



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
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PERSONNEL COMMISSION

Meeting Notice

DATE: Thursday, December 7, 2017

TIME: 9:00 a.m.

LOCATION: Nevada Department of Transportation Nevada Department of Transportation
1263 S. Stewart St. 123 E. Washington Ave.
Rooms 301 & 302 Training Room B
Carson City, NV 89712 Las Vegas, NV 89101

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 comment will be asked to begin by stating their name for the record and to spell their last name. The Commission Chair may elect to allow 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 Meeting Dated September 29, 2017 5-16**

FOR POSSIBLE ACTION

IV. Discussion and Approval of Removal and Addition of Classes or Positions Approved for Pre-employment Screening for Controlled Substances..... 17-34

A. The Division of Human Resource Management in concurrence with the Department of Public Safety requests the removal of positions to the list approved for pre-employment screening for controlled substances:

- 7.901 Chief IT Manager, PCN: 0005
- 7.902 IT Manager III, PCN: 0127
- 7.904 IT Manager I, PCN: 0020
- 7.921 IT Professional IV, PCN: 0010, 0025, 0036, 0040, 0045, 0100, 0111, 0125
- 7.925 IT Professional III, PCN: 0055, 0070, 0105, 0112, 0115, 0120, 0128, 0130, 0135, 0145
- 7.926 IT Professional II, PCN: 0015, 0050, 0110, 0200, 0201, 0202, 0251, 0260, 0450, 0677, 0681, 0129
- 7.928 IT Technician VI, PCN: 0026, 0204, 0205
- 7.929 IT Professional I, PCN: 0090
- 7.935 IT Technician IV, PCN: 0065, 0075, 0080, 0085, 0095, 0096
- 7.943 IT Technician Trainee, PCN: DPS – All PCNs
- 7.951 IT Professional Trainee, PCN: DPS – All PCNs

B. The Department of Public Safety requests the addition of positions to the list approved for pre-employment screening for controlled substances:

- 12.616 Parole & Probation Specialist III, PCN: 3740-1251, 3740-0564

FOR POSSIBLE ACTION

V. Discussion and Approval of Proposed Regulations Changes to Nevada Administrative Code, Chapter 284 35-116

- A. LCB File No. R034-17
- Section 1. NAC 284.358 Types of lists and priority for use.
 - Sec. 2. NAC 284.360 Reemployment lists; certification or waiver of lists.
 - Sec. 3. NAC 284.361 Use of lists and consideration of eligible persons.
 - Sec. 4. NAC 284.364 Lists of persons with disabilities who are eligible for temporary limited appointments.
 - Sec. 5. NAC 284.618 Layoffs: Voluntary demotions.
 - Sec. 6. Effective date.
- B. LCB File No. R035-17 and response to Commission comments regarding general discharges made at the September 29, 2017, meeting.
- Section 1. NAC 284.325 Preferences for veterans.
- C. LCB File No. R036-17
- Section 1. NAC 284.374 Active lists: Removal and reactivation of names; refusal to consider certain persons.

Sec. 2. NAC 284.321 Convictions: Disclosure; factors for consideration.

Sec. 3. Effective date.

D. LCB File No. R088-17

Section 1. Amends Chapter 284 to add Sections 2 and 3.

Sec. 2. NEW "Domestic partner" defined.

Sec. 3. NEW "Spouse" defined.

Sec. 4. NAC 284.010 Definitions.

Sec. 5. NAC 284.114 Affirmative action program and equal employment opportunity.

Sec. 6. NAC 284.2508 Compensatory time: Use.

Sec. 7. Effective date.

FOR POSSIBLE ACTION

VI. Discussion and Approval of Proposed Class Specification Maintenance Review of Classes Recommended for Abolishment..... 117-123

A. Agriculture & Conservation/Agriculture & Related

1. Subgroup: Conservation/Forestry

a. 1.803 Deputy State Forester

B. Fiscal Management & Staff Services

1. Subgroup: Public Information

a. 7.860 Cultural Resource Technician

VII. Report of Uncontested Classification Plan Changes Not Requiring Personnel Commission Approval per NRS 284.160 124-133

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: #1-18

7.776 Fiscal/Business Professional Trainee

Posting: #2-18

7.208 Organizational Change Manager, PMO

Posting: #3-18

7.209 Director, Office of Project Management

Posting: #4-18

7.210 Administrator, Office of Project Management

Posting: #5-18

7.753 Grants & Projects Analyst III

7.755 Grants & Projects Analyst II

7.757 Grants & Projects Analyst I

7.759 Grants & Projects Analyst Trainee

Posting: #6-18

7.856 Cultural/Natural Resource Specialist III

7.857 Cultural/Natural Resource Specialist II

7.858 Cultural/Natural Resource Specialist I

Posting: #7-18

12.619 Parole & Probation Supervisor

12.618 Parole & Probation Specialist IV

12.616 Parole & Probation Specialist III

12.614 Parole & Probations Specialist II

12.615 Parole & Probation Specialist I

Posting: #8-18

7.215 Administrative Services Officer IV

7.216 Administrative Services Officer III

7.217 Administrative Services Officer II

7.218 Administrative Services Officer I

VIII. Discussion and Announcement of Dates for Upcoming Meetings. Next Meeting Scheduled for March 2, 2017.

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, 209 E. Musser Street, Suite 101, Carson City, Nevada, 89701; 555 E. Washington Avenue, Suite 1400, Las Vegas, Nevada, 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 Carrie Lee at (775) 684-0131 or carrie.lee@admin.nv.gov.

Inquiries regarding the items scheduled for this Commission meeting may be made to Carrie Lee at (775) 684-0131 or carrie.lee@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, Nevada, 89701, no less than (5) five working days prior to 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/](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 Carrie Lee at (775) 684-0131 or carrie.lee@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 Building, 100 North Stewart Street

Nevada State Capitol, 101 North Carson Street

Las Vegas

Grant Sawyer Building, 555 East Washington Street

Internet

Nevada Public Notice website: <http://notice.nv.gov>

Division of Human Resource Management website: www.hr.nv.gov

**STATE OF NEVADA
PERSONNEL COMMISSION**

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

**MEETING MINUTES
Friday, September 29, 2017
(Subject to Commission Approval)**

COMMISSIONERS PRESENT

IN CARSON CITY: Ms. Patricia Knight, Commissioner

COMMISSIONERS PRESENT

IN LAS VEGAS: Ms. Katherine Fox, Chairperson
Mr. David Sanchez, Commissioner
Mr. Andreas Spurlock, Commissioner
Mr. Gary Mauger, Commissioner

STAFF PRESENT IN CARSON CITY:

Mr. Peter Long, Administrator, Division of Human Resource Management (DHRM)
Ms. Shelley Blotter, Deputy Administrator, DHRM
Ms. Cassie Moir, Deputy Administrator, DHRM
Ms. Dawn Buoncristiani, Deputy Attorney General, Office of the Attorney General
Ms. Carrie Hughes, Personnel Analyst, DHRM
Ms. Beverly Ghan, Supervisory Personnel Analyst, DHRM
Ms. Michelle Garton, Supervisory Personnel Analyst, DHRM
Ms. Lisa Friend, Personnel Analyst, DHRM
Ms. Carrie Lee, Executive Assistant, DHRM

STAFF PRESENT IN LAS VEGAS:

Ms. Heather Dapice, Supervisory Personnel Analyst, DHRM

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

Chairperson Fox: Opened the meeting at approximately 9:00 a.m. She welcomed everyone and took roll. Prior to the Commissioners providing a brief description of their professional backgrounds for the benefit of new Commissioner Patricia Knight and the alternate Commissioners, Chairperson Fox asked Peter Long to discuss the legislative change regarding quorum requirements and the use of alternates. **Peter Long:** Explained that Assembly Bill 467 changed the make-up of the Personnel Commission from five members to five members plus five alternate members. The make-up remains the same: three from the general public, one from labor and one from management; the alternates must also meet this criteria. Two alternates have been appointed by the Governor: Armen Asherian as a management representative and Mary Day as a general public representative. Patricia Knight is the Commission's newest regular member. The legislation also changes the quorum requirements. The statute previously held that three Commissioners equaled a quorum and anything other than a regulation change or a new regulation could be approved by two members of three if only three members were present. The new legislation requires five members be present to constitute a quorum. Once all the alternates are appointed, the alternates from Labor and from Management will be asked to attend each meeting with a rotation of the alternates from the general public.

Chairperson Fox: Indicated she has 21 years of human resources background with Las Vegas Metro Police, to include selection, classification and recruitment. After moving north, she became a Recruitment Manager, and then for three years prior to retiring was the Director of Human Resources for Washoe County. She keeps active consulting,

doing salary studies and labor negotiations in the public sector. **Commissioner Sanchez:** Shared he began his professional career in graduate studies, after returning from Vietnam in 1971, with the County of Los Angeles as a Personnel Analyst. In 1980, he came to the City of Las Vegas as Director of Personnel and Employee Relations. Commissioner Sanchez stated in 1991 he worked at the Las Vegas Clark County Library District as their first HR Manager and later was employed by the Economic Opportunity Board of Clark County as their first HR Manager. Semi-retired, Commissioner Sanchez indicated he was employed by the Las Vegas Valley Water District under contract as a Senior HR Manager, and then spent seven years with the Art Institute of Las Vegas as the Academic Director for General Education. Commissioner Sanchez concluded he is currently an adjunct instructor of psychology at the College of Southern Nevada. **Commissioner Spurlock:** Stated he has been in compensation and classification for 28 years. His career began in the private sector in the Midwest, first with insurance, then banking. Upon moving to Las Vegas, he was employed by Clark County for 18 years, and with the City of Las Vegas as a Senior Analyst for 4 years. He indicated he had also taught compensation management at UNLV for six years. **Commissioner Mauger:** Shared he arrived in Las Vegas 60 years ago out of the military. He stated he has a background in labor and is a 47 ½ year member of the Teamsters where he was the CEO for 25 years prior to retiring. His background includes grievances, arbitration and mediation. **Commissioner Knight:** Summarized she spent 15 years with Washoe County, 2 of those years at the District Attorney's Office and 13 with Human Resources. She stated she began as a Human Resource Analyst, moved up to Senior Analyst, then to Labor Relations Manager and is now the Assistant Director of Washoe County Human Resources. Commissioner Knight indicated her specialty is classification, compensation, labor relations, employee relations, recruitment and selection. **Chairperson Fox:** Welcomed Patricia Knight, who replaces outgoing Commissioner David Read, as well as alternate Commissioners Armen Asherian and Mary Day.

