCN - ALL LAWLOR EVENTS CENTER PCNS
9.439	CARPENTER III*	BCN - ALL PCNS
9.441	MAINTENANCE REPAIR SPECIALIST I*	BCN, NDOC, NDOT, NDOW, NDVS - ALL PCNS
9.445	MAINTENANCE REPAIR SPECIALIST II*	BCN, NDOC, NDOW - ALL PCNS
9.447	ELECTRICIAN II*	BCN, NDOC, NDOT - ALL PCNS
9.448	ELECTRICIAN III*	BCN, NDOC, NDOT - ALL PCNS
9.459	PAINTER II*	BCN - ALL PCNS
9.460	PAINTER III*	BCN - ALL PCNS
9.462	PLUMBER II*	BCN, NDOC - ALL PCNS
9.463	PLUMBER III*	BCN - ALL PCNS
9.465	CRAFT WORKER-IN-TRAINING IV*	BCN - ALL PCNS
9.466	CRAFT WORKER-IN-TRAINING III*	BCN - ALL PCNS
9.467	CRAFT WORKER-IN-TRAINING II*	BCN - ALL PCNS
9.468	CRAFT WORKER-IN-TRAINING I*	BCN - ALL PCNS
9.470	THEATER TECHNICIAN I*	BCN - ALL PCNS
9.471	THEATER TECHNICIAN II*	BCN - ALL PCNS
9.481	MAINTENANCE REPAIR AID IV*	BCN - ALL PCNS
9.482	MAINTENANCE REPAIR AID III*	BCN - ALL PCNS
9.483	MAINTENANCE REPAIR AID II*	BCN - ALL PCNS
9.484	MAINTENANCE REPAIR AID I*	BCN - ALL PCNS
9.485	MAINTENANCE REPAIR WORKER IV*	BCN, NDOC - ALL PCNS
9.486	MAINTENANCE REPAIR WORKER III*	BCN, NDOC - ALL PCNS
9.487	MAINTENANCE REPAIR WORKER II*	BCN, NDOC, NDVS - ALL PCNS
9.488	MAINTENANCE REPAIR WORKER I*	BCN, NDOC, NDVS - ALL PCNS
9.496	WASTEWATER TREATMENT OPERATOR II*	NDOC - ALL PCNS
9.497	WASTEWATER TREATMENT OPERATOR I*	NDOC - ALL PCNS
9.501	NATIONAL GUARD RANGE SPECIALIST	MIL - PCN 103
9.514	RANCH MANAGER*	BCN UNR - PCN P0001268
9.545	MEAT PLANT TECHNICIAN TRAINEE	BCN - ALL PCNS
9.546	MEAT PLANT TECHNICIAN I	BCN - ALL PCNS
9.547	MEAT PLANT TECHNICIAN II	BCN - ALL PCNS
9.548	MEAT PLANT SUPERVISOR	BCN - ALL PCNS
9.549	MEAT PLANT MANAGER	BCN - ALL PCNS
9.603	FACILITY MANAGER*	BCN, NDOC - ALL PCNS
9.606	FACILITY SUPERVISOR III*	BCN, NDOC - ALL PCNS
9.609	FACILITY SUPERVISOR II*	BCN, <i>D of A PW - 0202</i> , NDOC - ALL PCNS, NDOT - PCN 302001
9.610	GROUNDS SUPERVISOR III*	BCN - ALL PCNS
9.612	FACILITY SUPERVISOR I*	BCN, <i>D of A PW - 0119</i> , NDOC - ALL PCNS
9.616	CUSTODIAL SUPERVISOR IV*	BCN - ALL PCNS
9.617	CUSTODIAL SUPERVISOR III*	BCN - ALL PCNS
9.620	GROUNDS SUPERVISOR II*	BCN - ALL PCNS
9.623	CUSTODIAL SUPERVISOR II*	BCN - ALL PCNS
9.625	CUSTODIAL SUPERVISOR I*	BCN - ALL PCNS
9.627	GROUNDS SUPERVISOR I*	BCN - ALL PCNS
9.630	GROUNDS MAINTENANCE WORKER V*	BCN - ALL PCNS
9.631	CUSTODIAL WORKER II*	BCN - ALL PCNS
9.633	GROUNDS MAINTENANCE WORKER IV*	BCN - ALL PCNS
9.634	CUSTODIAL WORKER I*	BCN - ALL PCNS
9.635	GROUNDS MAINTENANCE WORKER III*	BCN - ALL PCNS
9.637	FACILITY ATTENDANT*	BCN - ALL PCNS

9.639	GROUNDS MAINTENANCE WORKER II*	BCN - ALL PCNS
9.641	GROUNDS MAINTENANCE WORKER I*	BCN - ALL PCNS
10.124	PSYCHOLOGIST IV*	NDOC - ALL PCNS
10.126	PSYCHOLOGIST III*	NDOC - ALL PCNS
10.132	PSYCHOLOGIST II*	NDOC - ALL PCNS
10.139	MENTAL HEALTH COUNSELOR II*	NDOC - ALL PCNS
10.141	MENTAL HEALTH COUNSELOR I*	NDOC - ALL PCNS
10.143	PSYCHOLOGIST I*	NDOC - ALL PCNS
10.144	CLINICAL SOCIAL WORKER II*	NDOC - ALL PCNS
10.146	TREATMENT HOME SUPERVISOR	
10.148	TREATMENT HOME PROVIDER	
10.150	CLINICAL SOCIAL WORKER I*	NDOC - ALL PCNS
10.151	CLINICAL SOCIAL WORKER III*	NDOC - ALL PCNS
10.179	PSYCHOMETRIST *	NDOC - ALL PCNS
10.217	HEALTH PROGRAM MANAGER II*	DHHS PBH - PCN 0037
10.229	MID-LEVEL MEDICAL PRACTITIONER*	DHHS, NDOC - ALL PCNS
10.244	QUALITY ASSURANCE SPECIALIST I*	NDVS - ALL PCNS
10.260	DENTAL CLINIC SUPERVISOR*	UNLV - ALL PCNS
10.262	DENTAL ASSISTANT III*	NDOC, UNLV - ALL PCNS
10.263	DENTAL ASSISTANT II*	NDOC, UNLV - ALL PCNS
10.264	DENTAL ASSISTANT I*	NDOC, UNLV - ALL PCNS
10.300	DIRECTOR, NURSING SERVICES II*	DHHS, NDOC - ALL PCNS, NDVS - ALL PCNS
10.301	DIRECTOR, NURSING SERVICES I*	DHHS, NDOC - ALL PCNS
10.305	PSYCHIATRIC NURSE III*	DHHS, NDOC - ALL PCNS
10.306	PSYCHIATRIC NURSE IV*	DHHS, NDOC - ALL PCNS
10.307	PSYCHIATRIC NURSE II*	DHHS, NDOC - ALL PCNS
10.309	PSYCHIATRIC NURSE I*	DHHS, NDOC - ALL PCNS
10.310	CHIEF OF NURSING SERVICES*	NDOC - ALL PCNS
10.316	CORRECTIONAL NURSE III*	NDOC - ALL PCNS
10.318	CORRECTIONAL NURSE II*	DHHS, NDOC - ALL PCNS
10.319	CORRECTIONAL NURSE I*	DHHS, NDOC - ALL PCNS
10.338	MENTAL HEALTH TECHNICIAN IV*	DHHS - ALL PCNS
10.339	DEVELOPMENTAL SUPPORT TECH IV*	DHHS - ALL PCNS
10.346	MENTAL HEALTH TECHNICIAN III*	DHHS - ALL PCNS
10.347	DEVELOPMENTAL SUPPORT TECH III*	DHHS - ALL PCNS
10.352	REGISTERED NURSE V*	NDVS - ALL PCNS
10.354	REGISTERED NURSE IV*	NDVS - ALL PCNS
10.356	MENTAL HEALTH TECHNICIAN II*	DHHS - ALL PCNS
10.357	DEVELOPMENTAL SUPPORT TECH II*	DHHS - ALL PCNS
10.358	NURSE I*	DHHS, NDOC, NDVS - ALL PCNS
10.359	REGISTERED NURSE II*	NDVS - ALL PCNS
10.360	LICENSED PRACTICAL NURSE II*	DHHS, NDOC, NDVS - ALL PCNS
10.364	LICENSED PRACTICAL NURSE III*	DHHS, NDOC - ALL PCNS, NDVS - ALL PCNS
10.365	LICENSED PRACTICAL NURSE I*	DHHS, MIL - PCN 4023, NDOC - ALL PCNS, NDVS - ALL PCNS
10.366	MENTAL HEALTH TECHNICIAN I*	DHHS - ALL PCNS
10.367	DEVELOPMENTAL SUPPORT TECH I*	DHHS - ALL PCNS
10.368	CERTIFIED NURSING ASSISTANT III*	NDVS - ALL PCNS
10.369	CERTIFIED NURSING ASSISTANT II*	NDOC, NDVS - ALL PCNS
10.370	NURSING ASSISTANT TRAINEE*	NDVS - ALL PCNS
10.371	CERTIFIED NURSING ASSISTANT I*	NDVS - ALL PCNS
10.375	COMMUNITY HEALTH NURSE IV*	DHHS - ALL PCNS

10.376	COMMUNITY HEALTH NURSE III*	DHHS - ALL PCNS
10.377	COMMUNITY HEALTH NURSE II*	DHHS - ALL PCNS
10.378	COMMUNITY HEALTH NURSE I*	DHHS - ALL PCNS
10.379	REGISTERED NURSE, BBYCA*	MIL – PCN 4022
10.536	ENVIRONMENTAL SCIENTIST II*	NDOT - PCNS 018012, 018013
10.540	MARIJUANA PROGRAM SUPERVISOR	
10.541	MARIJUANA PROGRAM INSPECTOR II	
10.542	MARIJUANA PROGRAM INSPECTOR I	
10.545	ENVIRONMENTAL SCIENTIST IV*	NDOT - PCN 018011
10.707	CHEMIST V*	BCN - ALL PCNS
10.708	CHEMIST IV*	BCN - ALL PCNS
10.710	MICROBIOLOGIST V*	BCN - ALL PCNS
10.711	MICROBIOLOGIST IV*	BCN - ALL PCNS
10.712	CHEMIST III*	BCN - ALL PCNS
10.713	CHEMIST II*	BCN - ALL PCNS
10.715	MICROBIOLOGIST III*	BCN - ALL PCNS
10.717	MICROBIOLOGIST II*	BCN - ALL PCNS
10.721	MICROBIOLOGIST I*	BCN - ALL PCNS
10.724	CHEMIST I*	BCN - ALL PCNS
10.723	PHARMACY TECHNICIAN II*	DHHS, NDOC - ALL PCNS
10.726	LABORATORY TECHNICIAN II*	BCN - ALL PCNS
10.728	PHARMACY TECHNICIAN I*	DHHS, NDOC- ALL PCNS
10.729	LABORATORY ASSISTANT II*	BCN - ALL PCNS
10.733	LABORATORY TECHNICIAN I*	BCN - ALL PCNS
10.736	LABORATORY ASSISTANT I*	BCN - ALL PCNS
10.769	STAFF RESEARCH ASSOCIATE IV*	BCN - ALL PCNS
10.770	STAFF RESEARCH ASSOCIATE III*	BCN - ALL PCNS
10.771	STAFF RESEARCH ASSOCIATE II*	BCN - ALL PCNS
10.772	STAFF RESEARCH ASSOCIATE I*	BCN - ALL PCNS
11.117	PUBLIC SAFETY DISPATCHER VI	
11.118	PUBLIC SAFETY DISPATCHER V	
11.120	PUBLIC SAFETY DISPATCHER IV	
11.122	PUBLIC SAFETY DISPATCHER III	
11.124	PUBLIC SAFETY DISPATCHER II	
11.126	PUBLIC SAFETY DISPATCHER I	
11.128	N.C.J.I.S. PROGRAM SPECIALIST SUPERVISOR*	DPS - PCNS 4709-13, 4709-14
11.129	N.C.J.I.S. PROGRAM SPECIALIST*	DPS - PCNS 4709-41, 4709-63, 4709-74, 4709-600, 4709-615, 4709-650, 4709-680, 4709-1005
11.130	N.C.J.I.S. PROGRAM SPECIALIST TRAINEE	
11.132	MANAGER, CRIMINAL JUSTICE RECORDS*	DPS - ALL PCNS
11.133	FINGERPRINT/RECORDS EXAMINER III*	DPS - PCNS 4709-201, 4709-8015
11.134	FINGERPRINT/RECORDS EXAMINER II*	DPS - PCNS 4709-6, 4709-7, 4709-33, 4709-59, 4709-61, 4709-202, 4709-590, 4709-8014, 4709-8051
11.135	FINGERPRINT/RECORDS EXAMINER I	
11.144	FINGERPRINT/RECORDS SUPERVISOR*	DPS - PCNS 4709-4, 4709-5
11.239	MILITARY SECURITY OFFICER V	
11.240	MILITARY SECURITY OFFICER IV	
11.241	MILITARY SECURITY OFFICER III	
11.242	MILITARY SECURITY OFFICER II	
11.243	MILITARY SECURITY OFFICER I	
11.260	SECURITY OFFICER SUPERVISOR*	BCN
11.263	SECURITY OFFICER*	BCN, MILITARY