II. PUBLIC COMMENT

Chairperson Fox: Advised that 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. She asked if there were any public comments. None were put forth.

III. APPROVAL OF MINUTES OF PREVIOUS MEETINGS – Action Item

A. Held June 23, 2017: Regular Meeting

MOTION: Moved to approve the minutes of the June 23, 2017, meeting.
BY: Commissioner Mauger
SECOND: Commissioner Sanchez
VOTE: Motion passed. Commissioner Knight abstained as she was not in attendance at the meeting.

B. Held June 23, 2017: Emergency Regulations

MOTION: Moved to approve the minutes of the June 23, 2017, Emergency Regulations Meeting.
BY: Commissioner Mauger
SECOND: Commissioner Sanchez
VOTE: Motion passed. Commissioner Knight abstained as she was not in attendance at the meeting.

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

- A. The Department of Agriculture requests the additions of positions to the list approved for pre-employment screening for controlled substances and requests approval of class specification amendments to include pre-employment screening for controlled substances.
 1. Classes and positions requested for approval of pre-employment screening for controlled substances:

- 2.211 Administrative Assistant III, PCN: 3740-1412
- 12.616 Parole & Probation Specialist III, PCN: 3740-1439, 3740-1440, 3740-1441, 3740-1442

Carrie Hughes: Introduced herself as a Personnel Analyst for the Division of Human Resource Management (DHRM). She explained that NRS 284.4066 provides for the pre-employment screening for controlled substances of candidates for positions affecting public safety prior to hire. The statute requires an appointing authority to identify the specific positions that affect public safety, subject to the approval of the Personnel Commission. Additionally, federal courts have indicated that pre-employment drug screening by public entities may constitute a search within the meaning of the Fourth Amendment and, if so, must be justified by a special need that outweighs a reasonable expectation of privacy. The Department of Public Safety has requested to add the requirement of pre-employment drug screening to the Administrative Assistant III and Parole & Probation Specialist III positions. DHRM is recommending these positions as they are safety sensitive; the positions will be working in correctional facilities and interacting with inmates on a regular basis. She noted that a representative from the Department of Public Safety was present to answer questions.

Chairperson Fox: Noted that these positions are part of a program which has the purpose of supporting efforts to successfully reintroduce offenders into our communities. Their work locations will be correctional and transitional housing facilities. She asked if there were questions or public comment. Hearing no questions or comments, she entertained a motion.

MOTION: Moved to approve Item IV-A-1.
BY: Commissioner Mauger
SECOND: Commissioner Sanchez
VOTE: Motion passed unanimously.

- IV-A. 2. Request for approval of class specification change to include pre-employment screening for controlled substances for some positions:

12.619 Parole & Probation Specialist Series

Carrie Hughes: Stated that based on approval of the Parole & Probation Specialist III positions, DHRM is requesting a change to the class specifications for class series Parole & Probation Specialist to reflect the approval of the requirement for pre-employment screening for controlled substances.

Chairperson Fox: Asked if there were questions or public comment. There were no questions or comments.

MOTION: Moved to approve Item IV-A-2.
BY: Chairperson Fox
SECOND: Commissioner Sanchez
VOTE: Motion passed unanimously.

- IV-B. The Department of Administration requests the addition of positions to the list approved for pre-employment screening for controlled substances to include:

- 1. Classes and positions requested for approval of pre-employment screening for controlled substances:

- 6.754 Building Construction Inspector III, PCN: All
- 6.755 Building Construction Inspector IV, PCN: All

Carrie Hughes: Explained that the Department of Administration, State Public Works Division has requested to add the requirement of pre-employment drug screening to their Building Construction Inspector III and IV positions. DHRM recommends approval of these positions due to the fact they are safety sensitive as they work in active construction areas and are responsible, in part, for the safety of the occupants of the buildings they inspect. There is a representative from the State Public Works Division available to answer any questions.

Chairperson Fox: Asked if there were questions or public comment. There were none. Hearing no questions or comments, she entertained a motion.

MOTION: Moved to approve Item IV-B-1.
BY: Commissioner Sanchez
SECOND: Commissioner Knight
VOTE: Motion passed unanimously.

V. DISCUSSION AND APPROVAL OF PROPOSED REGULATIONS CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284

A. LCB File No. R033-17

- Sec. 1. Amends Chapter 284 to add Sections 2, 3 and 4.
- Sec. 2. NEW Reasonable break times and place to express milk.
- Sec. 3. NEW Request for break times and place to express milk.
- Sec. 4. NEW Submission of complaint to the Employee-Management Committee.
- Sec. 5. NAC 284.0735 “Organizational climate study” defined.
- Sec. 6. NAC 284.112 “Working day” defined.
- Sec. 7. NAC 284.523 Definitions.
- Sec. 8. NAC 284.524 Reporting for work; workweeks and workdays; periods for meals and rest.
- Sec. 9. NAC 284.589 Administrative leave with pay.
- Sec. 10. NAC 284.658 “Complaint” and “grievance” defined.
- Sec. 11. NAC 284.662 Providing assistance to employee.
- Sec. 12. NAC 284.680 Date of receipt of grievance or complaint.
- Sec. 13. NAC 284.692 Agreement for extension of time to file grievance or complaint, or take required action.
- Sec. 14. NAC 284.6952 Request for resolution conference; appointment of facilitator; effect of request for resolution conference on jurisdiction of Employee-Management Committee.
- Sec. 15. NAC 284.6955 Hearing before Employee-Management Committee: Procedure.
- Sec. 16. NAC 284.6957 Hearing before Employee-Management Committee: Continuance; abeyance.
- Sec. 17. NAC 284.696 Unlawful discrimination.
- Sec. 18. NAC 284.697 When resolution of grievance or complaint becomes binding.
- Sec. 19. Section 1 of LCB File No. R076-15, which was adopted by the Personnel Commission and filed with the Secretary of State on April 4, 2016, is hereby amended to read as follows:
Removal of ineligible grievance or complaint from procedure.

Carrie Hughes: Stated that Assembly Bill 113 of the 2017 Legislative Session provides an employee who is a nursing mother reasonable break times and a place to express milk. The majority of the new sections and amendments in LCB File No. R033-17 are proposing to address the provisions of Assembly Bill 113, which became effective on July 1, 2017. For that reason, these new sections and amendments were filed, and are now effective, as emergency regulations. However, as the emergency regulations are set to expire on October 29th, DHRM is proposing them now as permanent regulations. There are some differences between the emergency and permanent versions of these regulations, based on comments received and the Legislative Council Bureau’s pre-adoption review. Section 1 of LCB File No. R033-17 amends Nevada Administrative Code (NAC) Chapter 284 to add the new administrative regulations in Sections 2, 3 and 4 of the LCB file.

Section 2 requires an agency to allow an employee with a child under one year of age to take reasonable break times as needed to express breast milk, unless it constitutes an undue hardship to the agency. If it would be an undue hardship to the agency, the agency may propose and ultimately provide a reasonable alternative. If an employee determines that her rest periods are not sufficient to express breast milk, her agency will allow the employee to use leave, such as annual leave, compensatory time or leave without pay, or modify her work schedule to make up any additional break time. It also requires that an employee be provided a clean and private place, other than a bathroom, to express breast milk.

Section 3 requires agencies to develop a procedure for requesting reasonable break times and a place to express milk. It also encourages early communication between an agency and an employee regarding the employee’s needs by

clarifying that this discussion does not have to wait until an employee returns to work following the birth of her child. It also establishes when an employee's request for break times and/or a private place to express milk is deemed to be received by an agency and requires the agency to respond within five working days. Section 4 outlines a complaint procedure which provides for an employee to file a complaint with the Employee-Management Committee relating to requests for breaks and/or a place other than a bathroom to express milk.

Additionally, an employee who alleges retaliation for the use of break times or a place to express milk as well as for taking any action to ensure compliance with these requirements may file a complaint with the Committee. A male employee may also file a complaint under these provisions in response to retaliation for having taken action to ensure compliance with these provisions. Due to language in the bill and the need for an employee who is nursing to receive a quick response, the agency's, employee's and Committee's time periods in the complaint process have been made as short as possible, allowing for statutory requirements. Additionally, complaints have been given priority over grievances in placement on a Committee's agenda.

Sections 5, 6 and 7 make conforming changes related to the defined terms "complaint," "working day" and "normal rest periods." Section 8 makes a conforming change to allow an exception to the timing of required breaks as outlined in NAC 284.524 for expression of breast milk. Section 9 amends NAC 284.589 to provide an employee with administrative leave for appearing as a complainant at a hearing of the Employee-Management Committee. This provides a benefit equivalent to an employee who has a grievance heard by the Committee.

Section 10 amends NAC 284.658 to add "complaint" as a defined term. Based upon input from legal counsel, all employees, including unclassified, are eligible to file a complaint. Section 11, amending NAC 284.662, extends the right to representation and assistance from the Division and an employee's agency's human resources to employees who file a complaint. Additionally, it provides employees who file a complaint, and those who assist or testify regarding a complaint, protection against discrimination. Section 12 amends NAC 284.680 to establish when a complaint is deemed to have been received by the Employee-Management Committee.

Section 13 amends NAC 284.692 to allow for extensions of time for filing or other actions related to a complaint upon mutual written agreement of the agency and the employee. It also clarifies that complaint extensions must be authorized by both the agency and the employee. An amendment not directly related to AB 113 in Section 13 is the removal of the requirement that a request for an extension of time related to a grievance, and now a complaint, be made on a form prescribed by the Division, which will allow for requests to be submitted by email.

Section 14 amends NAC 284.6952 to allow either an agency or a complainant to request a resolution conference prior to an Employee-Management Committee hearing. However, due to the need for an expedited response to a complaint, if a resolution conference cannot be scheduled prior to a scheduled hearing, a resolution conference will not be held. An amendment not directly related to AB 113 in Section 14 is the clarification that if either party to a grievance or complaint requests a resolution conference, both parties must participate.

Section 15 amends NAC 284.6955 to use the existing procedures and documentation requirements for an Employee-Management Committee hearing for a grievance for the complaint procedure. Section 16 amends NAC 284.6957 to allow the Chair of the Employee-Management Committee to, in relation to a complaint, grant a continuance or place the complaint in abeyance, if good cause is shown. Section 17 amends NAC 284.696 to clarify that the term "complaint," as used in this regulation, does not include a complaint as defined in AB 113 of the 2017 Legislative Session.

Section 18 amends NAC 284.697 to outline when a resolution to a complaint becomes binding by adopting the existing provisions for grievances. Section 19 amends Section 1 of LCB File No. R076-15 to provide the Division with the authority to remove a complaint from submission to the Employee-Management Committee if it deems that the complaint is not eligible.

Chairperson Fox: Asked if there were questions or public comment.

Commissioner Sanchez: Asked if whether it is anticipated that there will be problems throughout the State in finding ample locations for female employees to express milk. **Shelley Blotter:** Responded that larger agencies that have implemented the emergency regulation have been surveyed. Based on the survey results, it was found that there were

no difficulties thus far and no problems are anticipated. **Commissioner Sanchez:** Asked how the information will be disseminated to those affected regarding their rights for grievances under this regulation. **Shelley Blotter:** Stated that once the emergency regulation was enacted, information was sent out over the Listserv regarding the new regulations. Information will also be included in the Employee Handbook.

Chairperson Fox: Solicited additional comments. Hearing none, she entertained a motion.

MOTION: Moved to approve the adoption of Item V-A.
BY: Commissioner Sanchez
SECOND: Commissioner Mauger
VOTE: Motion passed unanimously.

V-B. LCB File No. R037-17

- Sec. 1. Amends Chapter 284 to add Sections 2, 3 and 4.
- Sec. 2. NEW “Domestic violence” defined.
- Sec. 3. NEW “Family or household member” defined.
- Sec. 4. NEW Accommodation for employee affected by domestic violence.
- Sec. 5. NAC 284.010 Definitions.
- Sec. 6. NAC 284.539 Annual leave: Written request; approval or denial; authorized use.
- Sec. 7. NAC 284.554 Sick leave: Authorized use.
- Sec. 8. NAC 284.578 Leave of absence without pay.
- Sec. 9. NAC 284.5811 Family and medical leave: Maximum amount in 12-month period; eligibility; use.
- Sec. 10. Effective Date This regulation becomes effective on January 1, 2018, or upon filing with the Secretary of State, whichever occurs later.

Carrie Hughes: Explained that DHRM is proposing new sections and amendments to NAC Chapter 284 to address the provisions of Senate Bill 361 of the 2017 Legislative Session, which provides new employment benefits and requirements relating to domestic abuse. SB 361 was signed into law by the Governor on June 8th and becomes effective on January 1, 2018.

Section 1 of LCB File No. R037-17 amends NAC Chapter 284 to add the new administrative regulations in Sections 2, 3 and 4 of the LCB file. Section 2 defines “domestic violence” as used in NAC Chapter 284 as an act described in NRS 33.018.

Section 3 defines “family or household member” based upon the definition in SB 361 of the 2017 Legislative Session. The relationships that would qualify are that of a spouse, domestic partner, minor child, parent or other adult related within the first degree of consanguinity or who was residing with the employee at the time of the act of domestic violence. Section 4 requires agencies to provide accommodations, such as relocation of a workspace or duty location, modification of a work schedule or a new work phone number to an employee who is a victim of an act of domestic violence or whose family or household member is a victim of domestic violence, unless the employee is the alleged perpetrator, and unless an accommodation would pose an undue hardship. Section 5 makes a conforming change related to the new defined terms “domestic violence” and “family or household member.”

Sections 6, 7 and 8 provide that an employee who has 90 days of employment with an employer, and is not the alleged perpetrator, will be entitled to not more than 160 hours of leave in one 12-month period, if an employee is a victim of an act of domestic violence or his or her family or household member is a victim of domestic violence. An employee may take annual leave, sick leave and/or leave without pay up to the combined maximum of 160 hours in a 12-month period. The statutory requirement that an employee would have to have six months employment with the State to be able to use annual leave would apply, as other leave types are available if an employee is not eligible for annual leave.

Section 9 amends NAC 284.5811 to include the requirement in SB 361 of the 2017 Legislative Session that an employee take leave related to domestic violence, concurrent with the Family and Medical Leave Act provisions, if an employee meets the eligibility for both such provisions. Section 10 establishes the effective date for the regulations included in LCB File No. R037-17 as January 1, 2018, or upon filing with the Secretary of State.

Chairperson Fox: Asked if there were questions or public comment.

Commissioner Sanchez: Referred to Section 4, which discusses relocation of an employee who may be a victim of domestic violence and inquired as to the procedures involved. **Carrie Hughes:** Clarified that the type of transfer, as mentioned at the hearings for SB 361 during the 2017 Legislative Session, was that of moving an employee to another office or location within the same work location and possibly away from immediate access from the public.

Chairperson Fox: Stated her understanding that the employee has to make a request for an accommodation or relocation because of safety concerns. **Carrie Hughes:** Explained that the intent of the regulation is that employee not be forced to make the changes, but rather that it be at their request or with their agreement. **Chairperson Fox:** Surmised that the difficult area to navigate going forward would be if an agency has evidence of potential domestic violence against an employee, but that the employee has not reported such to the agency or requested an accommodation. She solicited additional questions from Commissioners. There were none.

MOTION: Moved to approve the adoption of Item V-B.
BY: Chairperson Fox
SECOND: Commissioner Sanchez
VOTE: Motion passed unanimously.

V-C. LCB File No. R039-17

Sec. 1. Section 1 of LCB File No. R100-16, is hereby amended as follows:

Appeal of refusal to examine or certify.

Beverly Ghan: Introduced herself as a Supervisory Personnel Analyst for the DHRM Recruitment section. Agenda Item V-C is proposed to amend a relatively new section of the regulations previously adopted as Section 1 of LCB File No. R100-16. It is labeled this way as the regulation has not yet been assigned a permanent number through the codification process. After the regulation's initial adoption, it was determined that the process described for a person to appeal the Division's refusal to examine or certify a person did not accurately represent the Division's actual process. The proposed amendments presented specify that an appeal may be submitted to the Supervisor of the DHRM Recruitment section for the initial review. If a person is not satisfied with the Recruitment Supervisor response, he or she may then request a statement of the Division's Administrator of the reasons for the refusal to examine or certify. If still unsatisfied, the person may appeal the decision to the Personnel Commission.

Chairperson Fox: Asked if there were questions or public comment.

Commissioner Sanchez: Asked for a walk-through of the process. **Beverly Ghan:** Answered that an application is received online and a recruiter receives the application immediately. The application is reviewed for minimum qualifications and if the applicant does not meet the qualifications, an online notice is sent to them within a few days of receipt of the application. The notice indicates to the applicant that they do not qualify and provides the reasons for the disqualification. If the applicant wishes to speak with someone about the decision, they can consult with a recruiter; contact information is provided. If the applicant contacts the recruiter to discuss the reasons for not meeting the qualifications, the applicant is free to provide additional information to the recruiter to clarify duties. This additional information often results in applicant eligibility. If not, the applicant may discuss with the Recruitment Supervisor the minimum qualifications. If the Supervisor does not approve eligibility, the applicant may choose to proceed through the appeal process.

Commissioner Sanchez: Noted that this file discusses issues of deception and fraud and asked how that is determined by the recruiter. **Commissioner Spurlock:** Stated his understanding of the concept of fraud was related to information included on the application and/or background check. **Peter Long:** Explained that typically fraud is identified when an applicant has submitted multiple applications, wherein the current application is inconsistent with what has been presented in the past. An applicant is rarely disqualified from meeting the minimum qualifications unless the deception or fraud is extremely obvious. For example, deception or fraud can include submission of invalid or expired license information. It is rare where someone would be disqualified or doesn't meet the minimum qualifications based on deception or fraud.

Commissioner Spurlock: Stated that because the Personnel Commission only meets every three months, an applicant's delayed ability to come to the Commission after being refused to examine might potentially hold up some recruitments severely. **Peter Long:** Acknowledged that this is correct. However, other regulations within NAC 284 describe when a list can be held up or still issued; this would not be an occasion when we would be required to hold up a list. There are also times when an appointing authority, based on compelling need, could request that a list still be certified. The applicant may not be included in that current recruitment, however, if the issue went before the Commission and it was determined that the applicant met the minimum qualifications, that would be noted for future recruitments.

Chairperson Fox: Asked if there were additional questions or public comment. Hearing none, she entertained a motion.