11.363	COMPLIANCE/AUDIT INVESTIGATOR III*	B&I-INSURANCE DIV - PCN 0072; SOS - PCNS 0030, 0031, 0035, 0062, 0063, 0066
11.365	COMPLIANCE/AUDIT INVESTIGATOR II*	B&I-INSURANCE DIV - ALL PCNS; SOS - PCNS 0022, 0028, 0068
11.424	DMV SERVICES TECHNICIAN III*	DMV - PCNS RE5324, RE5328
11.506	FIRE & LIFE SAFETY INSPECTOR I	
11.510	FIRE & LIFE SAFETY INSPECTOR II	
11.513	SAFETY REPRESENTATIVE, RAILWAY	
11.515	SAFETY SPECIALIST, RAILWAY	
11.550	TAXICAB VEHICLE INSPECTOR I	
11.552	TAXICAB VEHICLE INSPECTOR II	
11.560	MANUFACTURED HOUSING INSPECTOR II	
11.561	MANUFACTURED HOUSING INSPECTOR I	
11.565	AGENCY LOSS CONTROL COORDINATOR*	NDOT - PCN 078002
12.380	CADRE TEAM LEADER*	MIL – PCNS 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052
12.382	CADRE TEAM SUPERVISOR*	MIL – PCNS 4018, 4019, 4020, 4021
12.466	SUBSTANCE ABUSE COUNSELOR III	
12.469	SUBSTANCE ABUSE COUNSELOR II	
12.470	SUBSTANCE ABUSE COUNSELOR I	
12.501	WARDEN	
12.510	CORRECTIONAL MANAGER	
12.517	CORRECTIONAL ASSISTANT*	NDOC - ALL PCNS
12.523	ASSISTANT SUPERINTENDENT, YOUTH FACILITY	
12.532	HEAD GROUP SUPERVISOR	
12.534	ASSISTANT HEAD GROUP SUPERVISOR	
12.535	GROUP SUPERVISOR IV	
12.537	GROUP SUPERVISOR III	
12.538	GROUP SUPERVISOR II	
12.541	GROUP SUPERVISOR I	
12.553	ASSOCIATE WARDEN	
12.556	CORRECTIONAL CASEWORK SPECIALIST III	
12.559	CORRECTIONAL CASEWORK SPECIALIST II	
12.565	CORRECTIONAL CASEWORK SPECIALIST I	
12.571	CORRECTIONAL CASEWORK SPECIALIST TR	
12.616	PAROLE & PROBATION SPECIALIST III*	DPS - PCNS 3740-0564, 3740-1251, 3740-1439, 3740-1440, 3740-1441, 3740-1442
13.101	AGRICULTURE ENFORCEMENT OFFICER III	
13.102	AGRICULTURE ENFORCEMENT OFFICER II	
13.103	AGRICULTURE ENFORCEMENT OFFICER I	
13.111	DEPUTY BRAND INSPECTOR (COMMISSIONED)	
13.115	STAFF GAME WARDEN	
13.121	GAME WARDEN IV	
13.122	GAME WARDEN III	
13.123	GAME WARDEN II	
13.124	GAME WARDEN I	
13.131	PARKS REGIONAL MANAGER (COMMISSIONED)	
13.135	PARK SUPERVISOR III (COMMISSIONED)	

13.136	PARK SUPERVISOR II (COMMISSIONED)	
13.137	PARK SUPERVISOR I (COMMISSIONED)	
13.141	PARK RANGER III (COMMISSIONED)	
13.142	PARK RANGER II (COMMISSIONED)	
13.143	PARK RANGER I (COMMISSIONED)	
13.202	DPS MAJOR	
13.203	DPS CAPTAIN	
13.204	DPS LIEUTENANT	
13.205	DPS SERGEANT	
13.206	DPS OFFICER II	
13.207	DPS OFFICER I	
13.215	UNIVERSITY POLICE LIEUTENANT	
13.217	UNIVERSITY POLICE DETECTIVE	
13.221	UNIVERSITY POLICE SERGEANT	
13.222	UNIVERSITY POLICE OFFICER II	
13.223	UNIVERSITY POLICE OFFICER I	
13.234	SENIOR LAW ENFORCEMENT SPECIALIST	
13.237	AG CYBERCRIME INVESTIGATOR II	
13.238	AG CYBERCRIME INVESTIGATOR I	
13.241	SUPERVISORY CRIMINAL INVESTIGATOR II	
13.242	SUPERVISORY CRIMINAL INVESTIGATOR I	
13.243	CRIMINAL INVESTIGATOR III	
13.244	CRIMINAL INVESTIGATOR II	
13.245	CRIMINAL INVESTIGATOR I	
13.246	AG DEPUTY CHIEF INVESTIGATOR*	AG - ALL PCNS
13.247	AG CRIMINAL INVESTIGATOR, SUPERVISOR*	AG - ALL PCNS
13.248	AG CRIMINAL INVESTIGATOR II*	AG - ALL PCNS
13.249	AG CRIMINAL INVESTIGATOR I*	AG - ALL PCNS
13.251	CHIEF INVESTIGATOR, COMPLIANCE/ ENFORCEMENT	
13.255	SUPERVISORY COMPLIANCE/ENFORCEMENT INVESTIGATOR	
13.256	COMPLIANCE/ENFORCEMENT INVESTIGATOR III	
13.257	COMPLIANCE/ENFORCEMENT INVESTIGATOR II	
13.258	COMPLIANCE/ENFORCEMENT INVESTIGATOR I	
13.263	UNIT MANAGER, YOUTH PAROLE BUREAU	
13.265	YOUTH PAROLE COUNSELOR III	
13.266	YOUTH PAROLE COUNSELOR II	
13.267	YOUTH PAROLE COUNSELOR I	
13.301	INSPECTOR GENERAL	
13.309	CORRECTIONAL CAPTAIN	
13.310	CORRECTIONAL LIEUTENANT	
13.311	CORRECTIONAL SERGEANT	
13.312	SENIOR CORRECTIONAL OFFICER	
13.313	CORRECTIONAL OFFICER	
13.314	CORRECTIONAL OFFICER TRAINEE	
13.321	FORENSIC SPECIALIST IV	
13.322	FORENSIC SPECIALIST III	
13.323	FORENSIC SPECIALIST II	
13.324	FORENSIC SPECIALIST I	
U3720	DIVISION ADMINISTRATOR, RECORDS & TECHNOLOGY*	DPS - PCN 4709-1

U3916	PROGRAM MANAGER, OIL/GAS/GEOTHERMAL	MIN - PCN 0002
U3918	DEPUTY ADMINISTRATOR, MINERALS	MIN - PCN 0006
U3919	CHIEF FOR DANGEROUS MINES	MIN - PCN 0007
U3930	CHIEF FOR MINE REGULATION	MIN - PCN 0009
U3932	FIELD SPECIALIST, MINERALS	MIN - PCNS 0011, 0021, 0031
U4102	BUREAU CHIEF, YOUTH PAROLE	
U4103	DIVISION ADMINISTRATOR, TAXICAB AUTHORITY	
U4141	DEPUTY DIVISION ADMINISTRATOR, TAXICAB AUTHORITY	
U4706	ADMINISTRATOR, MINERALS	MIN - PCN 0001
U9005	DEPUTY ADMINISTRATOR, COMPLIANCE ENFORCEMENT DIVISION*	DMV – PCNS RE2013, WF2014
U9010	CHIEF, NEVADA HIGHWAY PATROL	
U9021	DIVISION ADMINISTRATOR, COMPLIANCE ENFORCEMENT DIVISION	
U9033	DEPUTY DIRECTOR, INDUSTRIAL PROGRAMS	
U9034	DEPUTY DIRECTOR, OPERATIONS SOUTH	
U9041	CHIEF GAME WARDEN	
U9068	DEPUTY ADMINISTRATOR, NV YOUTH CHALLENGE PROGRAM	MIL – PCN 4002
U9074	PHARMACIST 1*	DHHS, NDOC - ALL PCNS
U9075	PHARMACIST 2*	DHHS - ALL EXCEPT PCN 3243-0014; NDOC - ALL PCNS
U9076	PHARMACIST 3*	DHHS, NDOC - ALL PCNS
U9085	SENIOR INSTITUTIONAL DENTIST (RANGE A)*	NDOC - ALL PCNS
U9086	SENIOR INSTITUTIONAL DENTIST (RANGE B)*	NDOC - ALL PCNS
U9087	SENIOR PHYSICIAN (RANGE C)*	DHHS, NDOC - ALL PCNS
U9088	SENIOR PSYCHIATRIST (RANGE C)*	DHHS, NDOC - ALL PCNS

ACRONYMS

Acronym	Agency
AG	Office of the Attorney General
AGR	Department of Agriculture
BCN	(Nevada System of Higher Education) Business Center North
BCN UNR	(Nevada System of Higher Education) Business Center North, University of Nevada Reno
B&I	Department of Business & Industry
DCNR	Department of Conservation & Natural Resources
DHHS	Department of Health & Human Services
DHHS PBH	Department of Health & Human Services, Division of Public & Behavioral Health
DMV	Department of Motor Vehicles
D of A	Department of Administration
D of A PW	Department of Administration, State Public Works Division
DPS	Department of Public Safety
ESD	Department of Employment, Training & Rehabilitation, Employment Security Division
MIL	Office of the Military
MIN	Commission on Mineral Resources, Division of Minerals

NHP	Department of Public Safety, Nevada Highway Patrol
NDOC	Department of Corrections
NDOT	Department of Transportation
NDOW	Department of Wildlife
NDVS	Nevada Department of Veterans Services
SOS	Secretary of State
TAXI	Department of Business & Industry, Nevada Taxicab Authority
UNLV	(Nevada System of Higher Education) University of Nevada Las Vegas

FOR DISCUSSION AND POSSIBLE ACTION

“Each appointing authority shall, subject to the approval of the Commission, determine whether each of its positions of employment affects the public safety. The appointing authority shall not hire an applicant for such a position unless the applicant submits to a screening test to detect the general presence of a controlled substance.” (NRS 284.4066(1))

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

CLASS/ TITLE CODE	TITLE	POSITION CONTROL NUMBER	AGENCY’S BASIS FOR REQUEST
2.212	Administrative Assistant II	4709-09022, 4709- 09023	Access to criminal history, personally identifiable, and victim information.
7.624	Management Analyst III	4709-09025	Access to criminal history and personally identifiable information.
7.649	Program Officer I	4702-11140, 4709- 09026	Access to criminal history, personally identifiable, and victim information.

The Commission has previously approved pre-employment screening for controlled substances of DPS positions in the above classes.

A DPS representative has been requested to be available at the meeting to answer Commissioners’ questions.

DATE: March 28, 2022

TO: Carrie Hughes
Department of Administration, Division of Human Resource Management

FROM: Erica Souza-Llamas, Division Administrator
Department of Public Safety, Records, Communications and Compliance Division
THROUGH: Mary Gordon, Personnel Officer III
Department of Public Safety, Director's Office

SUBJECT: Pre-Employment Drug Testing Add New PCNs

Please accept this as a formal request to add the following civilian positions to the pre-employment drug testing list. These positions were approved in our 21-23 biennium budget assigned to various programs within the division.

These positions are assigned to the Records, Communications and Compliance Division budget accounts 4709 and 4702. It is critical that all persons assigned to positions within the division be free of drug use.

If you require further information, you can reach me at (775) 684-6241 or at esouza@dps.state.nv.us. Thank you for your assistance and consideration.

Please add the following to the "Classes Approved for Pre-Employment Drug Testing" list:

07.649 Program Officer I:

4702-11140 – this position is new assigned to the Spillman Program and accesses criminal history information, personally identifiable information, and victim information using a computer that has direct access to various databases and by receiving hard copies.

07.649 Program Officer I:

4709-09026 – this position is new assigned to the Brady Point of Contact Firearms Program and accesses criminal history information, personally identifiable information, and victim information using a computer that has direct access to various databases and by receiving hard copies.

02.212 Administrative Assistant II:

4709-09022 and 4709-09023 - these positions are new assigned to the Criminal Records Unit and access criminal history information, personally identifiable information, and victim information using a computer that has direct access to various databases and by receiving hard copies.

07.624 Management Analyst III:

4709-09025 - this position is new and accesses all financial aspects of the division to include criminal history information and personally identifiable information using a computer that has direct access to various databases and by receiving hard copies.



Personnel Commission Meeting
June 24, 2022

FOR INFORMATION ONLY

Attached are the minutes of the June 30, 2021, regulation workshop as they are related to LCB File Nos. R015-21, R016-21, and R017-21. Also related to R016-21 and R017-21 is Senate Bill 51 of the 2021 Legislative Session, which is attached here as well. In addition, the minutes of the December 13, 2021, regulation workshop are attached, as they related to R125-21. Finally, the Small Business Impact Statement is included.

Steve Sisolak
Governor



Laura E. Freed
Director

Matthew Tuma
Deputy Director

Frank Richardson
Administrator

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 | <http://hr.nv.gov> | Fax: (775) 684-0122

REGULATIONS WORKSHOP

DATE: June 30, 2021

TIME: 9:00 a.m.

PLACE: Nevada State Library and Archives Grant Sawyer Building
Room 110 Room 1400
100 N. Stewart St. 555 E. Washington Avenue
Carson City, Nevada Las Vegas, Nevada

Workshop Minutes

Staff present in Carson City:

Frank Richardson, Administrator, Department of Administration
Michelle Garton, Deputy Administrator, Division of Human Resource Management, (DHRM)
Beverly Ghan, Deputy Administrator, DHRM
Carrie Hughes, Personnel Analyst, Consultation & Accountability DHRM

Others present in Carson City:

Kris Overton, DHHS-DCFS
Denise Woo-Seymour-Supervisory Personnel Analyst, DHRM
Mandee Bowsmith, Interim Deputy Administrator, DHRM-Labor Relations Unit (LRU)
Nora Johnson, Personnel Analyst, DHRM
Kara Sullivan, Supervisory Personnel Analyst, DHRM
Heather Graham, DPS
Rachael Harris, DMV

Others present in Las Vegas:

Heather Dapice, Supervisory Personnel Analyst, DHRM
Kailey Musso (Taylor), DOW

1. Call to Order

Deputy Administrator Michelle Garton called the workshop to order at approximately 9:00 a.m.

Ms. Garton reminded all attendees to sign in, including members of the Division of Human Resource Management (DHRM) staff.

Ms. Garton stated the workshop was being held to solicit comments from interested persons regarding a proposed permanent regulation change to NAC 284.5811, Family and Medical Leave (FMLA) as well as the group of regulations that stemmed from Senate Bill 51 (SB51) of the 81st Legislative Session.

Ms. Garton stated these regulations were approved on an emergency basis at the Personnel Commission meeting held June 25, 2021 and had been sent to the Governor's office for signature and once signed, the regulations would be sent to the Secretary of State's office for record.