MOTION: Moved to approve Item V-C.
BY: Commissioner Mauger
SECOND: Commissioner Sanchez
VOTE: Motion passed unanimously.

V-D. Emergency Regulation

NAC 284.325 Preferences for veterans.

Michelle Garton: Introduced herself as the Supervisory Personnel Analyst for DHRM's Consultation and Accountability section. DHRM is proposing an emergency regulation amendment to address the provisions of Assembly Bill 309 of the 2017 Legislative Session, which was signed into law by the Governor on June 9, 2017, and becomes effective on October 1, 2017. The Division is proposing this amendment as an emergency regulation, as it allows the regulation to be adopted quickly and with few procedural requirements, and the permanent regulation process will delay the implementation of the statutory change the regulation reflects. However, as emergency regulations are effective for only 120 days, it is the Division's intention to bring the regulation back to the Commission as a permanent amendment at the December 7th meeting. Currently, a veteran with a disability receives ten points added to the passing grade on a ranked, competitive examination, and a veteran with a disability receives five points. There are also veteran's preference points that could be added to a passing grade on a competitive examination for a promotion that may only be used once. AB 309 requires that ten preference points must be added to the passing grade of all veterans as well as widows and widowers of persons killed in the line of duty while on active duty in the U.S. Armed Forces. This bill also removes the restriction of use of veteran's preference points. In addition, any qualified applicant on a list who is a veteran with a service-connected disability will be granted an interview. If there are veterans on a list with a service-connected disability, at least 22 percent of those qualified applicants will be interviewed. If there is not a sufficient number to reach 22 percent, each veteran who is a qualified applicant will be interviewed for the position. NAC 284.325 explains the use of preference points for veterans and the proposed amendment removes the restriction on the use of veteran's preference points in regulation.

Peter Long: Clarified that the bill states that all veterans with a service-connected disability must be interviewed, not 22 percent of them. For other veterans without a service-connected disability, 22 percent of those veterans must be interviewed in proportion to the total number of applicants that were interviewed.

Commissioner Sanchez: Noted that in terms of service-connected disability, the military usually assigns a percentage to the disabled veteran. He asked whether there would be a percentage assigned to the service-connected disability or whether any service-connected disability will qualify. **Peter Long:** Confirmed that any service-connected disability will qualify. There is no set percentage that includes or excludes an individual. **Chairperson Fox:** Stated that it is her understanding that the use of the points can be for an open competitive exam. Points can be used to enter State service and points can also be used for promotion within an organization. **Peter Long:** Confirmed this understanding. In the past, an applicant could only use the veteran's points on one promotional recruitment; use is now unlimited.

Commissioner Sanchez: Asked whether a general discharge makes a veteran eligible under these provisions. **Peter Long:** Stated the definition of a veteran is different than it has been and refers to another chapter of NRS. It is his belief that a person is considered a veteran for any discharge other than dishonorable. **Commissioner Sanchez:** Said he has a problem with this, as general discharges are typically given to individuals for nonjudicial punishment or not being able to complete service requirements. People who are given general discharges are not eligible for veteran's

benefits. He requested clarification for this provision. **Peter Long:** Indicated he would obtain and provide the information at the next Commission meeting. He further indicated that if that was the definition, DHRM was adhering to the requirements of the bill. **Commissioner Mauger:** Suggested that other discharge categories should also be looked at. These include Section 8, which applies to psychological issues and discipline. **Peter Long:** Requested a moment to look up the definition of “veteran” as stated per the bill in NRS 417.005. **Chairperson Fox:** Stated the Commission would return to Item V-D upon clarification from DHRM and proceed to Item VI.

VI. DISCUSSION AND APPROVAL OF PROPOSED CLASS SPECIFICATION MAINTENANCE REVIEW OF CLASSES RECOMMENDED FOR REVISION

- A. Fiscal Management & Staff Services
 - 1. Subgroup: Materials & Staff Services
 - a. 7.311 Purchasing Technician Series
 - 2. Subgroup: Administrative & Budget Analysis
 - a. 7.643 Program Officer Series
- B. Medical, Health & Related Services
 - 1. Subgroup: Laboratory Services
 - a. 10.723 Pharmacy Technician Series
- C. Regulatory & Public Safety
 - 1. Subgroup: Law Enforcement Support Services
 - a. 11.260 Security Officer Series
- D. Social Services & Rehabilitation
 - 1. Subgroup: Employment Security Claims Examination & Placement
 - a. 12.127 ESD Program Specialist Series
 - 2. Subgroup: Rehabilitation
 - a. 12.440 Vocational Evaluator Series

Chairperson Fox: Stated the Commission would hear Item VI, Sections A, B, C and D as one unless the Commissioners would like to hear them individually. **Heather Dapice:** Introduced herself as Supervisory Personnel Analyst with the Compensation, Classification and Recruitment section of DHRM. Beginning with Item VI-A-1-a, the Purchasing Technician Series, as part of the biennial class specification maintenance review process it is recommended that revisions be made to refresh language and to maintain consistency with formatting and structure. These changes are identified in red in the handouts provided in the packet.

For Item VI-A-2-a, the Program Officer Series, as part of the biennial class specification maintenance review process it is recommended that changes be made to the series concept to clarify and expand on duties and responsibilities of the series. It is further recommended that distinguishing characteristics be added to clarify differences between this series and several other class specifications. A section regarding allocation of positions was added to further detail and clarify how Program Officers will be allocated between the three levels in the class series. The class concepts and minimum qualifications were also amended to reflect these changes and to maintain consistency with formatting and structure.

Regarding Item VI-B-1-a, the Pharmacy Technician Series, as part of the biennial class specification maintenance review process it is recommended that minor revisions be made to refresh language and to maintain consistency with formatting and structure. Item VI-C-1-a, the Security Officer Series, as part of the biennial maintenance review process it is recommended that minor revisions be made to refresh language and to maintain consistency with formatting and structure.

In terms of Item VI-D-1-a, the ESD Program Specialist Series, as part of the biennial specification maintenance review process it was determined that class concepts, minimum qualifications and knowledge, skills and abilities were consistent with the current expectations. No changes were required.

Item VI-D-2-a, the Vocational Evaluator Series, as part of the biennial specification maintenance review process it was determined that class concepts, minimum qualifications and knowledge, skills and abilities were consistent with the current expectations and required no changes. However, minor revisions were made to the minimum qualifications at each level in order to maintain consistency with formatting and structure. Ms. Dapice respectfully asked that the Personnel Commission approve the recommendations effective this date.

Chairperson Fox: Commented that during her briefing she felt the Division did an excellent job differentiating Program Officers from Administrative Assistants, and Program Officers from Management Analysts. She was glad to see this language, as it is a struggle for the Division when individuals feel they qualify when potentially their current work does not rise to the level of a Program Officer. **Commissioner Spurlock:** Concurred with Chairperson Fox's comments. He commended Peter Long and Shelley Blotter for their efforts in this regard, as there was an obvious need for clarification. He indicated it would help employees and managers in the long term and eliminate bad feelings or poor morale.

Commissioner Sanchez: Referenced the Pharmacy Tech Series and noted that within the series concept there has been a change where the Pharmacy Techs "may" review prescriptions and "may" transcribe orders, rather than "do that." He sought clarification on the change. **Lisa Friend:** Introduced herself as being with Human Resource Management Recruitment and Classification section. She stated in some locations, Pharmacists need more control. In addition, there were conversations with the Medical Director at the Department of Corrections; the Department has a new system where the function is handled exclusively by the Pharmacist, thereby freeing up the Techs. She concluded some agencies still have a need for the Techs to perform these functions.

Cassie Moir: Noted that Heather Dapice was responsible for the reworking of the Program Officer Series class and she did an excellent job.

Chairperson Fox: Asked if there were additional questions or public comment. There were none.

MOTION: Moved to approves Item VI-A through C.
BY: Chairperson Fox
SECOND: Commissioner Knight
VOTE: Motion passed unanimously.

Chairperson Fox: Returned to Item V-D regarding clarification regarding the types of discharge. **Peter Long:** Indicated NRS 417.005 in part states:

- "As used in this title, unless the context otherwise requires, "veteran" means a resident of this State who:
1. Was regularly enlisted, drafted, inducted or commissioned in the:
 - (a) Armed Forces of the United States and was accepted for and assigned to active duty in the Armed Forces of the United States; . . . and
 2. Was separated from such service under conditions other than dishonorable."

Commissioner Sanchez: Stated that this means someone who has relocated from California who is a veteran does not meet the criteria, since they are not a Nevadan. **Peter Long:** Clarified they qualify as long as they have relocated and are a resident of this State. **Commissioner Sanchez:** Continued, that means that individuals with general discharges would qualify. **Peter Long:** Responded, per the reading of the statute, yes.

Commissioner Spurlock: Sought clarification that an out-of-state veteran applicant would not be given the preference points if they remain out of state and do not move to Nevada until they actually get the job. **Peter Long:** Stated that it would appear to be correct, based on the definition being used. **Chairperson Fox:** Said she was surprised at this provision. **Commissioner Sanchez:** Noted that when he moved from California to work for the City of Las Vegas, he received ten points veteran's credit to start his career in Las Vegas. **Chairperson Fox:** Added that from a recruitment perspective, that can become problematic, for example, in a case of attempting to recruit out of the State of Nevada for law enforcement. A veteran from California would not be awarded the points.

Chairperson Fox: Asked if there were any public comments. There were none. Hearing none, she entertained a motion.

MOTION: Moved to approve Item V-D.
BY: Chairperson Fox
SECOND: Commissioner Sanchez
VOTE: Motion passed unanimously.

VII. REPORT OF UNCONTESTED CLASSIFICATION PLAN CHANGES NOT REQUIRING PERSONNEL COMMISSION APPROVAL PER NRS 284.160

Posting: #24-17

10.238 Health Program Specialist II

10.237 Health Program Specialist I

Posting: #25-17

11.564 Safety Supervisor, Elevator – DIR

11.538 Safety Specialist, Elevator – DIR

11.563 Safety Representative, Elevator – DIR

11.529 Safety Supervisor, Boiler – DIR

11.537 Safety Specialist, Boiler – DIR

11.549 Safety Representative, Boiler – DIR

Posting: #26-17

11.519 Safety Supervisor, Railway

11.515 Safety Specialist, Railway

11.513 Safety Representative, Railway

11.540 Safety Specialist, Railway – Tracks

11.541 Safety Specialist, Railway – Motive Power

11.542 Safety Specialist, Railway – Hazardous Materials

11.543 Safety Specialist, Railway – Operating Practices

Posting: #27-17

7.670 Fleet Specialist II

7.671 Fleet Specialist I

Posting: #28-17

7.507 Equal Employment Opportunity Officer

Chairperson Fox: Asked if there were questions on Item VII; there were none.

VIII. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS. NEXT MEETING SCHEDULED FOR DECEMBER 7, 2017

Chairperson Fox: Noted that the next meeting is scheduled for December 7th. Discussion ensued as to the subsequent meeting for March, 2018. There was consensus for a tentative date of March 2, 2018, although there were Commissioners who required an opportunity to review their calendars prior to final commitment.

IX. COMMISSION COMMENTS

Chairperson Fox: Invited comments from Commissioners. **Commissioner Mauger:** Asked for clarification regarding the workshop that was held for Item V. In reviewing the minutes for the workshop, he indicated there is nothing that reflects any participation from anyone other than Human Resources regarding objections or anything in writing that may have been submitted on behalf of the employee groups. **Peter Long:** Pointed out that all workshops and regulations are posted. It has been the experience that not all groups may always be able to attend. They do not typically advise whether they are in agreement with the proposed regulations, however they do reach out with any concerns or issues. No negative input was received from the associations regarding any of the regulations. **Chairperson Fox:** Once again thanked new Commissioner Patricia Knight and the two alternate Commissioners in the audience for their willingness to volunteer on the Commission.

X. PUBLIC COMMENT

Chairperson Fox: Advised 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. She asked if there were any public comments. There were no comments.

XI. ADJOURNMENT

Chairperson Fox: Adjourned the meeting.

Personnel Commission Meeting
December 7, 2017

FOR INFORMATION ONLY

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

STATE OF NEVADA
CLASSES APPROVED FOR PRE-EMPLOYMENT DRUG TESTING
CHANGES EFFECTIVE SEPTEMBER 29, 2017

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

<u>CLASS/ TITLE CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
1.401	WEIGHTS AND MEASURES INSPECTOR IV*	AGR - PCNS 4551-0011, 4551-0022
1.404	WEIGHTS AND MEASURES INSPECTOR III*	AGR - PCN 4551-0013
1.407	WEIGHTS AND MEASURES INSPECTOR II*	AGR - PCNS 4551-0014, 4551-0015, 4551-0023, 4551-0024, 4551-0025, 4551-0028, 4551-0045, 4551-0047, 4551-0049, 4551-0102, 4551-0105
1.413	WEIGHTS AND MEASURES ASSISTANT (SEASONAL)*	AGR - PCNS 4551-8911, 4551-8912, 4551-8913
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

<u>CLASS/ TITLE CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
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, 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, 4709-9013, 4713-0706, 4713-155, 4713-805; 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, 3744-10, 3744-13, 3744-16, 3744-19, 4702-51, 4702-147, 4702-315, 4702-328, 4702-648, 4702-705, 4702-871, 4702-11033, 4702-11034, 4709-36, 4709-37, 4709-58, 4709-620, 4709-630, 4709-8005, 4709-8007, 4709-8010, 4709-8011, 4709-8016, 4709-8017, 4709-8019, 4709-8020, 4709-8021, 4709-9001, 4709-9002, 4709-9011, 4709-9012; TAXI - PCNS 0011, 0061
2.212	ADMINISTRATIVE ASSISTANT II*	DPS - PCNS 3743-1021, 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; TAXI - PCNS 0003, 0013, 0020, 0043, 0046, 0066, 0074, 0075, 0092, 0095
2.301	ACCOUNTING ASSISTANT III*	DPS - PCNS 3743-16, 4709-38, 4709-8022
2.303	ACCOUNTING ASSISTANT II*	DPS - PCN 4709-15
2.819	SUPPLY TECHNICIAN III*	PURCHASING - PCN 0027
2.824	SUPPLY TECHNICIAN II*	PURCHASING - PCN 0029; BCN - ALL PCNS
2.827	SUPPLY ASSISTANT*	BCN - ALL PCNS
2.836	SUPPLY TECHNICIAN I*	BCN - ALL PCNS
3.203	FOOD SERVICE COOK/SUPERVISOR II*	BCN - ALL PCNS
3.206	FOOD SERVICE COOK/SUPERVISOR I*	BCN - ALL PCNS
3.213	FOOD SERVICE WORKER II*	BCN - ALL PCNS
3.218	FOOD SERVICE WORKER I*	BCN - ALL PCNS
3.505	DRIVER - SHUTTLE BUS	
3.506	DRIVER - VAN/AUTOMOBILE	
3.520	FAMILY SUPPORT WORKER III*	BCN - ALL PCNS
3.521	FAMILY SUPPORT WORKER II*	BCN - ALL PCNS
3.524	FAMILY SUPPORT WORKER I*	BCN - ALL PCNS
5.103	PRINCIPAL	
5.104	VICE PRINCIPAL	
5.106	ACADEMIC TEACHER	
5.112	VOCATIONAL EDUCATION INSTRUCTOR	
5.174	CHILD CARE WORKER II*	BCN - ALL PCNS
5.175	CHILD CARE WORKER I*	BCN - ALL PCNS
6.209	SUPERVISOR III, ASSOCIATE ENGINEER*	NDOT - PCNS 017009, 017046, 018-037, ALL PCNS BEGINNING W/ 930

<u>CLASS/ TITLE CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
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
7.217	ADMINISTRATIVE SERVICES OFFICER II*	DPS - PCN 4709-23
7.218	ADMINISTRATIVE SERVICES OFFICER I*	DPS - PCN 3743-6
7.519	TRAINING OFFICER I*	NDOT - ALL PCNS
7.524	TRAINING OFFICER II*	DPS - NHP - HAZARDOUS MATERIALS - PCN 5
7.624	MANAGEMENT ANALYST III*	DPS - PCNS 4709-3, 4709-200
7.625	MANAGEMENT ANALYST II*	DPS - PCN 4709-39; TAXI - PCNS 0002, 0078
7.637	MANAGEMENT ANALYST I*	DPS - PCNS 3743-9, 3743-79, 4709-40
7.643	PROGRAM OFFICER III*	DHHS PBH - PCN 0038; DPS - PCN 4702-0086
7.647	PROGRAM OFFICER II*	BCN - PCN 41234; DMV - PCN CC4019; DPS- PCNS 3743-1022, 4701-0950, 4709-19, 4709-24, 4709-35, 4709-8003, 4709-8012
7.649	PROGRAM OFFICER I*	DPS - PCN 3744-82, 4702-322, 4709-8030, 4709-8036, 4709-8037; FIRE MARSHAL - PCNS 4, 106; NDOC - PCNS 3710-0064, 3710-0202; BCN - PCNS 41672, 41673
7.653	PUBLIC SERVICE INTERN II*	NDOT - ALL PCNS BEGINNING W/ 940
7.655	BUSINESS PROCESS ANALYST III*	DPS - PCN 4709-8023
7.656	BUSINESS PROCESS ANALYST II*	DPS - PCNS 4702-0046, 4709-8024, 4709-8025
7.665	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

<u>CLASS/ TITLE CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
7.714	TRANSPORTATION TECHNICIAN IV*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
7.715	TRANSPORTATION TECHNICIAN II*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
7.722	TRAFFIC CENTER TECHNICIAN SUPERVISOR	
7.724	TRAFFIC CENTER TECHNICIAN II	
7.725	TRAFFIC CENTER TECHNICIAN I	
7.726	TRAFFIC CENTER TECHNICIAN TRAINEE	
7.745	STATISTICIAN II*	DPS - PCN 4709-21
7.901	CHIEF IT MANAGER*	DPS - PCN 0005; NDOT - PCN 016060
7.902	IT MANAGER III*	DPS - PCNS 0127, 4709-0207
7.904	IT MANAGER I*	DPS - PCN 0020; NDOT - PCN 016065; BCN UNR - PCN 42286
7.921	IT PROFESSIONAL IV*	DPS - PCNS 0010, 0025, 0036, 0040, 0045, 0100, 0111, 0125, 4709-8032; NDOT - PCNS 016061, 016063
7.925	IT PROFESSIONAL III*	DPS - PCNS 0055, 0070, 0105, 0112, 0115, 0120, 0128, 0130, 0135, 0145, 4709-0150, 4709-8033; NDOT - PCNS 016062, 016064, 91001, 92001, 93002; BCN UNR - ALL FACILITIES SERVICES PCNS
7.926	IT PROFESSIONAL II*	DPS - PCNS 0015, 0050, 0110, 0200, 0201, 0202, 0251, 0260, 0450 0677, 0681, 0129; NDOT - PCNS 91005, 92002, 93001, 93003, 95001, 96001, 92003, 93005, 94003; BCN UNR - ALL FACILITIES SERVICES PCNS
7.928	IT TECHNICIAN VI*	DPS - PCNS 0026, 0204, 0205
7.929	IT PROFESSIONAL I*	DPS - PCN 0090; BCN UNR - ALL FACILITIES SERVICES PCNS
7.935	IT TECHNICIAN IV*	DPS - PCNS 0065, 0075, 0080, 0085, 0095, 0096
7.943	IT TECHNICIAN TRAINEE*	DPS - ALL PCNS
7.951	IT PROFESSIONAL TRAINEE*	DPS - ALL PCNS; BCN UNR - ALL FACILITIES SERVICES PCNS
9.103	HIGHWAY MAINTENANCE MANAGER	
9.106	HIGHWAY MAINTENANCE SUPERVISOR II	
9.115	HIGHWAY MAINTENANCE SUPERVISOR I	
9.117	HIGHWAY MAINTENANCE WORKER IV	
9.120	HIGHWAY MAINTENANCE WORKER III	
9.127	HIGHWAY MAINTENANCE WORKER II	
9.130	HIGHWAY MAINTENANCE WORKER I	
9.137	HIGHWAY CONSTRUCTION AID	
9.200	SPECIAL EQUIPMENT OPERATOR III	
9.201	EQUIPMENT OPERATION INSTRUCTOR	
9.203	SPECIAL EQUIPMENT OPERATOR II	
9.204	GROUND EQUIPMENT OPERATOR I*	BCN - ALL PCNS
9.205	SEASONAL FORESTRY EQUIPMENT OPERATOR	
9.208	DRIVER WAREHOUSE WORKER TRAINEE*	NDOC - ALL PCNS
9.209	GROUND 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