Ms. Garton stated what DHRM intended to do with those regulations today was to get input and make any points or changes based on the feedback and would be able to submit the regulations to the Legislative Counsel Bureau for pre-adoption review on a permanent basis for approval at the September 24, 2021 Personnel Commission meeting.

Ms. Garton stated, based on the feedback received today, proposed language may be changed or deleted, and a group of regulations may be affected. If the regulation is submitted to the Personnel Commission for adoption, the minutes from this workshop and any other written comments received will be provided to the Commission when the regulation is presented for their consideration. Participants may submit written comments via email at mgarton@admin.nv.gov.

2. Review of proposed changes to NAC 284

284.5811 Family and medical leave: Maximum amount in 12-month period; eligibility; use.

Carrie Hughes, Personnel Analyst with DHRM, explained the intent of this amendment is to default the State's Family and Medical Leave Act's eligibility criteria to the criteria outlined in the U.S. Department of Labor's FMLA regulations.

The State's regulation currently bases a portion of the FMLA eligibility calculation, "employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave", on the defined term "paid status" which includes most leave with pay including annual and sick leave. However, the FMLA federal regulations base the hours requirement on the Fair Labor Standards Act's principles for determining compensable hours of work. So, the State's current method of calculating FMLA eligibility may, in certain circumstances, allow an employee to qualify for FMLA leave prior to qualifying based on the federal regulations. If this leads to an employee being provided FMLA leave early and then not granted FMLA-protected leave during the period the employee actually qualifies under the federal FMLA regulations, this could lead to review by the FMLA regulatory body, the U.S. Department of Labor.

Additionally, the new human resource and finance system currently being implemented will calculate FMLA eligibility based on the federal regulations.

Ms. Hughes stated as these are the proposed changes to these regulations, DHRM would welcome any questions or comments the audience may have, there were no comments.

284.0995 “Sex- and gender-based harassment” defined.

Ms. Garton explained these were regulations that stemmed from SB51, were presented at the Personnel Commission meeting but ordered differently here for grouping purposes.

Ms. Garton began with NAC 284.0995 and stated NAC 284.0995 was part of SB51 and as such, these regulation amendments are based on a task force report from the Governor’s Task Force on Sexual Harassment and Discrimination Law and Policy issued in June of 2019.

Ms. Garton stated the report made numerous Nevada Revised Statute (NRS) statute changes and regulation changes and that SB51 was close to the recommendations made.

Ms. Garton stated the main points of the discussion were the Sexual Harassment and Discrimination Investigations Unit (SHDIU) has been around for a long time but did not have any statutory authority prior to SB51.

Ms. Garton stated SB51 changed the name of SHDIU and changed the terminology within the regulation to ‘Sex-and Gender-based Harassment and Discrimination Investigations Unit’.

Ms. Garton stated another significant change was once the Sex-and Gender-based Harassment and Discrimination Investigations Unit submitted a report to an appointing authority, the appointing authority would be required to notify DHRM within 30 days of submission, what action, if any was taken based on that report.

Ms. Garton stated the third significant change was, if the Administrator feels it’s necessary to release confidential information related to such an investigation, there are notification requirements and an appeals period timeframe for anyone affected to appeal.

Ms. Garton stated beginning with NAC 284.0995 in the ‘general provisions’ and ‘definitions sections of NAC 284 there are many changes regarding the SHDIU name.

Ms. Garton stated there were wording changes such as redefining unwelcome conduct etc. and that the amendments outlined in section 3a. through 3d. redefined harassing behavior, especially in relation to the sex or gender of others.

Ms. Garton stated she welcomed any comments relating to NAC 284.0995, there were none.

284.496 Classes and training concerning prevention of sex- and gender-based harassment.

284.498 Training of supervisory and managerial employees.

Ms. Garton explained the amendments to NAC 284.496 show the terminology changes again and shortens the timeframe that employees are required to take required training classes from 6 months to 30 days.

Ms. Garton explained the amendments to 284.498 that 30 days after an agency appoints an employee

to a supervisory or management position, that employee has 30 days to take the required supervisory training, also changed from 6 months. The amendments change the terminology also.

Ms. Garton stated she welcomed any comments relating to these changes, there were none.

284.650 Causes for disciplinary or corrective action.

284.696 Unlawful discrimination.

284.718 Confidential records.

Ms. Garton stated the main change for NAC 284.650 was to be consistent with the terminology change.

Ms. Garton stated for NAC 284.696 there was one change regarding section 1a (1) to be consistent with the rest.

Ms. Garton stated for NAC 284.718 the change was the terminology change.

Ms. Garton stated she welcomed any comments relating to these changes, there were none.

284.726 Access to confidential records.

NEW Appeal of determination to release confidential records.

Ms. Garton stated the main change in NAC 284.726 was in section 6 and it included an exception that was provided in SB51, that stated in part, ‘information related to such investigations is confidential however, the appointing authority does have the ability to release certain confidential information related to those investigations if he/she deems it appropriate’.

Ms. Garton stated the ‘NEW’ regulation related to NAC 284.726 as it gave process to appeal the release of confidential records.

Ms. Garton stated she welcomed any comments relating to these changes, there were none.

284.771 Sex-and gender-based harassment.

Ms. Garton stated the amendments to NAC 284.771 changed the terminology and added the sanctions shall be proportionate to the violation.

Ms. Garton stated these changes were based on the Governor’s Task Force recommendations and will allow for various levels of sanctions on a case by case basis.

Since no comments were received, Ms. Garton closed the workshop.

1. Adjournment

Ms. Garton thanked them for participating and adjourned the workshop at approximately 9:12 a.m.

Senate Bill No. 51–Committee on
Legislative Operations and Elections

CHAPTER.....

AN ACT relating to state employees; prohibiting an employee of the Executive Department of the State Government from engaging in sex- or gender-based harassment; providing for the adoption and annual review of a policy for such employees concerning sex- or gender-based harassment; prescribing certain duties of an appointing authority relating to sex- or gender-based harassment; creating the Sex- or Gender-Based Harassment and Discrimination Investigation Unit within the Division of Human Resource Management of the Department of Administration; providing for the investigation of a complaint by the Investigation Unit; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) creates the Division of Human Resource Management of the Department of Administration; and (2) requires the Division to administer provisions governing employees of the Executive Department of the State Government. (NRS 284.025) **Section 2** of this bill: (1) declares that it is the policy of this State to ensure that its employees do not engage in sex- or gender-based harassment; and (2) prohibits such employees from engaging in such behavior against another employee, an applicant for employment or any other person in the workplace.

Section 3 of this bill requires the Administrator of the Division to adopt, maintain and annually review and update a policy for employees of the Executive Department concerning sex- or gender-based harassment. **Section 3** also requires an appointing authority to provide each employee with a copy of the policy upon employment and any update of the policy.

Section 5 of this bill creates the Sex- or Gender-Based Harassment and Discrimination Investigation Unit within the Division. **Section 4** of this bill requires an appointing authority to notify the Investigation Unit upon receipt of a complaint filed by an employee concerning sex- or gender-based harassment or discrimination. **Section 4** additionally requires an appointing authority to notify certain other persons responsible for providing legal advice to the agency upon receipt of a complaint.

Section 5 requires the Investigation Unit to appoint an investigator to investigate any complaint regarding suspected harassment or discrimination based on sex or gender filed by an employee. **Section 5** requires an investigator to prepare a written report of his or her findings at the conclusion of an investigation and submit the report to the Investigation Unit for transmission to the appointing authority of the agency in which the complaint arose and certain other persons. **Section 5** requires the appointing authority to: (1) review the report; (2) determine the appropriate resolution of the complaint; (3) notify the Investigation Unit in writing that a complaint has been resolved; and (4) retain a copy of the written report prepared by the investigator and the written notification of the resolution of the complaint. **Section 5** makes a complaint regarding suspected harassment or discrimination based on sex or gender and information relating to such a complaint confidential and prohibits its disclosure unless: (1) so ordered by the Administrator

or his or her designee or a court of competent jurisdiction; or (2) necessary to file a claim authorized by law that is based on the same facts and circumstances as those identified in the complaint. **Section 5** also: (1) requires that if the Administrator or his or her designee decides to order the disclosure of any such information which may be used to identify certain persons, the Administrator or designee must provide certain notice to the person before ordering the disclosure; and (2) authorizes a person who receives such notice to file a written appeal of the decision with the Personnel Commission. **Sections 5, 5.3 and 5.5** of this bill make a complaint regarding suspected harassment or discrimination based on sex or gender and information relating to such a complaint confidential regardless of whether the provisions of a collective bargaining agreement requires the disclosure of such information. **Section 6** of this bill makes a conforming change to indicate the exception of such information from disclosure as a public record.

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

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

Section 1. Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *It is the policy of this State to ensure that its employees do not engage in sex- or gender-based harassment.*

2. Sex- or gender-based harassment violates the policy of this State and is a form of unlawful discrimination based on sex or gender under state and federal law. An employee shall not engage in sex- or gender-based harassment against another employee, an applicant for employment or any other person in the workplace.

Sec. 3. 1. *The Administrator shall adopt and maintain a policy concerning sex- or gender-based harassment. Such a policy must include, without limitation:*

(a) A definition of behavior that constitutes illegal sex- or gender-based harassment;

(b) Training requirements for employees concerning sex- or gender-based harassment;

(c) Training requirements for managerial or supervisory employees concerning equal employment opportunity; and

(d) A procedure for filing a complaint to report suspected harassment or discrimination based on sex or gender.

2. At least annually, the Administrator shall review the policy adopted pursuant to subsection 1 for compliance with relevant state and federal law and make any necessary updates to the policy.

3. *An appointing authority shall provide each employee of the appointing authority with a copy of the policy adopted pursuant to subsection 1 upon commencement of employment and any update of the policy.*

Sec. 4. *Upon receipt of a complaint filed by an employee alleging he or she is being harassed or discriminated against based on his or her sex or gender or has witnessed an employee being harassed or discriminated against based on his or her sex or gender, an appointing authority shall promptly notify the Sex- or Gender-Based Harassment and Discrimination Investigation Unit created by section 5 of this act and:*

1. *A person designated by the appointing authority to handle issues relating to sex- or gender-based harassment and discrimination; or*

2. *The deputy attorney general or other counsel designated to act as an attorney for the agency.*

Sec. 5. 1. *The Sex- or Gender-Based Harassment and Discrimination Investigation Unit is hereby created within the Division.*

2. *The Sex- or Gender-Based Harassment and Discrimination Investigation Unit shall promptly assign or appoint an investigator to investigate any complaint regarding suspected harassment or discrimination based on sex or gender filed by an employee pursuant to the procedure established in accordance with section 3 of this act or received pursuant to section 4 of this act. An investigator assigned or appointed pursuant to this section shall inform each person involved in such an investigation of the provisions of subsection 6. The investigation must be conducted as discreetly and with as minimal disruption to the workplace as possible.*

3. *At the conclusion of the investigation, the investigator shall prepare a written report of his or her findings and submit the report to the Sex- or Gender-Based Harassment and Discrimination Investigation Unit for transmission to the appointing authority of the agency in which the complaint arose or a person designated by the appointing authority to handle issues relating to sex- or gender-based harassment and discrimination and the deputy attorney general or other counsel designated to act as an attorney for the agency.*

4. *The Sex- or Gender-Based Harassment and Discrimination Investigation Unit shall notify a complainant when a report has been completed and forwarded to the appointing authority for review.*

5. Upon receipt of a written report prepared pursuant to subsection 3, the appointing authority shall review the report and determine the appropriate resolution of the complaint. The appointing authority shall:

(a) Notify the Sex- or Gender-Based Harassment and Discrimination Investigation Unit in writing of its determination regarding the resolution of the complaint within 30 days after the date on which the resolution occurs; and

(b) Retain a copy of the written report prepared pursuant to subsection 3 and the written notification of the resolution of the complaint described in paragraph (a).

6. Except as otherwise provided in subsection 8, a complaint filed pursuant to section 4 of this act and any information relating to the complaint, including, without limitation, information that is:

(a) Obtained by the investigator in the investigation of a complaint pursuant to subsection 2;

(b) Contained in a written report of a complaint retained pursuant to subsection 5; or

(c) Contained in a written resolution of a complaint retained pursuant to subsection 5,

↳ is confidential and must not be disclosed unless so ordered by the Administrator or his or her designee or a court of competent jurisdiction. Such information that is ordered to be disclosed must not be disclosed until after the conclusion of the investigation.

7. If the Administrator or his or her designee decides pursuant to subsection 6 to order the disclosure of any information that may be used to identify a person who filed a complaint pursuant to section 4 of this act, a person who is the subject of such a complaint or a person who claims to have witnessed an employee being harassed or discriminated against based on his or her sex or gender, the Administrator or his or her designee shall notify the person regarding the decision at least 10 days before ordering the disclosure. A person who receives such notice may, within 10 days after receiving the notice, file a written appeal of the decision with the Commission. If such an appeal is filed, the Commission shall, in a closed hearing, consider the decision of the Administration for which the appeal is taken. If the Commission determines that the information must not be disclosed, the Commission shall keep the information confidential.

8. A person or governmental entity identified in a complaint filed pursuant to section 4 of this act may disclose the identity of any other person or entity identified in the complaint if such

disclosure is necessary to file a claim authorized by law that is based on the same facts and circumstances as those identified in the complaint.

9. An appointing authority shall take any action necessary to protect a complainant whose identity is disclosed pursuant to subsection 6 or 8 from retaliation for filing the complaint.

10. In the event of a conflict between this section and the provisions of a collective bargaining agreement entered into pursuant to NRS 288.400 to 288.630, inclusive, the provisions of this section prevail.

Sec. 5.3. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. ~~[(e)]~~ *Except as otherwise provided in section 5 of this act, to the extent that they are inconsistent or otherwise in conflict, the*

provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 5.5. NRS 288.505 is hereby amended to read as follows:

288.505 1. Each collective bargaining agreement must be in writing and must include, without limitation:

(a) A procedure to resolve grievances which applies to all employees in the bargaining unit and culminates in final and binding arbitration. The procedure must be used to resolve all grievances relating to employment, including, without limitation, the administration and interpretation of the collective bargaining agreement, the applicability of any law, rule or regulation relating to the employment and appeal of discipline and other adverse personnel actions.

(b) A provision which provides that an officer of the Executive Department shall, upon written authorization by an employee within the bargaining unit, withhold a sufficient amount of money from the salary or wages of the employee pursuant to NRS 281.129 to pay dues or similar fees to the exclusive representative of the bargaining unit. Such authorization may be revoked only in the manner prescribed in the authorization.

(c) A nonappropriation clause that provides that any provision of the collective bargaining agreement which requires the Legislature to appropriate money is effective only to the extent of legislative appropriation.

2. Except as otherwise provided in subsections 3 and 4, the procedure to resolve grievances required in a collective bargaining agreement pursuant to paragraph (a) of subsection 1 is the exclusive means available for resolving grievances described in that paragraph.

3. An employee in a bargaining unit who has been dismissed, demoted or suspended may pursue a grievance related to that dismissal, demotion or suspension through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 284.390,
↳ but once the employee has properly filed a grievance in writing under the procedure described in paragraph (a) or requested a hearing under the procedure described in paragraph (b), the employee may not proceed in the alternative manner.

4. An employee in a bargaining unit who is aggrieved by the failure of the Executive Department or its designated representative to comply with the requirements of NRS 281.755 may pursue a grievance related to that failure through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 288.115,

↳ but once the employee has properly filed a grievance in writing under the procedure described in paragraph (a) or filed a complaint under the procedure described in paragraph (b), the employee may not proceed in the alternative manner.

5. If there is a conflict between any provision of an agreement between the Executive Department and an exclusive representative and:

(a) Any regulation adopted by the Executive Department, the provision of the agreement prevails unless the provision of the agreement is outside of the lawful scope of collective bargaining.

(b) An existing statute, other than a statute described in paragraph (c), the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.

(c) ~~IA~~ *Except as otherwise provided in section 5 of this act, a provision of chapter 284 or 287 of NRS or NRS 288.570, 288.575 or 288.580, the provision of the agreement prevails unless the Legislature is required to appropriate money to implement the provision, within the limits of legislative appropriations and any other available money.*

Sec. 6. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,

209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,

622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 5 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains

information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 7. This act becomes effective upon passage and approval.

Steve Sisolak
Governor



Laura E. Freed
Director

Matthew Tuma
Deputy Director

Frank Richardson
Administrator

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 | <http://hr.nv.gov> | Fax: (775) 684-0122

REGULATIONS WORKSHOP

DATE: December 13, 2021
TIME: 9:00 a.m.
PLACE: Nevada State Library and Archives Grant Sawyer Building
Room 110 Room 1400
100 N. Stewart St. 555 E. Washington Avenue
Carson City, Nevada Las Vegas, Nevada

Workshop Minutes

Staff present in Carson City:

Frank Richardson, Administrator, Department of Administration
Michelle Garton, Deputy Administrator, Division of Human Resource Management, (DHRM)
Beverly Ghan, Deputy Administrator, DHRM
Mandee Bowsmith, Deputy Administrator, DHRM
Nora Johnson, Personnel Analyst, DHRM

Others present in Carson City:

Carrie Hughes, DHRM
Sarv Long, DHRM
Gennie Hudson, Department of Conservation and Natural Resources (DCNR)

Others present in Las Vegas:

Hope DiBartolomeo, Nevada Transportation Authority, (NTA)
Rhonda Vivor, Agency Human Resource Services (AHRS)

1. Call to Order

Deputy Administrator Michelle Garton called the workshop to order at approximately 9:00 a.m.

Ms. Garton reminded all attendees to sign in, including members of the Division of Human Resource Management (DHRM) staff.

Ms. Garton stated the workshop was being held to solicit comments from interested persons regarding proposed regulation amendments pertaining to timeframes that certain mail is sent or received by the State.

Ms. Garton stated these regulations as presented in the Notice of Workshop are awaiting adoption on an emergency basis at the next Personnel Commission meeting. This workshop is part of the permanent regulation process, so both processes are basically happening at the same time.

Ms. Garton stated, based on the feedback received today, proposed language may be changed or deleted, and a group of regulations may be affected. If the regulation is submitted to the Personnel Commission for adoption, the minutes from this workshop and any other written comments received will be provided to the Commission when the regulation is presented for their consideration. Participants may submit written comments via email at mgarton@admin.nv.gov.

In October of this year, the US Postal Service distributed guidance related to the implementation of new service standards for first class mail and periodicals. The Postal Service increased time-in-transit standards by one or two days for certain mail traveling longer distances. The three regulations presented at this workshop have short, 3-day timeframes, which will not be able to be met based on the new US Postal Service standards. As such, the Division is proposing adding 3 days to the time certain documents are deemed to be received by the State or an employee.

NAC 284.470 increases the timeframe from 3 days to 6 days when a report on performance or a request for review is deemed to have been received by the state or an employee.

NAC 284.5243 increases the timeframe by 3 days when a nursing mother request is deemed to have been received by the State of Nevada.

NAC 284.680 increases the timeframe by 3 days when a grievance or nursing mother complaint is received by the State.

Ms. Garton opened the workshop up for comments.

No comments were received, and the workshop was closed.

1. Adjournment

Ms. Garton thanked the attendees for participating and adjourned the workshop at approximately 9:06 a.m.

Steve Sisolak
Governor



Laura E. Freed
Director

Matthew Tuma
Deputy Director

Frank Richardson
Administrator

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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. This regulation only impacts 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.

Frank Richardson
Frank Richardson, Administrator

5/20/2022

Date

EXPLANATIONS OF PROPOSED CHANGES
LCB File No. R015-21

Section 1: NAC 284.5811 Family and medical leave: Maximum amount in 12-month period; eligibility use.

This amendment, proposed by the Division of Human Resource Management (DHRM), will default the State's Family and Medical Leave Act (FMLA) eligibility criteria to the criteria outlined in the U.S. Department of Labor's FMLA regulations. "Paid status" is defined in NAC 284.0742 as including leave with pay (not including catastrophic leave) and leave without pay pursuant to NAC 284.580. However, the FMLA federal regulations base the hours requirement on the "hours of service" during the 12-month period immediately preceding the employee's leave. The current method of FMLA eligibility calculation may, in certain circumstances, allow an employee to qualify for leave, based on this regulation, prior to qualifying based on the federal regulations. If an employee is provided FMLA leave early and then not granted FMLA-protected leave during the period the employee qualifies under the federal FMLA regulations, it could leave the State open to review by the FMLA regulatory body, the U.S. Department of Labor.

**PROPOSED REGULATION OF
THE PERSONNEL COMMISSION**

LCB File No. R015-21

July 20, 2021

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

AUTHORITY: § 1, NRS 284.065, 284.155, 284.345, 284.350, 284.355, 284.3626 and 608.0198.

A REGULATION relating to state personnel; revising eligibility requirements for certain state employees to take family and medical leave; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Personnel Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations for attendance and leave in the various classes of employee positions in the public service of the Executive Department of the State Government. (NRS 284.345) Existing regulations: (1) adopt by reference the federal Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq. (FMLA); and (2) provide that an employee in the public service who is entitled to take leave pursuant to the FMLA is limited to a total of 12 weeks of such leave during a rolling 12-month period. (NAC 284.062, 284.581, 284.5811) To calculate eligibility for leave pursuant to the FMLA, each hour that an employee is in paid status in the 12-month period immediately preceding the leave must be considered as time worked. (NAC 284.5811) An employee’s paid status includes time that an employee is on: (1) leave with pay, except catastrophic leave; or (2) leave of absence due to a fiscal emergency. (NAC 284.0742) This regulation eliminates the provision that requires each hour that an employee is in paid status in the 12-month period immediately preceding the FMLA leave to be considered as time worked. As a result, the determination of whether an employee is entitled to take leave pursuant to the FMLA is determined by the provisions of the FMLA, which exclude time that an employee is on leave. (29 U.S.C. § 207)

Section 1. NAC 284.5811 is hereby amended to read as follows:

284.5811 1. Except as otherwise provided in subsection 2, an employee who is entitled to take leave pursuant to the Family and Medical Leave Act is limited to a total of 12 weeks of such

leave during a rolling 12-month period. The rolling 12-month period is measured backward from the date an employee uses any leave pursuant to the Family and Medical Leave Act.

2. An employee who is entitled to take leave pursuant to the Family and Medical Leave Act to care for a covered service member is limited to a total of 26 weeks of such leave during a single 12-month period.

3. ~~To calculate eligibility for leave pursuant to the Family and Medical Leave Act, each hour that an employee is in paid status in the 12-month period immediately preceding the leave must be considered as time worked.~~

~~4.~~ Except as otherwise provided in subsections ~~5~~ 4 and ~~6~~ 5, an employee who meets the requirements for eligibility for and who is taking leave pursuant to the Family and Medical Leave Act must exhaust all the accrued sick leave, accrued annual leave, accrued compensatory time and catastrophic leave that the employee is eligible to use based on the nature of the absence before using leave without pay. Any accrued sick leave, accrued annual leave, accrued compensatory time, catastrophic leave and holiday pay to which the employee is entitled pursuant to NAC 284.255 runs concurrently with the leave granted pursuant to the Family and Medical Leave Act if the employee is otherwise eligible for that sick leave, annual leave, compensatory time, catastrophic leave or holiday pay.

~~5~~ 4. If an employee is absent from work as the result of a work-related injury or illness and meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:

(a) Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and

(b) The employee may elect to use paid leave or leave without pay for the portion of time that he or she is not being compensated for the work-related injury or illness.

~~16.1~~ 5. If an employee is absent from work as the result of a non-work-related injury or illness, the employee is receiving compensation for the injury or illness from a disability benefit plan and the employee meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:

(a) Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and

(b) The employee may use paid leave for the time that the employee is being compensated for the non-work-related injury or illness if the employee has entered into an agreement with the appointing authority to use the paid leave. If the employee and the appointing authority have not entered into such an agreement, the employee may not elect to use and the appointing authority may not require the employee to use paid leave for that time.

~~17.1~~ 6. If an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator, is absent from work and meets the requirements for eligibility pursuant to the Family and Medical Leave Act, any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act.

~~18.1~~ 7. An appointing authority may require an employee to provide medical or other appropriate documentation to support his or her need for leave pursuant to the Family and Medical Leave Act.

EXPLANATIONS OF PROPOSED CHANGES
LCB File No. R016-21

Senate Bill 51 of the 2021 Legislative Session (SB 51) amends Chapter 284 of the Nevada Revised Statutes to create the Sex- or Gender-based Harassment and Discrimination Investigation Unit and places into law various requirements of the Division of Human Resource Management and agency appointing authorities.

Section 1: NEW “Sex- or gender-based harassment”

SB 51 changes the term “sexual harassment” to “sex- or gender-based harassment” as used in various places throughout Chapter 284 of the Nevada Revised Statutes. This amendment replaces current language to define “sex-and gender-based harassment,” and expands on the type of behaviors that would be considered sex- or gender-based harassment.

Section 2: NAC 284.010 Definitions.

This amendment incorporates the new definition above into the General Provisions section of NAC 284.

Section 3: NAC 284.496 Classes and training concerning prevention of sex- or gender- based harassment.

This amendment reduces the timeframe that a newly hired employee to complete a class concerning the prevention of sex- or gender-based harassment from 6 months to 30 days.

The amendment also changes the term “sexual harassment” to “sex- or gender-based harassment” based on the new definition in Section 1.

Section 4: NAC 284.498 Adjustment of probationary or trial period.

This amendment adds training related to sex- or gender-based harassment to the required training of supervisors and managers. This training must be completed within 30 days of the employee being initially appointed to a supervisory or managerial position.

The amendment also changes the term “sexual harassment” to “sex- or gender-based harassment” based on the new definition in Section 1.

Section 5: NAC 284.650 Causes for disciplinary or corrective action.

The amendment also changes the term “sexual harassment” to “sex- or gender-based harassment” based on the new definition in Section 1.

Section 6: NAC 284.696 Unlawful discrimination.

The amendment also changes the term “sexual harassment” to “sex- or gender-based harassment” based on the new definition in Section 1.

Section 7: NAC 284.718 Confidential records.

The amendment also changes the term “sexual harassment” to “sex- or gender-based harassment” based on the new definition in Section 1.

Section 8: NAC 284.726 Access to confidential records.

This amendment, proposed by the Division of Human Resource Management, amends NAC 284.726 to include the exception provided in SB 51 that allows the Administrator of the Division of Human Resource Management to make a decision to release any information related to a report of sex- or gender-based harassment or discrimination.

The amendment also changes the term “sexual harassment” to “sex- or gender-based harassment” based on the new definition in Section 1.

Section 9: NAC 284.771 Sex-and gender-based harassment.

This amendment prescribes that any disciplinary sanctions imposed by an appointing authority shall be proportionate to a violation related to sex- or gender-based harassment.

The amendment also changes the term “sexual harassment” to “sex- or gender-based harassment” based on the amendment to the definition in NAC 284.0995.

Section 10: NAC 284.0995 Repealed.

Senate Bill 51 of the 2021 Legislative Session (SB 51) changed the term “sexual harassment” to “sex- or gender-based harassment” creating a new regulation defining the new terminology in Section 1, and this section repeals NAC 284.0995 and the previous definition within.

**SECOND REVISED PROPOSED REGULATION OF
THE PERSONNEL COMMISSION**

LCB File No. R016-21

October 25, 2021

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

AUTHORITY: §§ 1, 2 and 10, NRS 284.065 and section 3 of Senate Bill No. 51, chapter 321, Statutes of Nevada 2021, at page 1912 (NRS 284.4082); §§ 3, 4 and 6, NRS 284.065, 284.155 and 284.343 and section 3 of Senate Bill No. 51, chapter 321, Statutes of Nevada 2021, at page 1912 (NRS 284.4082); § 5, NRS 284.065, 284.155, 284.343 and 284.385 and section 3 of Senate Bill No. 51, chapter 321, Statutes of Nevada 2021, at page 1912 (NRS 284.4082); §§ 7-9, NRS 284.065 and 284.155 and section 3 of Senate Bill No. 51, chapter 321, Statutes of Nevada 2021, at page 1912 (NRS 284.4082).