<u>CLASS/ TITLE CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
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 PCN'S
9.432	PLUMBER I*	BCN, NDOC - ALL PCNS
9.434	EVENTS CENTER TECHNICIAN II*	BCN - ALL LAWLOR EVENTS CENTER PCNS
9.437	EVENTS CENTER TECHNICIAN I*	BCN - ALL LAWLOR EVENTS CENTER PCNS
9.439	CARPENTER III*	BCN - ALL PCNS
9.441	MAINTENANCE REPAIR SPECIALIST I*	BCN, NDOC, NDOT, NDOW, NSVH - ALL PCNS
9.445	MAINTENANCE REPAIR SPECIALIST II*	BCN, NDOC, NDOW - ALL PCNS
9.447	ELECTRICIAN II*	BCN, NDOC, NDOT - ALL PCNS
9.448	ELECTRICIAN III*	BCN, NDOC, NDOT - ALL PCNS
9.459	PAINTER II*	BCN - ALL PCN'S
9.460	PAINTER III*	BCN - ALL PCNS
9.462	PLUMBER II*	BCN, NDOC - ALL PCNS
9.463	PLUMBER III*	BCN - ALL PCNS
9.465	CRAFT WORKER-IN-TRAINING IV*	BCN - ALL PCNS
9.466	CRAFT WORKER-IN-TRAINING III*	BCN - ALL PCNS
9.467	CRAFT WORKER-IN-TRAINING II*	BCN - ALL PCNS
9.468	CRAFT WORKER-IN-TRAINING I*	BCN - ALL PCNS
9.470	THEATER TECHNICIAN I*	BCN - ALL PCNS
9.471	THEATER TECHNICIAN II*	BCN - ALL PCNS
9.481	MAINTENANCE REPAIR AID IV*	BCN - ALL PCNS
9.482	MAINTENANCE REPAIR AID III*	BCN - ALL PCNS
9.483	MAINTENANCE REPAIR AID II*	BCN - ALL PCNS
9.484	MAINTENANCE REPAIR AID I*	BCN - ALL PCNS
9.485	MAINTENANCE REPAIR WORKER IV*	BCN, NDOC - ALL PCNS
9.486	MAINTENANCE REPAIR WORKER III*	BCN, NDOC - ALL PCNS

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9.487	MAINTENANCE REPAIR WORKER II*	BCN, NDOC, NSVH - ALL PCNS
9.488	MAINTENANCE REPAIR WORKER I*	BCN, NDOC, NSVH - ALL PCNS
9.496	WASTEWATER TREATMENT OPERATOR II*	NDOC - ALL PCNS
9.497	WASTEWATER TREATMENT OPERATOR I*	NDOC - ALL PCNS
9.514	RANCH MANAGER*	BCN UNR - PCN 41154
9.534	RESEARCH AID II*	BCN - ALL WOLF PACK MEATS PCNS
9.555	RESEARCH AID I*	BCN - ALL WOLF PACK MEATS PCNS
9.580	RESEARCH TECHNICIAN*	BCN - ALL WOLF PACK MEATS PCNS
9.603	FACILITY MANAGER*	BCN, NDOC - ALL PCNS
9.606	FACILITY SUPERVISOR III*	BCN, NDOC - ALL PCNS
9.609	FACILITY SUPERVISOR II*	BCN, NDOC - ALL PCNS, NDOT - PCN 302001
9.610	GROUNDS SUPERVISOR III*	BCN - ALL PCNS
9.612	FACILITY SUPERVISOR I*	BCN, NDOC - ALL PCNS
9.616	CUSTODIAL SUPERVISOR IV*	BCN - ALL PCNS
9.617	CUSTODIAL SUPERVISOR III*	BCN - ALL PCNS
9.620	GROUNDS SUPERVISOR II*	BCN - ALL PCNS
9.623	CUSTODIAL SUPERVISOR II*	BCN - ALL PCNS
9.625	CUSTODIAL SUPERVISOR I*	BCN - ALL PCNS
9.627	GROUNDS SUPERVISOR I*	BCN - ALL PCNS
9.630	GROUNDS MAINTENANCE WORKER V*	BCN - ALL PCNS
9.631	CUSTODIAL WORKER II*	BCN - ALL PCNS
9.633	GROUNDS MAINTENANCE WORKER IV*	BCN - ALL PCNS
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*	NSVH - ALL PCNS
10.260	DENTAL CLINIC SUPERVISOR*	UNLV - ALL PCNS
10.262	DENTAL ASSISTANT III*	NDOC, UNLV - ALL PCNS
10.263	DENTAL ASSISTANT II*	NDOC, UNLV - ALL PCNS
10.264	DENTAL ASSISTANT I*	NDOC, UNLV - ALL PCNS
10.300	DIRECTOR, NURSING SERVICES II*	DHHS, NDOC - ALL PCNS, NSVH - ALL PCNS
10.301	DIRECTOR, NURSING SERVICES I*	DHHS, NDOC - ALL PCNS
10.305	PSYCHIATRIC NURSE III*	DHHS, NDOC - ALL PCNS
10.306	PSYCHIATRIC NURSE IV*	DHHS, NDOC - ALL PCNS
10.307	PSYCHIATRIC NURSE II*	DHHS, NDOC - ALL PCNS
10.309	PSYCHIATRIC NURSE I*	DHHS, NDOC - ALL PCNS
10.310	CHIEF OF NURSING SERVICES*	NDOC - ALL PCNS
10.316	CORRECTIONAL NURSE III*	NDOC - ALL PCNS
10.318	CORRECTIONAL NURSE II*	DHHS, NDOC - ALL PCNS
10.319	CORRECTIONAL NURSE I*	DHHS, NDOC - ALL PCNS
10.338	MENTAL HEALTH TECHNICIAN IV*	DHHS - ALL PCNS

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10.339	DEVELOPMENTAL SUPPORT TECH IV*	DHHS - ALL PCNS
10.346	MENTAL HEALTH TECHNICIAN III*	DHHS - ALL PCNS
10.347	DEVELOPMENTAL SUPPORT TECH III*	DHHS - ALL PCNS
10.352	REGISTERED NURSE V*	NSVH - ALL PCNS
10.354	REGISTERED NURSE IV*	NSVH - ALL PCNS
10.355	REGISTERED NURSE III*	NSVH - ALL PCNS
10.356	MENTAL HEALTH TECHNICIAN II*	DHHS - ALL PCNS
10.357	DEVELOPMENTAL SUPPORT TECH II*	DHHS - ALL PCNS
10.358	NURSE I*	DHHS, NDOC, NSVH - ALL PCNS
10.359	REGISTERED NURSE II*	NSVH - ALL PCNS
10.360	LICENSED PRACTICAL NURSE II*	DHHS, NDOC, NSVH - ALL PCNS
10.364	LICENSED PRACTICAL NURSE III*	DHHS, NDOC - ALL PCNS
10.365	LICENSED PRACTICAL NURSE I*	DHHS, NDOC - ALL PCNS
10.366	MENTAL HEALTH TECHNICIAN I*	DHHS - ALL PCNS
10.367	DEVELOPMENTAL SUPPORT TECH I*	DHHS - ALL PCNS
10.369	CERTIFIED NURSING ASSISTANT*	NDOC, NSVH - ALL PCNS
10.375	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
10.536	ENVIRONMENTAL SCIENTIST II*	NDOT - PCNS 018012, 018013
10.540	MEDICAL MARIJUANA PROGRAM SUPERVISOR	
10.541	MEDICAL MARIJUANA PROGRAM INSPECTOR II	
10.542	MEDICAL MARIJUANA PROGRAM INSPECTOR I	
10.545	ENVIRONMENTAL SCIENTIST IV*	NDOT - PCN 018011
10.707	CHEMIST V*	BCN - ALL PCNS
10.708	CHEMIST IV*	BCN - ALL PCNS
10.710	MICROBIOLOGIST V*	BCN - ALL PCNS
10.711	MICROBIOLOGIST IV*	BCN - ALL PCNS
10.712	CHEMIST III*	BCN - ALL PCNS
10.713	CHEMIST II*	BCN - ALL PCNS
10.715	MICROBIOLOGIST III*	BCN - ALL PCNS
10.717	MICROBIOLOGIST II*	BCN - ALL PCNS
10.721	MICROBIOLOGIST I*	BCN - ALL PCNS
10.724	CHEMIST I*	BCN - ALL PCNS
10.723	PHARMACY TECHNICIAN II*	DHHS, NDOC - ALL PCNS
10.726	LABORATORY TECHNICIAN II*	BCN - ALL PCNS
10.728	PHARMACY TECHNICIAN I*	DHHS, NDOC- ALL PCNS
10.729	LABORATORY ASSISTANT II*	BCN - ALL PCNS
10.733	LABORATORY TECHNICIAN I*	BCN - ALL PCNS
10.736	LABORATORY ASSISTANT I*	BCN - ALL PCNS
10.769	STAFF RESEARCH ASSOCIATE IV*	BCN - ALL PCNS
10.770	STAFF RESEARCH ASSOCIATE III*	BCN - ALL PCNS
10.771	STAFF RESEARCH ASSOCIATE II*	BCN - ALL PCNS
10.772	STAFF RESEARCH ASSOCIATE I*	BCN - ALL PCNS
11.117	PUBLIC SAFETY DISPATCHER VI	
11.118	PUBLIC SAFETY DISPATCHER V	
11.120	PUBLIC SAFETY DISPATCHER IV	
11.122	PUBLIC SAFETY DISPATCHER III	
11.124	PUBLIC SAFETY DISPATCHER II	
11.126	PUBLIC SAFETY DISPATCHER I	
11.128	N.C.J.I.S. PROGRAM SPECIALIST SUPERVISOR*	DPS - PCNS 4709-13, 4709-14
11.129	N.C.J.I.S. PROGRAM SPECIALIST*	DPS - PCNS 4709-41, 4709-63, 4709-74, 4709-600, 4709-615, 4709-650, 4709-680, 4709-1005
11.130	N.C.J.I.S. PROGRAM SPECIALIST TRAINEE	
11.132	MANAGER, CRIMINAL JUSTICE RECORDS*	DPS - ALL PCNS
11.133	FINGERPRINT/RECORDS EXAMINER III*	DPS - PCNS 4709-201, 4709-8015

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11.134	FINGERPRINT/RECORDS EXAMINER II*	DPS - PCNS 4709-6, 4709-7, 4709-33, 4709-59, 4709-61, 4709-202, 4709-590, 4709-8014
11.135	FINGERPRINT/RECORDS EXAMINER I	
11.144	FINGERPRINT/RECORDS SUPERVISOR*	DPS - PCNS 4709-4, 4709-5
11.239	MILITARY SECURITY OFFICER V	
11.240	MILITARY SECURITY OFFICER IV	
11.241	MILITARY SECURITY OFFICER III	
11.242	MILITARY SECURITY OFFICER II	
11.243	MILITARY SECURITY OFFICER I	
11.260	SECURITY OFFICER SUPERVISOR*	BCN, NSVH - ALL PCNS
11.263	SECURITY OFFICER*	BCN, MILITARY, NSVH - ALL PCNS
11.354	SUPERVISORY COMPLIANCE INVESTIGATOR*	DMV - PCN WF8508
11.358	COMPLIANCE INVESTIGATOR II*	DMV - PCNS RE8018, RE8025, RE8026, RE8028
11.363	COMPLIANCE/AUDIT INVESTIGATOR III*	B&I-INSURANCE DIV - PCN 0072; SOS - PCNS 0030, 0031, 0035, 0062, 0063, 0066
11.365	COMPLIANCE/AUDIT INVESTIGATOR II*	B&I-INSURANCE DIV - ALL PCNS; SOS - PCNS 0022, 0028, 0068
11.424	DMV SERVICES TECHNICIAN III*	DMV - PCNS RE5324, RE5328
11.506	FIRE & LIFE SAFETY INSPECTOR I	
11.510	FIRE & LIFE SAFETY INSPECTOR II	
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
12.466	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 3740-1439, 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)	

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13.135	PARK SUPERVISOR III (COMMISSIONED)	
13.136	PARK SUPERVISOR II (COMMISSIONED)	
13.137	PARK SUPERVISOR I (COMMISSIONED)	
13.141	PARK RANGER III (COMMISSIONED)	
13.142	PARK RANGER II (COMMISSIONED)	
13.143	PARK RANGER I (COMMISSIONED)	
13.202	DPS MAJOR	
13.203	DPS CAPTAIN	
13.204	DPS LIEUTENANT	
13.205	DPS SERGEANT	
13.206	DPS OFFICER II	
13.207	DPS OFFICER I	
13.215	UNIVERSITY POLICE LIEUTENANT	
13.217	UNIVERSITY POLICE DETECTIVE	
13.221	UNIVERSITY POLICE SERGEANT	
13.222	UNIVERSITY POLICE OFFICER II	
13.223	UNIVERSITY POLICE OFFICER I	
13.234	SENIOR LAW ENFORCEMENT SPECIALIST	
13.241	SUPERVISORY CRIMINAL INVESTIGATOR II	
13.242	SUPERVISORY CRIMINAL INVESTIGATOR I	
13.243	CRIMINAL INVESTIGATOR III	
13.244	CRIMINAL INVESTIGATOR II	
13.245	CRIMINAL INVESTIGATOR I	
13.246	AG DEPUTY CHIEF INVESTIGATOR*	AG - ALL PCNS
13.247	AG CRIMINAL INVESTIGATOR, SUPERVISOR*	AG - ALL PCNS
13.248	AG CRIMINAL INVESTIGATOR II*	AG - ALL PCNS
13.249	AG CRIMINAL INVESTIGATOR I*	AG - ALL PCNS
13.251	CHIEF INVESTIGATOR, COMPLIANCE/ ENFORCEMENT	
13.255	SUPERVISORY COMPLIANCE/ENFORCEMENT	
13.256	COMPLIANCE/ENFORCEMENT INVESTIGATOR III	
13.257	COMPLIANCE/ENFORCEMENT INVESTIGATOR II	
13.258	COMPLIANCE/ENFORCEMENT INVESTIGATOR I	
13.263	UNIT MANAGER, YOUTH PAROLE BUREAU	
13.265	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 &	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	
U4706	ADMINISTRATOR, MINERALS	MIN - PCN 0001

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U9010	CHIEF, NEVADA HIGHWAY PATROL	
U9033	DEPUTY DIRECTOR, INDUSTRIAL PROGRAMS	
U9034	DEPUTY DIRECTOR, OPERATIONS SOUTH	
U9041	CHIEF GAME WARDEN	
U9074	PHARMACIST 1*	DHHS, NDOC - ALL PCNS
U9075	PHARMACIST 2*	DHHS - ALL EXCEPT PCN 3243-0014; NDOC - ALL PCNS
U9076	PHARMACIST 3*	DHHS, NDOC - ALL PCNS
U9085	SENIOR INSTITUTIONAL DENTIST (RANGE A)*	NDOC - ALL PCNS
U9086	SENIOR INSTITUTIONAL DENTIST (RANGE B)*	NDOC - ALL PCNS
U9087	SENIOR PHYSICIAN (RANGE C)*	DHHS, NDOC - ALL PCNS
U9088	SENIOR PSYCHIATRIST (RANGE C)*	DHHS, NDOC - ALL PCNS

LEGEND	
AG	Office of the Attorney General
AGR	Department of Agriculture
BCN	(Nevada System of Higher Education) Business Center North
BCN UNR	(Nevada System of Higher Education) Business Center North, University of Nevada Reno
B&I	Department of Business & Industry
DCNR	Department of Conservation & Natural Resources
DHHS	Department of Health & Human Services
DHHS PBH	Department of Health & Human Services, Division of Public & Behavioral Health
DMV	Department of Motor Vehicles
D of A	Department of Administration
DPS	Department of Public Safety
ESD	Department of Employment, Training & Rehabilitation, Employment Security Division
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
NSVH	Office of Veterans Services, Nevada State Veterans Home
SOS	Secretary of State
TAXI	Department of Business & Industry, Nevada Taxicab Authority
UNLV	(Nevada System of Higher Education) University of Nevada Las Vegas

FOR DISCUSSION AND POSSIBLE ACTION

NRS 284.4066 provides for the pre-employment testing for controlled substances of applicants for positions affecting public safety. This law requires the appointing authority to identify the specific positions that affect public safety, subject to the approval of the Personnel Commission.

The Division of Human Resource Management (the Division) in concurrence with the Department of Public Safety (DPS) is requesting the following positions be removed from the classes/positions approved for pre-employment screening for controlled substances for the provided reason(s):

AGENCY	CLASS/ TITLE CODE	TITLE	POSITION CONTROL NUMBER	REASON FOR ADDITION
DPS	7.901	Chief IT Manager	0005	Position removed from DPS
DPS	7.902	IT Manager III	0127	Position removed from DPS
DPS	7.904	IT Manager I	0020	Position removed from DPS
DPS	7.921	IT Professional IV	0010, 0025, 0036, 0040, 0045, 0100, 0111, 0125	Positions removed from DPS
DPS	7.925	IT Professional III	0055, 0070, 0105, 0112, 0115, 0120, 0128, 0130, 0135, 0145	Positions removed from DPS
DPS	7.926	IT Professional II	0015, 0050, 0110, 0200, 0201, 0202, 0251, 0260, 0450, 0677, 0681, 0129	Positions removed from DPS
DPS	7.928	IT Technician VI	0026, 0204, 0205	Positions removed from DPS

AGENCY	CLASS/ TITLE CODE	TITLE	POSITION CONTROL NUMBER	REASON FOR ADDITION
DPS	7.929	IT Professional I	0090	Position removed from DPS
DPS	7.935	IT Technician IV	0065, 0075, 0080, 0085, 0095, 0096	Positions removed from DPS
DPS	7.943	IT Technician Trainee	DPS – All PCNs	Positions removed from DPS
DPS	7.951	IT Professional Trainee	DPS – All PCNs	Positions removed from DPS

In August, the Administrator of the Department of Administration, Division of Enterprise IT Services (EITS) contacted the Division due to her concern that positions currently on the list of classes/positions approved for pre-employment drug testing had been moved from DPS to EITS. EITS' Administrator also indicated that EITS would not be requesting that these EITS positions be approved for pre-employment drug screening and that these positions are subject to a background check. The Division's Deputy Administrator, Shelley Blotter, also confirmed with DPS that removal of these positions from the list was appropriate.