A REGULATION relating to state employees; defining “sex- or gender-based harassment”; requiring state employees to attend certain training classes concerning sex- or gender-based harassment; replacing the term “sexual harassment” with “sex- or gender-based harassment”; making various other changes related to sex- or gender-based harassment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law: (1) it is the policy of this State to ensure that its employees do not engage in sex- or gender-based harassment; (2) sex- or gender-based harassment is a form of unlawful discrimination; and (3) it is prohibited for a state employee to engage in sex- or gender-based harassment against another employee, an applicant for employment or any other person in the workplace (Section 2 of Senate Bill No. 51, chapter 321, Statutes of Nevada 2021, at page 1912 (NRS 284.408))

Section 1 of this regulation defines “sex- or gender-based harassment.” **Section 2** of this regulation makes a conforming change to indicate the proper placement of **section 1** in the Nevada Administrative Code.

Existing regulations require an employee to attend a certified class concerning the prevention of sexual harassment within 6 months after the initial appointment of the employee to state service. (NAC 284.496) **Section 3** of this regulation instead requires an employee to attend a certified class concerning the prevention of sex- or gender-based harassment within 30 days after his or her initial appointment to state service.

Existing regulations set forth certain training requirements for an employee who is appointed to a supervisory or managerial position, including that such an employee attend at least one training class in sexual harassment. (NAC 284.498) **Section 4** of this regulation instead

requires a supervisory or managerial employee to attend: (1) a training class concerning sex- or gender-based harassment within 30 days after his or her appointment to the supervisory or managerial position; and (2) an additional training class on sex- or gender-based harassment within 12 months after his or her appointment to the supervisory or managerial position.

Existing regulations authorize appropriate disciplinary or corrective action to be taken against an employee for the failure of the employee to participate in an investigation concerning sexual harassment. (NAC 284.650) **Section 5** of this regulation instead authorizes appropriate disciplinary or corrective action to be taken for the failure of the employee to participate in an investigation concerning sex- or gender-based harassment.

Sections 6-8 of this regulation replace the term “sexual harassment” with “sex- or gender-based harassment” in certain provisions relating to investigations of discrimination by the Division of Human Resource Management of the Department of Administration.

Existing regulations authorize an appointing authority to impose harsh disciplinary sanctions on, or dismiss, persons who commit sexual harassment. (NAC 284.771) **Section 9** of this regulation instead authorizes an appointing authority to impose harsh disciplinary sanctions on, or dismiss, persons who commit sex- or gender-based harassment. **Section 9** further requires that any disciplinary sanction imposed by an appointing authority for sex- or gender-based harassment be proportionate to the violation.

Section 10 of this regulation repeals the definition of the term “sexual harassment.”

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

“Sex- or gender-based harassment” means:

1. Unwelcome sexual advances, requests for sexual favors or any other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is explicitly or implicitly made a term or condition of a person’s employment; or

(b) Submission to or rejection of such conduct is explicitly or implicitly made a basis of employment decisions affecting a person; or

2. Engaging in unwelcome harassing verbal or physical conduct that occurs because of the sex or gender of a person or persons and has the purpose or effect of unreasonably interfering with a person’s work performance or creating an intimidating or offensive work environment where:

(a) The harassing conduct is of a sexual nature;

(b) The harassing conduct is not of a sexual nature but is related to the sex or gender of a person;

(c) The harassing conduct is sex- and gender-neutral in content but occurs because of the sex or gender of a person; or

(d) Any combination of harassing conduct described in paragraphs (a), (b) and (c).

Sec. 2. NAC 284.010 is hereby amended to read as follows:

284.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 284.021 to 284.1125, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. NAC 284.496 is hereby amended to read as follows:

284.496 1. Within ~~16 months~~ *30 days* after an employee is initially appointed to state service, the employee shall attend a certified class concerning the prevention of ~~sexual~~ *sex- or gender-based* harassment.

2. At least once every 2 years after his or her initial appointment to state service, an employee shall attend a certified refresher class or training concerning the prevention of ~~sexual~~ *sex- or gender-based* harassment.

3. An appointing authority may require an employee to retake any part or all of the classes or training required by subsections 1 and 2, or to participate in any additional classes or training deemed necessary by the appointing authority.

4. The appointing authority shall retain the proof of completion by an employee of a class or training required by this section.

5. The Division of Human Resource Management will certify the classes and training concerning the prevention of ~~{sexual}~~ *sex- or gender-based* harassment required by this section.

Sec. 4. NAC 284.498 is hereby amended to read as follows:

284.498 1. Except as otherwise provided in this section:

(a) *Within 30 days after an agency initially appoints an employee to a supervisory position or managerial position, the employee shall attend a training class concerning sex- or gender-based harassment.*

(b) Within 6 months after an agency initially appoints an employee to a supervisory position or managerial position, the employee shall attend a training class concerning work performance standards and the evaluation of the performance of employees.

~~{b}~~ (c) Within 12 months after an agency appoints an employee to a supervisory position or managerial position, the employee shall attend at least one training class which has been approved by the Division of Human Resource Management in each of the following areas:

(1) The following:

(I) Equal employment opportunity; and

(II) Unlawful discrimination and ~~{sexual}~~ *sex- or gender-based* harassment;

(2) Interviewing and hiring;

(3) Alcohol and drug testing;

(4) Progressive disciplinary procedures;

(5) Handling grievances; and

(6) The following:

(I) Title I of the American with Disabilities Act of 1990, 42 U.S.C. §§ 12111-12117;

(II) The ADA Amendments Act of 2008, Public Law 110-325;

(III) The development of essential functions of positions that are described to each candidate and considered by the appointing authority pursuant to NAC 284.441; and

(IV) The Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

2. Every 3 years, a supervisor or managerial employee shall complete training which is approved by the Division of Human Resource Management in each of the topic areas described in subsection 1.

3. The appointing authority, at its discretion, may accept, in lieu of the training required by subsection 1, supervisory or managerial training classes in each of the topic areas described in subsection 1 which are approved by the Division of Human Resource Management and taken by the employee during the 3 years immediately preceding the employee's appointment.

4. In addition to the training otherwise required by this section, the Division of Human Resource Management or an appointing authority may require a supervisor or managerial employee to retake any part or all of the training required by this section, or to participate in any additional training or other classes deemed necessary by the Division of Human Resource Management or appointing authority.

5. As used in this section:

(a) "Managerial position" means a position which is held by an employee who:

- (1) Formally evaluates supervisors;
- (2) Is involved in the hiring and firing of subordinate staff;
- (3) Determines organizational structure within a component of the organization; and
- (4) Develops, monitors and implements policies to accomplish long-range goals.

(b) "Supervisory position" means a position which is held by an employee who:

- (1) Formally evaluates staff;

(2) Is involved in the hiring and firing of subordinate staff; and

(3) Establishes policies which affect the performance or behavior of subordinate staff.

Sec. 5. NAC 284.650 is hereby amended to read as follows:

284.650 Appropriate disciplinary or corrective action may be taken for any of the following causes:

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 284.738 to 284.771, inclusive.
2. Disgraceful personal conduct which impairs the performance of a job or causes discredit to the agency.
3. The employee of any institution administering a security program, in the considered judgment of the appointing authority, violates or endangers the security of the institution.
4. Discourteous treatment of the public or fellow employees while on duty.
5. Incompetence or inefficiency.
6. Insubordination or willful disobedience.
7. Inexcusable neglect of duty.
8. Fraud in securing appointment.
9. Prohibited political activity.
10. Dishonesty.
11. Abuse, damage to or waste of public equipment, property or supplies because of inexcusable negligence or willful acts.
12. Drug or alcohol misuse as described in NRS 284.4062 and NAC 284.884.
13. Conviction of any criminal act involving moral turpitude.

14. Being under the influence of intoxicants, a controlled substance without a medical doctor's prescription or any other illegally used substances while on duty.
15. Unauthorized absence from duty or abuse of leave privileges.
16. Violation of any rule of the Commission.
17. Falsification of any records.
18. Misrepresentation of official capacity or authority.
19. Violation of any safety rule adopted or enforced by the employee's appointing authority.
20. Carrying, while on the premises of the workplace, any firearm which is not required for the performance of the employee's current job duties or authorized by his or her appointing authority.
21. Failure of an employee who is authorized pursuant to NRS 202.3673 to carry a concealed firearm while on the premises of the public building in which he or she is employed to notify the appointing authority or a designated representative of the appointing authority, in accordance with section 1 of LCB File No. R123-19, that the employee will be carrying the concealed firearm.
22. Any act of violence which arises out of or in the course of the performance of the employee's duties, including, without limitation, stalking, conduct that is threatening or intimidating, assault or battery.
23. Failure to participate in any investigation of alleged discrimination, including, without limitation, an investigation concerning ~~sexual~~ *sex- or gender-based* harassment.
24. Failure to participate in an administrative investigation authorized by the employee's appointing authority.

25. Failure to report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license when required pursuant to NAC 284.652.

Sec. 6. NAC 284.696 is hereby amended to read as follows:

284.696 1. An employee alleging unlawful discrimination based on any pertinent state or federal law or regulation may:

(a) Report the alleged discrimination to:

- (1) The division of the Division of Human Resource Management that investigates ~~sexual~~ *sex- or gender-based* harassment and discrimination;
- (2) The Attorney General;
- (3) The employee's appointing authority;
- (4) An equal employment opportunity officer;
- (5) A personnel representative of the department in which the employee is employed; or
- (6) The office charged with enforcing affirmative action within the appropriate university, state college or community college which is part of the Nevada System of Higher Education;

(b) Except as otherwise provided in NRS 284.384, use the procedure for the adjustment of a grievance contained in NAC 284.658 to 284.6957, inclusive; or

(c) File a complaint, other than a complaint described in NAC 284.658, with:

- (1) The Nevada Equal Rights Commission pursuant to NRS 613.405; or
- (2) The United States Equal Employment Opportunity Commission.

2. The appointing authority of an employee who has alleged unlawful discrimination shall promptly notify the deputy attorney general or staff counsel assigned to represent the agency of the allegation and the actions which are being undertaken by the agency to address the allegation.

Sec. 7. NAC 284.718 is hereby amended to read as follows:

284.718 1. The following types of information, which are maintained by the Division of Human Resource Management or the agency, are confidential:

- (a) Information relating to salaries paid in other than governmental employment which is furnished on the condition that the source remain confidential;
- (b) Any document which is used in negotiations with employees or their representatives which has not been made public by mutual agreement;
- (c) The rating and remarks concerning an applicant by the individual members of the board or assessors of a center for assessment;
- (d) Any recording or document which is used in the process of interviewing an applicant, including, without limitation, a document containing interview questions, evaluation tools used for rating applicants and any notes concerning an applicant that were taken by a person as part of the process of rating an applicant;
- (e) Materials used in examinations, including suggested answers for oral examinations;
- (f) Records and files maintained by an employee assistance program offered by the State of Nevada;
- (g) Reports by employers, appointing authorities or law enforcement officials concerning the hiring, promotion or background of applicants, eligible persons or employees;
- (h) The class title and agency of an employee whose name is excluded from the official roster, as provided in subsection 3 of NAC 284.714, when an inquiry concerning the employee is received;
- (i) Any information contained on a person's application or relating to his or her status as an eligible person; and

- (j) Information in the record of employment of a current or former employee which relates to:
- (1) The employee's performance;
 - (2) The employee's conduct, including any disciplinary actions taken against the employee;
 - (3) The employee's usage or balance of his or her annual leave and sick leave;
 - (4) The employee's race, ethnic identity or affiliation, sex, sexual orientation, gender identity or expression, genetic information, disability or date of birth;
 - (5) The employee's personal telephone number;
 - (6) The employee's social security number;
 - (7) Any grievance filed by the employee pursuant to NAC 284.678, any response to the grievance and any other documents related to the grievance, unless a hearing is held to determine the disposition of the grievance pursuant to NAC 284.6955;
 - (8) Any complaint filed by the employee pursuant to NRS 281.755, any response to the complaint and any other document related to the complaint, unless a hearing is held to determine the disposition of the complaint pursuant to NAC 284.6955;
 - (9) Any request made pursuant to NAC 284.5243 and any response to the request;
 - (10) The health, medical condition or disability of the employee or a member of his or her immediate family; or
 - (11) Any claim for workers' compensation made by the employee and any documentation relating to the claim.

2. If the employee has requested that his or her home address be listed as confidential, the employee's record of employment must be so designated and list his or her mailing address.

3. The name of any beneficiary of an employee contained in the payroll document must not be released to anyone unless:

- (a) The employee dies; or
- (b) The employee signs a release.

4. Any records in the possession of the Committee on Catastrophic Leave created pursuant to NRS 284.3627 that reveal the health, medical condition or disability of a current or former employee or a member of his or her immediate family are confidential.

5. Any notes, records, recordings or findings of an investigation relating to ~~sexual~~ *sex- or gender-based* harassment or discrimination, or both, and any findings of such an investigation are confidential.

6. Any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct are confidential.

7. Any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct are confidential.

8. Any notes, records, recordings, findings or other information obtained from an internal administrative investigation conducted pursuant to NRS 284.387 are confidential.

Sec. 8. NAC 284.726 is hereby amended to read as follows:

284.726 1. Except as otherwise provided in this subsection and subsections 2 and 11, access to materials for an examination and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his or her designated representative. If the name of the applicant is not

disclosed and the information is used for the purposes of subparagraph (2) of paragraph (a) of subsection 1 of NAC 284.204, information relating to the education and experience of an applicant may be made available to any affected applicant, employee or the designated representative of either.

2. Except as otherwise provided in subsection 11 and NRS 284.4068, access to information concerning the results of an applicant's screening test which indicate the presence of a controlled substance is limited to an appointing authority or his or her designated representative and the Administrator or his or her designated representative.

3. Except as otherwise provided in subsections 11 and 12, access to an employee's record of employment containing any of the items listed in paragraphs (g) to (j), inclusive, of subsection 1 of NAC 284.718 is limited to:

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

4. The portion of an employee's record of employment that concerns the health, medical condition or disability of the employee or a member of his or her immediate family must be kept in a locked cabinet, separate from any other portion of the employee's record of employment.

5. Except as otherwise provided in subsection 11, access to any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct is limited to:

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

6. Except as otherwise provided in subsections 11 and 12, access to any notes, records, recordings or findings of an investigation conducted by the Division of Human Resource Management relating to ~~{sexual}~~ *sex- or gender-based* harassment or discrimination, or both, and any findings of such an investigation that are provided to an appointing authority is limited to:

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

7. Except as otherwise provided in subsections 11 and 12, access to any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct is limited to:

(a) The employee.

(b) The appointing authority or a designated representative of the agency with which the employee is employed.

(c) Persons who are authorized pursuant to any state or federal law or an order of a court.

(d) The Governor or a designated representative of the Governor.

8. Except as otherwise provided in subsections 11 and 12, access to any notes, records, recordings, findings or other information obtained from an internal administrative investigation conducted pursuant to NRS 284.387 is limited to:

(a) The employee who is the subject of the internal administrative investigation and who requests a hearing pursuant to NRS 284.390.

(b) The appointing authority or a designated representative of the agency by which the employee who is the subject of the internal administrative investigation is employed.

(c) Persons who are authorized pursuant to any state or federal law or an order of a court.

(d) The Governor or a designated representative of the Governor.

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

10. Upon request, the Division of Human Resource Management will provide the home address of any employee maintained by the Division of Human Resource Management in the employee's record of employment to the Division of Welfare and Supportive Services of the Department of Health and Human Services, the Department of Employment, Training and Rehabilitation and the Internal Revenue Service.

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

12. The appointing authority or a designated representative of the agency with which the employee is employed shall authorize the release of any confidential records under his or her control which are requested by the Division of Human Resource Management for the purpose of conducting ~~{a sexual}~~ *an investigation regarding suspected* harassment or ~~{other}~~ discrimination ~~{investigation.}~~, *including, without limitation, suspected sex- or gender-based harassment or discrimination.*

Sec. 9. NAC 284.771 is hereby amended to read as follows:

284.771 1. ~~{Sexual}~~ *Sex- or gender-based* harassment violates the policy of this State and is a form of unlawful discrimination based on sex *or gender* under state and federal law. An employee shall not engage in ~~{sexual}~~ *sex- or gender-based* harassment against another employee, an applicant for employment, or any other person in the workplace.

2. ~~{Sexual}~~ *Sex- or gender-based* harassment is a very serious disciplinary infraction. An appointing authority may impose harsh disciplinary sanctions on, or dismiss, persons who commit ~~{sexual}~~ *sex- or gender-based* harassment, including, without limitation, first-time offenders. *Any disciplinary sanction imposed by an appointing authority for sex- or gender-based harassment must be proportionate to the violation.*

Sec. 10. NAC 284.0995 is hereby repealed.

TEXT OF REPEALED SECTION

284.0995 “Sexual harassment” defined. (NRS 284.065) “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, or other speech or physical conduct of a sexual nature when:

1. Submission to such speech or conduct is made either explicitly or implicitly a term or condition of a person’s employment;
2. Submission to or the rejection of such speech or conduct by a person is used as the basis for employment decisions affecting that person; or
3. Such speech or conduct has the purpose or effect of unreasonably interfering with a person’s work performance or creating an intimidating, hostile or offensive working environment.

EXPLANATION OF PROPOSED CHANGES
LCB File No. R017-21

Senate Bill 51 of the 2021 Legislative Session (SB 51) amends Chapter 284 of the Nevada Revised Statutes to create the Sex- or Gender-based Harassment and Discrimination Investigation Unit and places into law various requirements of the Division of Human Resource Management and agency appointing authorities.

SB 51 allows the Administrator of the Division of Human Resource Management to make a decision to release any information related to a report of sex- or gender-based harassment or discrimination.

Section 1: NEW Appeal of determination to release confidential records.

This amendment codifies the process an employee must use to appeal the disclosure of any information related to a report of sex- or gender-based harassment or discrimination.

Section 2: NAC 284.718 Confidential records.

This amendment includes the exceptions provided in Senate Bill 51 when the release of information related to a report of sex- or gender-based harassment or discrimination is allowable.

Section 3: NAC 284.726 Access to confidential records.

This amendment includes the exceptions provided in Senate Bill 51 when the access of information related to a report of sex- or gender-based harassment or discrimination is allowable.

**REVISED PROPOSED REGULATION OF
THE PERSONNEL COMMISSION**

LCB File No. R017-21

October 21, 2021

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

AUTHORITY: §§ 1-3, NRS 284.065 and section 5 of Senate Bill No. 51, chapter 321, Statutes of Nevada 2021, at page 1913.

A REGULATION relating to state employees; revising provisions relating to the disclosure of certain information relating to an investigation of a complaint filed by an employee of the Executive Department of State Government regarding sexual harassment or other discrimination; prescribing the requirements for a written appeal of a decision to order the disclosure of such information; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing regulations make confidential certain information in the record of employment of an employee of the Executive Department of State Government and any notes, records, recordings or findings of an investigation relating to sexual harassment or discrimination. (NAC 284.718) Existing regulations authorize only certain persons to access certain notes, records, recordings, findings or certain other information obtained from an investigation. (NAC 284.726) Senate Bill No. 51 of the 2021 Legislative Session makes confidential a complaint filed by an employee of the Executive Department of State Government regarding suspected harassment or discrimination based on sex or gender and information relating to such a complaint. Senate Bill No. 51 also prohibits the disclosure of such information unless the disclosure is: (1) ordered by the Administrator of the Division of Human Resource Management of the Department of Administration, his or her designee or a court of competent jurisdiction; or (2) necessary to file a claim authorized by law that is based on the same facts and circumstances as those identified in the complaint. (Section 5 of Senate Bill No. 51, chapter 321, Statutes of Nevada 2021, at page 1913) **Sections 2 and 3** of this regulation make conforming changes related to the provisions of Senate Bill No. 51 by authorizing the disclosure of certain information relating to an investigation of a complaint regarding sexual harassment or other discrimination in the circumstances where such disclosure is authorized by that bill.

Senate Bill No. 51 of the 2021 Legislative Session also: (1) requires that if the Administrator or his or her designee decides to order the disclosure of any such information which may be used to identify certain persons, the Administrator or designee must notify the person before ordering the disclosure; and (2) authorizes a person who receives such notice to

file an appeal of the decision with the Personnel Commission. (Section 5 of Senate Bill No. 51, chapter 321, Statutes of Nevada 2021, at page 1913) **Section 1** of this regulation requires such an appeal to: (1) be in writing; (2) be submitted to the Administrator for transmittal to the Personnel Commission; and (3) set forth the specific reasons the appellant disagrees with the decision of the Administrator or his or her designee.

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

An appeal filed pursuant to subsection 7 of section 5 of Senate Bill No. 51, chapter 321, Statutes of Nevada 2021, at page 1913, must:

- 1. Be in writing;*
- 2. Be submitted to the Administrator for transmittal to the Commission; and*
- 3. Set forth the specific reasons the appellant disagrees with the decision of the Administrator or his or her designee.*

Sec. 2. NAC 284.718 is hereby amended to read as follows:

284.718 *Except as otherwise provided in section 5 of Senate Bill No. 51, chapter 321, Statutes of Nevada 2021, at page 1913:*

1. The following types of information, which are maintained by the Division of Human Resource Management or the agency, are confidential:
 - (a) Information relating to salaries paid in other than governmental employment which is furnished on the condition that the source remain confidential;
 - (b) Any document which is used in negotiations with employees or their representatives which has not been made public by mutual agreement;
 - (c) The rating and remarks concerning an applicant by the individual members of the board or assessors of a center for assessment;

(d) Any recording or document which is used in the process of interviewing an applicant, including, without limitation, a document containing interview questions, evaluation tools used for rating applicants and any notes concerning an applicant that were taken by a person as part of the process of rating an applicant;

(e) Materials used in examinations, including suggested answers for oral examinations;

(f) Records and files maintained by an employee assistance program offered by the State of Nevada;

(g) Reports by employers, appointing authorities or law enforcement officials concerning the hiring, promotion or background of applicants, eligible persons or employees;

(h) The class title and agency of an employee whose name is excluded from the official roster, as provided in subsection 3 of NAC 284.714, when an inquiry concerning the employee is received;

(i) Any information contained on a person's application or relating to his or her status as an eligible person; and

(j) Information in the record of employment of a current or former employee which relates to:

(1) The employee's performance;

(2) The employee's conduct, including any disciplinary actions taken against the employee;

(3) The employee's usage or balance of his or her annual leave and sick leave;

(4) The employee's race, ethnic identity or affiliation, sex, sexual orientation, gender identity or expression, genetic information, disability or date of birth;

(5) The employee's personal telephone number;

(6) The employee's social security number;

(7) Any grievance filed by the employee pursuant to NAC 284.678, any response to the grievance and any other documents related to the grievance, unless a hearing is held to determine the disposition of the grievance pursuant to NAC 284.6955;

(8) Any complaint filed by the employee pursuant to NRS 281.755, any response to the complaint and any other document related to the complaint, unless a hearing is held to determine the disposition of the complaint pursuant to NAC 284.6955;

(9) Any request made pursuant to NAC 284.5243 and any response to the request;

(10) The health, medical condition or disability of the employee or a member of his or her immediate family; or

(11) Any claim for workers' compensation made by the employee and any documentation relating to the claim.

2. If the employee has requested that his or her home address be listed as confidential, the employee's record of employment must be so designated and list his or her mailing address.

3. The name of any beneficiary of an employee contained in the payroll document must not be released to anyone unless:

(a) The employee dies; or

(b) The employee signs a release.

4. Any records in the possession of the Committee on Catastrophic Leave created pursuant to NRS 284.3627 that reveal the health, medical condition or disability of a current or former employee or a member of his or her immediate family are confidential.

5. Any notes, records, recordings or findings of an investigation relating to sexual harassment or discrimination, or both, and any findings of such an investigation are confidential.

6. Any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct are confidential.

7. Any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct are confidential.

8. Any notes, records, recordings, findings or other information obtained from an internal administrative investigation conducted pursuant to NRS 284.387 are confidential.

Sec. 3. NAC 284.726 is hereby amended to read as follows:

284.726 1. Except as otherwise provided in this subsection and subsections 2 and 11, access to materials for an examination and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his or her designated representative. If the name of the applicant is not disclosed and the information is used for the purposes of subparagraph (2) of paragraph (a) of subsection 1 of NAC 284.204, information relating to the education and experience of an applicant may be made available to any affected applicant, employee or the designated representative of either.

2. Except as otherwise provided in subsection 11 and NRS 284.4068, access to information concerning the results of an applicant's screening test which indicate the presence of a controlled substance is limited to an appointing authority or his or her designated representative and the Administrator or his or her designated representative.

3. Except as otherwise provided in subsections 11 and 12, access to an employee's record of employment containing any of the items listed in paragraphs (g) to (j), inclusive, of subsection 1 of NAC 284.718 is limited to:

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

4. The portion of an employee's record of employment that concerns the health, medical condition or disability of the employee or a member of his or her immediate family must be kept in a locked cabinet, separate from any other portion of the employee's record of employment.

5. Except as otherwise provided in subsection 11, access to any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct is limited to:

- (a) The employee.
- (b) The Administrator or a designated representative of the Administrator.

(c) The appointing authority or a designated representative of the agency with which the employee is employed.

(d) Persons who are authorized pursuant to any state or federal law or an order of a court.

(e) The Governor or a designated representative of the Governor.

6. Except as otherwise provided in subsection 11 **H** and *section 5 of Senate Bill No. 51, chapter 321, Statutes of Nevada 2021, at page 1913*, access to any notes, records, recordings or findings of an investigation conducted by the Division of Human Resource Management relating to sexual harassment or discrimination, or both, and any findings of such an investigation that are provided to an appointing authority is limited to:

(a) An appointing authority.

(b) A designated representative of the agency with which the employee is employed.

(c) Persons who are authorized pursuant to any state or federal law or an order of a court.

(d) The Governor or a designated representative of the Governor.

7. Except as otherwise provided in subsections 11 and 12 **H** and *section 5 of Senate Bill No. 51, chapter 321, Statutes of Nevada 2021, at page 1913*, access to any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct is limited to:

(a) The employee.

(b) The appointing authority or a designated representative of the agency with which the employee is employed.

(c) Persons who are authorized pursuant to any state or federal law or an order of a court.

(d) The Governor or a designated representative of the Governor.

8. Except as otherwise provided in subsections 11 and 12, *and section 5 of Senate Bill No. 51, chapter 321, Statutes of Nevada 2021, at page 1913*, access to any notes, records, recordings, findings or other information obtained from an internal administrative investigation conducted pursuant to NRS 284.387 is limited to:

(a) The employee who is the subject of the internal administrative investigation and who requests a hearing pursuant to NRS 284.390.

(b) The appointing authority or a designated representative of the agency by which the employee who is the subject of the internal administrative investigation is employed.

(c) Persons who are authorized pursuant to any state or federal law or an order of a court.

(d) The Governor or a designated representative of the Governor.

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

10. Upon request, the Division of Human Resource Management will provide the home address of any employee maintained by the Division of Human Resource Management in the employee's record of employment to the Division of Welfare and Supportive Services of the Department of Health and Human Services, the Department of Employment, Training and Rehabilitation and the Internal Revenue Service.

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

12. The appointing authority or a designated representative of the agency with which the employee is employed shall authorize the release of any confidential records under his or her control which are requested by the Division of Human Resource Management for the purpose of conducting a sexual harassment or other discrimination investigation.

EXPLANATION OF PROPOSED CHANGES
LCB File No. R125-21

On October 1, 2021, the U.S. Postal Service (USPS) implemented a new service standard for First Class Mail and Periodicals which will result in delays for some categories of mail. Per an October 7, 2021, memo from the Administrator of Mail Services Division, Department of Administration, “First-Class Mail traveling locally within a three-hour drive between originating and destinating processing facilities will maintain its current delivery standard of two days or less. The Postal Service will increase time-in-transit standards by one or two days for certain mail that is traveling longer distances. Mail traveling the greatest distances will be the most impacted. Previous standards required three-day delivery for any destination within the contiguous U.S. with a drive greater than six hours, regardless of the miles traveled to deliver that mail. Now, however, First-Class Mail three-day volume will be delivered based upon a new three-, four-, or five-day standard depending on the distance between origin and destination.” These regulations are in response to these changes at the U.S. Postal Service since some mailings could take up to 5 days.

Section 1: NAC 284.470 Preparation, filing, contents, discussion and distribution of reports; powers and duties of employees; review; adjustment of grievances.

This amendment will add an additional 3 calendar days to the date a request for review or report on performance is deemed to have been received by the State.

Section 2: NAC 284.5243 Break times and place for mother of a child under 1 year of age to express breast milk; Procedures for employee to request break times and place; efforts to address employee’s needs; date of receipt of request; response to request by department or agency.

This amendment will add an additional 3 calendar days to the date a request for break times and place is deemed to have been received by the State.

Section 3: NAC 284.656 Contents and delivery of notice of proposed action; employee authorized to seek explanation of reasons for proposed action or procedures for disciplinary actions from agency.

This amendment will add an additional 3 calendar days to the date a notice of dismissal, suspension or demotion is deemed to have been received by an employee if the notice is returned to the State without having been received by the employee.

Section 4: NAC 284.6561 Predisciplinary review before proposed dismissal, demotion or suspension; waiver by employee.

This amendment will add an additional 3 calendar days to the date a returned notification of the appointing authority’s decision is deemed to have received by the employee if the notification is returned without having been received by the employee.

Section 5: NAC 284.680 Date of receipt of grievance or complaint.

This amendment will add an additional 3 calendar days to the date a grievance or complaint is deemed to have been received by the Employee-Management Committee if the employee mails the grievance or complaint.

**PROPOSED REGULATION OF
THE PERSONNEL COMMISSION**

LCB File No. R125-21

February 1, 2022

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

AUTHORITY: § 1, NRS 284.065, 284.155, 284.335, 284.340, 284.383 and 284.384; § 2, NRS 281.755, 284.065 and 284.384; §§ 3 and 4, NRS 284.065, 284.155, 284.383, 284.385 and 284.390; § 5, NRS 281.755, 284.065, 284.155 and 284.384.

A REGULATION relating to the State Personnel System; increasing the number of days after which certain communications sent by mail are deemed to have been received; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

On October 1, 2021, the United States Postal Service implemented new service standards, which expanded the delivery day range for certain mail from 1-3 days to 1-5 days. (39 C.F.R. Part 121) Existing regulations deem certain communications sent by mail to have been received 3 days after the date on which such communications were postmarked or sent. (NAC 284.470, 284.5243, 284.656, 284.6561, 284.680) In accordance with the new service standards implemented by the United States Postal Service, this regulation increases, from 3 days to 6 days, the number of days after which certain reports, requests and notices sent by mail are deemed to have been received.

Section 1. NAC 284.470 is hereby amended to read as follows:

284.470 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 record 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 record 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 record 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. 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 or reviewing officer.

(b) If the employee contests the report on performance and requests a review, he or she must respond to the report in writing, identify any specific point of contention, if the report provides such specificity, and mail the response to the supervisor. Except as otherwise provided in this paragraph, the reviewing officer shall respond in writing on a form prescribed by the Division of Human Resource Management within 10 working days after the supervisor receives the request for review. If the reviewing officer is not the appointing authority, the reviewing officer must submit to the appointing authority a recommendation to uphold or modify the report on performance. The appointing authority shall review the recommendation of the reviewing officer regarding the report on performance and render a final decision to the employee within 10 working days after receiving the recommendation. For the purposes of this paragraph, a report on performance or request for review is deemed to have been received on the ~~third~~ *sixth* 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 record 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 fails to respond to a request for review from an employee within the time required by this section, the employee may institute the procedure for the adjustment of a grievance pursuant to NAC 284.658 to 284.6957, inclusive.

Sec. 2. NAC 284.5243 is hereby amended to read as follows:

284.5243 1. Except as otherwise provided by NRS 281.755, each department or agency of the Executive Department of State Government shall:

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

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

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

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

(b) If the employee mails the request, ~~3~~ 6 days after:

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

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

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

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

284.656 Except as otherwise provided in NAC 284.6563, if an appointing authority proposes that a permanent employee be dismissed, suspended or demoted, the following procedure for providing notice of the proposed action must be followed:

1. The employee must be given at least 10 working days' written notice of the proposed action on the form provided by the Division of Human Resource Management.

2. The notice may be given in person or by 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~~ *sixth* day after the date the notice was sent.

3. The notice must:

(a) Specify the proposed date on which the action is effective.

(b) Inform the employee that a predisciplinary review has been scheduled on his or her behalf in the manner prescribed in NAC 284.6561 and specify the date, time and place of the predisciplinary review.

(c) Specify the charges, the reasons for them and the cause of action contained in NAC 284.646 or 284.650 on which the proposed action is based.

4. The notice of the proposed action must be signed by the appointing authority or his or her designated representative before the notice is given to the employee.

5. Upon its receipt, the employee must be asked to sign the notice. If he or she refuses to sign the notice, the refusal must be noted on the notice. The employee's signature is not an admission by him or her of any of the allegations set forth in the notice.

6. If the employee does not understand the reasons for the proposed action or the procedures related to disciplinary actions, including, without limitation, the right to notice, a predisciplinary review and a hearing on the appeal, the employee may seek an explanation from the appointing authority or another person in the agency familiar with the procedure.

7. As used in this section, "social media" includes, without limitation, any electronic service or account or electronic content, including, without limitation, any video, photograph, blog, video blog, podcast, instant message, text message, electronic mail program or service, online service or Internet website profile.

Sec. 4. NAC 284.6561 is hereby amended to read as follows:

284.6561 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 predisciplinary review before the proposed action must be followed:

1. A predisciplinary review must be scheduled on the employee's behalf unless waived in writing by the employee pursuant to subsection 2. The predisciplinary review 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 predisciplinary review 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 predisciplinary review may be changed.

2. The employee may waive the right to a predisciplinary review 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 a hearing after the action is taken.

3. The appointing authority or his or her designated representative shall conduct the predisciplinary review. 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 predisciplinary review, the employee may examine all materials that are to be used by the person conducting the predisciplinary review. The employee is entitled to administrative leave with pay as provided in NAC 284.589 to prepare for a predisciplinary review or hearing 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. The employee will be given an opportunity to rebut the allegations against the

employee and provide mitigating information. 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 predisciplinary review.

7. The employee must be:

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

(b) Notified in writing of the appointing authority's decision regarding the proposed action and the reasons therefor on or before the effective date of the action. The effective date of the action is the first day the disciplinary action takes effect.

8. The notice given pursuant to 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~~ *sixth* 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.

Sec. 5. NAC 284.680 is hereby amended to read as follows:

284.680 1. For the purposes of NAC 284.682, 284.686 and 284.690, a grievance is deemed to have been received at each step in the grievance procedure on the date on which the employee or his or her chosen representative personally delivers the grievance, transmits it by facsimile machine or submits it via the Internet using the Employee Incident Tracking System

within the Nevada Employee Action and Timekeeping System developed by the Division of Human Resource Management, which is available at

<https://nvapps.state.nv.us/NEATS/admin/Home.aep>.

2. For the purposes of NAC 284.6951, a complaint is deemed to have been received by the Committee on the date on which the employee or the chosen representative of the employee personally delivers the complaint, transmits it by facsimile machine or submits it by electronic mail.

3. If the employee mails the grievance or complaint, the grievance or complaint is deemed to have been received ~~13~~ 6 days after:

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

Personnel Commission Meeting
June 24, 2022

FOR INFORMATION ONLY

Attached are the minutes of the April 11, 2022, regulation workshop are included, as they are associated with the temporary regulations related to succession plans. The Small Business Impact Statement is also included.



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 | <http://hr.nv.gov> | Fax: (775) 684-0122

REGULATIONS WORKSHOP

DATE: April 11, 2022
TIME: 9:00 a.m.
PLACE: Nevada State Library and Archives Grant Sawyer Building
Room 110 Room 1400
100 N. Stewart St. 555 E. Washington Avenue
Carson City, Nevada Las Vegas, Nevada

Draft Workshop Minutes

Staff present in Carson City:

Frank Richardson, Administrator, Department of Administration
Michelle Garton, Deputy Administrator, Division of Human Resource Management, (DHRM)
Beverly Ghan, Deputy Administrator, DHRM
Mandee Bowsmith, Deputy Administrator, DHRM

Others present in Carson City:

Carrie Hughes, DHRM
Sarv Long, DHRM
Tammy Smith– DHRM EEO
Kristen Anderson – DHRM Supervisory Personnel Analyst
Matthew Lee – DHRM Supervisory Personnel Analyst
Lisa Friend – DHRM
Gina Mick – DHRM
Nicole Peek – DHRM
Darrell Morlan – DHRM
Kara Sullivan– DHRM
Lisa Culp – DHRM
David Johnson – DHRM

Others present in Las Vegas:

Rob Horgan – DHRM

Rhonda Vivor, Agency Human Resource Services (AHRM)

Subject: Review of proposed change to NAC 284 – TO SOLICIT COMMENTS ON PROPOSED PERMANENT REGULATIONS

1. Call to Order:

a. Garton described the proposed amendments related to Succession Planning that were adopted on an emergency basis by the Personnel Commission at the March 25, 2022, meeting.

(1) Garton stated that the purpose of the Regulation workshop was to solicit comments about the Succession Planning Regulation as part of the process to potentially make the regulation permanent.

(2) Garton described the intent for the Succession Planning regulation to move to the LCB for a pre-adoption review where the regulation could stand as-is or change per public comments received today.

b. Garton described the emergency regulations that was provided and pointed out that the emergency regulation would be in effect on an emergency basis for 120 days from the date it was adopted.

(1) Garton stated that the intent of the regulation was to engage staff and encourage them to stay with the State of Nevada by identifying goals and obtainable objectives.

(2) Garton described the intent of the regulation as an opportunity to develop career progression and support agencies that have identified high achieving/engaged employees that may not qualify for positions at a certain progression in their career with the state.

(3) Garton explained that the regulation is focused on hard to fill positions that agencies have difficulties in finding qualified applicants to fill those positions.

(4) Garton said that the appointing authority may submit a request for a succession plan for the Administrator of DHRM to approve. She noted that priority lists will still be considered first.

(5) Garton stated that the Office of Employee Development has already created a training for succession planning.

(6) Garton described NRS 284.058 as making conforming changes to enable state employees who are in a succession plan the ability to be considered an eligible person and work around the minimum required qualifications.

c. Public Comments about the Succession Planning Regulations

(1) Julie Knight said that although the intent is helpful, there is a perception that this can lead to cronyism that can erode the public trust. Also, in an internal setting, you could get a chilling effect from employees that would not apply for positions because they know that another employee has a succession plan in effect. Knight also commented that there is not a labor shortage but a wage issue, and they realize that cannot be solved in this workshop.

(2) Brian Boughter expressed a couple of concerns with the Succession Plan, the first being the cronyism already discussed. He also is concerned with the workload involved to include who will be monitoring the plan. Boughter asked why we would be creating succession planning in lieu of staff professional trainees and systems that we currently have? Or could we create a management trainee program? This could be perceived as another opportunity for management to select who they want to fill positions.

(3) Marni Whalen from Welfare said that although she can see both sides, she believes that Agency HR staff will have to spend time and resources defending the decisions. Boughter added that he sees this as a grievable event that could go all the way to the EMC.

(4) Emily Coleman commented that the intent of the plan is good and that these are steps in the right direction, she described how a CFO can handle budgets on a daily basis but doesn't qualify under current regulations for an Account Tech position.

(5) Frank Richardson commented on the narrow focus that is the intent of the plan, he used an example of a position that had no candidates on multiple occasions, Richardson said that is when he would feel it was warranted to approve a succession plan that had been filed. There will still be a competitive process in place when addressing this issue. Richardson said that this is a part of an overall plan that DHRM is looking at and referenced the previous IFC meeting where a grant was approved for a study of the state's HR processes, NRSs, NACs and policies in place so we can streamline the HR system. We want to develop career pathways for our employees, develop strict on-boarding programs so we can carry our new employees through and providing some kind of training for career planning. This succession plan is only a part of that overall change that the State would benefit from. Richardson commented that although he understands there are current challenges with favoritism and discriminatory practices, we investigate those now, we investigate promotion processes because often times employees complain that it was not a fair process. Richardson said that we are going to try and make this equitable, it is designed for hard to fill, highly technical positions. You have current employees that have to take on the work of these unfilled positions and they would be a good candidate for succession planning. Richardson said that there will a lot of different factors that will have to be outlined in a succession plan for it to be approved. That candidate will have to show they warrant the position and may have to test to be considered. Richardson also expanded on the use of under-fills that are not truly fair to the person doing that work for a period of time without being compensated for it. Richardson pointed out that we cannot make changes to wages and benefits without legislative action, but this is something we can do

to try and improve the staffing at the State. What we can improve is our State culture, we want to progress employees up as fast as we can and develop people into the roles where we are experiencing talent loss as the “great resignation” continues. Richardson stated that in four years 23 percent of our staff are eligible for retirement, in nine years that number is 40 percent. Richardson concluded that succession planning is narrow in scope and it’s an optional program for hard to fill specific roles.

(6) Boughter asked what the criteria will be for hard to fill positions? Richardson said that there has to be enough need and failure to fill a position, specifically at least seven days of recruitment without qualified applicants. Richardson said that he also wants to see a track record, he used an example of the Cost Containment Manager that requires vast knowledge in Medicaid/Medicare. Those skill sets are only usually found in Government roles and a MAIII that may work there and fills the role does not qualify for the position where they are currently doing the job.

(7) Heather Dapice asked if non-permanent employees in their probationary position will qualify for Succession Planning? Garton answered yes, as of now.

2. Adjournment: Ms. Garton thanked the attendees for participating and adjourned the workshop at 9:32 a.m.

Steve Sisolak
Governor



Laura E. Freed
Director

Matthew Tuma
Deputy Director

Frank Richardson
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
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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. This regulation only impacts 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.

Frank Richardson
Frank Richardson, Administrator

5/20/2022

Date

EXPLANATION OF PROPOSED CHANGES

Temporary Regulations

The following amendments, proposed by the Division of Human Resource Management (DHRM), will allow an agency to submit a request for the approval of a succession plan by the Administrator. Employees and the State of Nevada find value in identifying solid career paths for all employees. This process will engage staff and encourage them to stay with the State of Nevada by identifying goals and obtainable objectives. Succession planning provides agencies with the opportunity to develop career progression, without requiring employees to move to different agencies to gain experience.

Agencies that have identified an employee as exceedingly engaged and high achieving may submit a request for a succession plan to the Administrator for approval. The Administrator will ensure that succession plans include safeguards to maintain fairness and equity and are not discriminatory. The establishment of a succession plan will be a collaborative exercise between an agency and DHRM. The intent of these regulations is to develop and retain talent to make sure the State has the very best staff working in crucial roles, while ensuring the continuous operations of State functions and a high level of service to the community.

Section 1: NEW Succession plan; appointments.

This new amendment places into regulation the requirements regarding the submission of succession plans for approval by the Administrator. The exception in subsection 3 is meant to clarify that priority lists, such as reemployment lists, reassignments lists, and 700-hour lists, must be exhausted prior to an appointment through a succession plan.

Section 2: NEW Certification of employees who prepare succession plans.

This new amendment includes a provision requiring the completion of a training class provided by DHRM regarding succession plans prior to working on the creation of a succession plan.

Section 3: NAC 284.058 “Eligible person” defined.

This amendment expands the definition of eligible person to encompass those employees who are approved for appointment because they are in an approved succession plan.

Section 4: NAC 284.313 Limitation of competition in recruitment; applications.

This amendment incorporates the succession plan as an exception as it relates to the requirement to meet the minimum qualifications specified in a publicized job announcement.

Temporary Regulations

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

NEW Succession plan; appointments.

1. An appointing authority may submit a request for the approval of a succession plan to the Administrator.

2. The succession plan must be prepared on the form prescribed by the Division of Human Resource Management.

3. Except as provided in subsection 3 of NAC 284.358 and subsections 1, 2 and 3 of NAC 284.360, upon approval of a succession plan, an appointing authority may request in writing, and the Administrator may approve, the appointment of a current state employee who meets the requirements of the succession plan.

4. If such a request is approved, the current state employee approved for appointment is not required to meet the minimum qualifications established for the position.

Sec. 2. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

NEW Certification of employees who prepare succession plans.

1. An employee of the State who performs the work involving the preparation of succession plans must be certified in the preparation of such plans. The certification must be obtained before the employee may prepare and submit such plans and is accomplished by the employee's attendance at the appropriate training class which is offered by the Division of Human Resource Management.

2. The appointing authority and the supervisor of an employee described in subsection 1 are responsible for ensuring that the employee complies with the provisions of subsection 1.

Sec. 3. NAC 284.058 is hereby amended to read as follows:

NAC 284.058 “Eligible person” defined. (NRS 284.065) “Eligible person” means any person who ~~meets the required minimum qualifications and:~~ :

1. Applies, *meets the required minimum qualifications*, successfully passes all phases of an examination, when required, and is placed on an appropriate eligible list; ~~for~~ ~~—2. Is~~ *2. Meets the required minimum qualifications and is* eligible to be placed on a list described in paragraphs (a) to (d), inclusive, of subsection 1 of NAC 284.358 ~~+~~ ; *or*

3. Is a current state employee who is approved for appointment pursuant to section 1 of this regulation.

[Personnel Div., Rule I § D subsec. 12, eff. 8-11-73]—(NAC A by Personnel Comm’n by R163- 18, 1-30-2019)

Sec. 4. NAC 284.313 is hereby amended to read as follows:

NAC 284.313 Limitation of competition in recruitment; applications. (NRS 284.065, 284.155, 284.295)

1. Except as otherwise provided in this subsection *and section 1 of this regulation*, competition in a recruitment is limited to applicants who meet the minimum qualifications and other criteria or conditions for the class or position as specified in the publicized job announcement. The publicized job announcement may provide for the consideration of

applicants who do not currently meet those minimum qualifications but who will do so by the time their names are placed on an eligible list.

2. It is the responsibility of an applicant to apply for any recruitment for which he or she is interested. Future vacancies may be filled from the results of appropriate prior recruitments.

3. Each applicant must submit an application as specified in the publicized job announcement.

The application must be received not later than 5 p.m. on the closing date, as determined by the Division of Human Resource Management.

4. The incomplete or improper completion of an application that affects the ability of the Division of Human Resource Management to determine the qualifications of the applicant, including the failure to designate the locations where the applicant will work and other criteria or conditions, is cause for the rejection of the applicant.

5. If a recruitment produces a sufficient number of applicants, the Division of Human Resource Management may, as an additional phase of the process of examination, approve the obtaining of supplemental information from each applicant to assess his or her qualifications if the publicized job announcement includes notice that such supplemental information may be required. Only those applicants who are considered the most qualified, based on this assessment, may continue in the competition.

6. Except as otherwise provided in subsection 8, competition in a promotional recruitment is limited to current state employees who:

(a) Have served at least 6 months of continuous full-time equivalent service in a probationary, special disabled, emergency, provisional or permanent status, or any combination of these, in the classified service.

(b) Are working in the division, department or state service which is specified in the publicized job announcement.

7. An employee who competes in a promotional recruitment may be at a higher grade, the same grade or a lower grade than the grade of the class for which the recruitment is being conducted. Depending on the grade of the employee, an appointment resulting from a promotional recruitment may be a voluntary demotion, a lateral transfer or a promotion.

8. A former incumbent of a seasonal position who was separated from state service with the status of a permanent employee may apply for a promotional recruitment up to 1 year after the day of separation even though he or she is not currently employed. The prior appointment must have been in the division, department or state service which is specified in the publicized job announcement.

9. Applications and accompanying documents are the property of the Division of Human Resource Management.

[Personnel Div., Rule IV § F, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-14-88; 8-1-91; 7-6-92; A by Personnel Comm'n by R183-03, 1-27-2004; R144-05, 12-29-2005)

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#: 5-22
Effective: 03/11/22

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
13.310	Correctional Lieutenant	40*	D	<i>13.310</i>	<i>Correctional Lieutenant</i>	<i>40*</i>	<i>D</i>
13.311	Correctional Sergeant	37*	D	<i>13.311</i>	<i>Correctional Sergeant</i>	<i>37*</i>	<i>D</i>

BASIS FOR RECOMMENDATION

Within the Department of Health & Human Services (DHHS), Division of Public & Behavioral Health (DPBH) it is expected that the Correctional Lieutenant and Correctional Sergeant be able to perform the same duties as the Forensic Specialists they supervise. Forensic Specialists perform a combination of security and client care duties in a secure mental health facility for treatment/evaluation of the mentally and/or medically ill offender and/or offenders whose competency requires evaluation. As such, per NRS 433.279, these positions are required to obtain certification as Mental Health Technicians. At the request of DPBH, and in consultation with Subject Matter Experts from DHHS, DPBH, Department of Corrections (DOC), Division of Child & Family Services (DCFS) and analysts within the Division of Human Resource Management (DHRM), it is recommended that an Informational Note be added to the class specifications to account for this requirement.

Throughout the review the management and staff from DHHS, DPBH, DCFS, and DOC and analysts within DHRM participated by offering recommendations and reviewing changes as the process progressed and they support the recommendation.

POSTING#: 6-22
Effective: 03/11/22

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
6.809	Chief, Environmental Programs	44*	A	<i>6.809</i>	<i>Chief, Environmental Programs</i>	<i>44*</i>	<i>A</i>

BASIS FOR RECOMMENDATION

Due to an Individual Classification Study (NPD-19) and at the request of the Nevada Department of Transportation (NDOT), and agreement with the Nevada Division of Environmental Protection (NDEP), it is recommended that the class specification be amended to include usage by NDOT.

In consultation with Subject Matter Experts from NDOT and NDEP, and analysts within the Division of Human Resource Management (DHRM) it is recommended that verbiage be included in the class concept to indicate that this class is to be utilized strictly by NDOT and NDEP.

In addition, the representative duties of the class were amended to clarify duties and responsibilities reflective of the class. A representative duty was also added to show responsibilities relative to Legislative sessions.

Lastly, the minimum qualifications were amended to include Education and Experience; Entry Level Knowledge, Skills and Abilities; and Full Performance Knowledge, Skills and Abilities resulting from the inclusion of NDOT within the class specification.

Throughout the review management and staff from NDOT and NDEP, and analysts within DHRM, participated by offering recommendations and reviewing changes as the process progressed and they support the recommendation.

POSTING#: 7-22
Effective: 03/29/22

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
9.354	Chief Pilot – Options A. NDOW (Wildlife) B. NDOT (Transportation)	41	C	9.354	<i>Chief Pilot</i>	41	C
9.356	Pilot III – Options A. NDF (Forestry) and NDOW B. NDOT	39	C	9.356	<i>Pilot III</i>	39	C
9.355	Pilot II – Options A. NDF B. NDOW	37	C	9.355	<i>Pilot II – Options</i> A. <i>NDF</i> B. <i>NDOW</i>	37	C
9.359	Pilot I – Options A. DCNR (Conservation & Natural Resources) B. NDOT	35	C	9.359	<i>Pilot I</i>	35	C

BASIS FOR RECOMMENDATION

During the 2017 Legislative Session, the positions classified within the Pilot series, Nevada Department of Transportation (NDOT) Options, were moved to the Unclassified service and the class specification for the Pilot, NDOT Options were to be abolished through attrition. At this time, there are no longer any active employees classified at the Chief Pilot NDOT option, the Pilot III NDOT Option, or the Pilot I NDOT option; as such, we are removing these options from the class specification.

In addition, the “certification requirements” listed within the Education & Experience sections of the Minimum Qualifications are being moved to the Special Requirements and Informational Note sections of the Minimum Qualifications.

POSTING#: 8-22
Effective: 05/05/2022

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.641	HAVA Administrator	41	B	<i>7.641</i>	<i>HAVA Administrator</i>	<i>41</i>	<i>B</i>

BASIS FOR RECOMMENDATION

At the request of the Secretary of State (SOS), Elections Division, the Division of Human Resource Management (DHRM) conducted a review of the HAVA Administrator class specification.

In consultation with Subject Matter Experts from SOS, and analysts within DHRM it is recommended that verbiage be included to clarify that HAVA Administrators are allocated to a specific area of focus of the State and incumbents provide services in either the support of improvements in the administration of elections and/or in the support of county election officials.

In addition, the Education and Experience section of the Minimum Qualifications was amended to include an additional equivalency and to maintain consistency with verbiage, formatting, and structure.

HAVA Administrators, which are allocated to a specific area of focus of the State, provide overall leadership, operation, planning, and management of the State’s federal elections pursuant to the Help America Vote Act (HAVA) and related federal and State voting rights laws; provides analysis and interpretation of federal and State laws, regulations and statutes related to elections administration; represents the division and makes presentations to various boards, legislative committees, community organizations and the public. Incumbents provide services in either the support of improvements in the administration of elections and/or in the support of county election officials.

Throughout the review management and staff from SOS, and analysts within DHRM, participated by offering recommendations and reviewing changes as the process progressed and they support the recommendation.

It is recommended that the Rehabilitation Technician III be allocated at grade 29 which is a two-grade differential between levels in the series and is consistent with most class specifications within State service. The EEO-4 job category assigned will be category “E-Para-Professional” which are occupations where workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. This is consistent with the Rehabilitation Technician I and Rehabilitation Technician II classes.

In addition, an Informational Note was added to the minimum qualifications to indicate that some positions may require program specific experience, which will be identified at the time of recruitment. This will allow for the differences in experience required for a position within disability adjudication and a position within vocational rehabilitation.

Lastly, minor changes were made to the minimum qualifications at the Rehabilitation Technician I and Rehabilitation Technician II to maintain consistency with formatting, structure and verbiage.

Throughout the review, management staff within DETR and analysts within DHRM participated by offering recommendations and reviewing changes throughout the process and they support the recommended changes.

POSTING#: 9-22
Effective: 05/10/22

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
1.955	Park Aid II	21	H	<i>1.955</i>	<i>Park Aide II</i>	<i>21</i>	<i>H</i>
1.920	Park Aid I	20	H	<i>1.920</i>	<i>Park Aide I</i>	<i>20</i>	<i>H</i>

BASIS FOR RECOMMENDATION

At the request of the Nevada Division of State Parks (NSP), Department of Conservation & Natural Resources (DCNR), the Division of Human Resource Management (DHRM) conducted a review of the Park Aid series.

In consultation with Subject Matter Experts from NSP, and analysts within DHRM it is recommended that a minor change to the class titles be made at all levels to indicate that positions serve as assistants to higher-level classes. Park Aides perform routine custodial and general facility and equipment maintenance duties, assist visitors, collect fees, and assist in the operating of a State park.

It is further recommended that the Education and Experience section of the Minimum Qualifications for the Park Aide I be modified to allow for individuals who have not graduated from high school or obtained an equivalent education to qualify for employment. This will allow current high school students, or those who attended high school but did not receive a diploma, to be employed which increases the applicant pool.

In addition, the Class Concept at both levels in the series and the Education and Experience section of the Minimum Qualifications for the Park Aide II were amended to clarify expectations and to maintain consistency with verbiage, formatting, and structure.

Throughout the review management and staff from NSP, and analysts within DHRM, participated by offering recommendations and reviewing changes as the process progressed and they support the recommendation.