NRS 284.4066 states that "each appointing authority shall, subject to the approval of the Commission, determine whether each of its positions of employment affects the public safety..." The determination of whether the positions affect "the public safety" has passed to the agency that currently has these positions, EITS. Additionally, these positions were approved with DPS position numbers and thus technically no longer exist. For these reasons, staff recommends the removal of the requested positions.



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
209 E Musser, Room 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov>

MEMORANDUM

August 31, 2017

TO: Mavis Affo, Personnel Officer
Department of Public Safety

FROM: Shelley Blotter, Deputy Administrator *SBlotter*
Division of Human Resource Management

SUBJECT: PRE-EMPLOYMENT DRUG TESTING

It has come to my attention that a number of positions in the information technology classes are no longer within the Department of Public Safety. As such, I would like to recommend to the Personnel Commission that the following positions be removed from the list of classes approved for pre-employment testing:

Class Code	Class Title	Positions
7.901	CHIEF IT MANAGER	DPS - PCN 0005
7.902	IT MANAGER III	DPS - PCNS 0127, 4709-0207
7.904	IT MANAGER I	DPS - PCN 0020
7.921	IT PROFESSIONAL IV	DPS - PCNS 0010, 0025, 0036, 0040, 0045, 0100, 0111, 0125, 4709-8032
7.925	IT PROFESSIONAL III	DPS - PCNS 0055, 0070, 0105, 0112, 0115, 0120, 0128, 0130, 0135, 0145, 4709-0150, 4709-8033
7.926	IT PROFESSIONAL II	DPS - PCNS 0015, 0050, 0110, 0200, 0201, 0202, 0251, 0260, 0450 0677, 0681, 0129
7.928	IT TECHNICIAN VI	DPS - PCNS 0026, 0204, 0205
7.929	IT PROFESSIONAL I	DPS - PCN 0090
7.935	IT TECHNICIAN IV	DPS - PCNS 0065, 0075, 0080, 0085, 0095, 0096
7.943	IT TECHNICIAN TRAINEE	DPS - ALL PCNS

Class Code	Class Title	Positions
7.951	IT PROFESSIONAL TRAINEE	DPS - ALL PCNS

Based upon a review of your position rosters, it appears that the following positions would remain on the list of positions approved for pre-employee testing as they remain within the Department of Public Safety:

Class Code	Class Title	Positions
7.902	IT MANAGER III	DPS - PCN 4709-0207
7.921	IT PROFESSIONAL IV	DPS - PCNS 4709-8032
7.925	IT PROFESSIONAL III	DPS - PCNS 4709-0150 and 4709-8033

With your approval, this change will be presented at a future meeting of the Personnel Commission.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me at sblotter@admin.nv.gov or at (775) 684-0105.

FOR DISCUSSION AND POSSIBLE ACTION

NRS 284.4066 provides for the pre-employment testing for controlled substances of applicants for positions affecting public safety. This law requires the appointing authority to identify the specific positions that affect public safety, subject to the approval of the Personnel Commission.

The 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):

AGENCY	CLASS/ TITLE CODE	TITLE	POSITION CONTROL NUMBER	REASON FOR ADDITION
DPS	12.616	Parole & Probation Specialist III	3740-1251, 3740-0564	Work within correctional facilities with in-person interactions with inmates

The above positions are part of a program which has the purpose of helping “support the efforts to successfully re-introduce offenders into our communities” and their work locations will be in correctional and transitional housing facilities. The Parole & Probation Specialist III positions’ duties will involve daily interactions with inmates. Additionally, Parole & Probation Specialist III positions with similar duties were previously approved for pre-employment screening for controlled substances.

Staff recommends the approval of the requested positions.

DPS has indicated that a representative will be available at the meeting to answer Commissioners’ questions.



DIRECTOR'S OFFICE

555 Wright Way
Carson City, Nevada 89711-0525
Telephone (775) 684-4808 • Fax (775) 684-4809

MEMORANDUM

Date: October 11, 2017

To: Shelley Blotter, Deputy Administrator
Division of Human Resource Management

Through: Carrie Hughes, Personnel Analyst III
Division of Human Resource Management

From: Mavis Affo, Human Resource Manager
Department of Public Safety

Subject: Pre-Employment Drug-Testing Request – P&P Re-Entry Program Positions

I am requesting that two Parole and Probation Specialist III positions be approved for pre-employment drug screening for controlled substances.

As part of the Division of Parole and Probation Re-Entry Program, the 2017 Legislature authorized the reclassification of two existing positions from P&P Specialist II to P&P Specialist III. The reclassifications have been completed, and the positions should have been added to the four positions that the Personnel Commission approved on September 29, 2017, for pre-employment drug screening. However, there was an error and the request to the Commission did not include the two positions identified below.

1. Parole and Probation Specialist III, B/A 3740, PCN 1251 – Casa Grande Transitional Housing Facility, Las Vegas
2. Parole and Probation Specialist III, B/A 3740, PCN 0564 – High Desert State Prison, Indian Springs

These positions are assigned to work within correctional facilities, where they have in-person and telephone interactions with inmates and parolees on a daily basis. Some of the duties include meeting with offenders to discuss and arrange pre-release, transitional housing, rehabilitation and employment functions.

As these positions are located within correctional facilities, it is important for candidates for the positions to undergo pre-employment drug screening to help identify potential substance abuse issues. Further, the Parole and Probation Specialist positions have interactions with inmates/offenders that are similar to the Correctional Casework Specialist positions, which have been approved for pre-employment screening for controlled substances.

In addition, the incumbents in these positions have more day-to-day interactions with offenders than a typical employee assigned to work within the Division's administrative offices. With such frequent interactions with offenders, there is potential to form bonds or establish relationships with the offenders, which could lead to corruption. As such, failure to screen candidates for substance abuse issues could result in criminal acts if the employees bring contraband into the correctional facilities. Subsequently, the Department and ultimately the State could be exposed to legal liabilities. Therefore, I respectfully request that the positions be approved for pre-employment screening for controlled substances.

If you have any questions, please contact me at 775-684-4703 or maffo@dps.state.nv.us.

Thank you.

Personnel Commission Meeting
December 7, 2017

FOR INFORMATION ONLY

Attached are several items included for your information and consideration with regard to the proposed regulations. Assembly Bill (AB) 192, AB 309, AB 384, and Senate Bill 361 from the 2017 Legislative Session have been included, as they are the basis of a number of regulations proposed for permanent adoption. The minutes of the July 11th and August 30th regulation workshops, and the Small Business Impact Statement have also been provided, as they are related to all regulations proposed for permanent adoption.

Assembly Bill No. 192—Assemblymen Sprinkle;
Benitez-Thompson and Frierson

CHAPTER.....

AN ACT relating to the state personnel system; revising provisions governing the temporary limited appointment of persons with disabilities by state agencies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law encourages and authorizes agencies of the Executive Department of the State Government and counties and cities to make temporary limited appointments of certified persons with disabilities to positions in government service for a period not to exceed 700 hours even though the positions being filled are continuing positions. This provision of existing law is commonly referred to as the “700-hour program.” Under existing law, if a person appointed pursuant to the program is subsequently appointed to a permanent position during or after the 700-hour period, the 700 hours or the portion of the 700 hours completed counts toward the employee’s probationary period. (NRS 245.185, 268.4065, 284.327) With limited exceptions, this bill requires rather than authorizes appointing authorities for positions in the state service to make such temporary limited appointments. This bill further requires each such appointing authority to ensure that at least one person on the staff of the appointing authority satisfies certain training requirements.

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

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

Section 1. NRS 284.327 is hereby amended to read as follows:
284.327 1. ~~For~~ *Except as otherwise provided in subsection 4, if an appointing authority has a position available and the position is not required to be filled in another manner pursuant to this chapter, to* assist persons with disabilities certified by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, *the* appointing ~~authorities are encouraged and authorized to~~ *authority shall, if possible,* make a temporary limited ~~appointments~~ *appointment* of a certified ~~persons with disabilities~~ *person with a disability* for a period not to exceed 700 hours notwithstanding that the ~~positions~~ *position* so filled ~~are continuing positions.~~ *is a continuing position.*

2. A person with a disability who is certified by the Rehabilitation Division must be placed on the appropriate list for which the person is eligible. Each such person must ~~possess~~ :

(a) *Possess* the training and ~~experience~~ *skills* necessary for the position for which the person is certified ~~;~~ *;* and



(b) Be able to perform, with or without accommodation, the essential functions of that position.

3. The Rehabilitation Division must be notified of an appointing authority's request for a list of eligibility on which the names of one or more certified persons with disabilities appear. A temporary limited appointment of a certified person with a disability pursuant to this section constitutes the person's examination as required by NRS 284.215.

~~12.1~~ 4. *An appointing authority shall not make a temporary limited appointment of a certified person with a disability pursuant to this section:*

(a) If the certified person with a disability currently receives benefits from the agency of the Executive Department of the State Government in which the position exists; or

(b) In any other circumstances that the appointing authority determines would create an actual or potential conflict of interest between the certified person with the disability and the agency of the Executive Department of the State Government in which the position exists.

5. *Each appointing authority shall ensure that there is at least one person on the staff of the appointing authority who has training concerning:*

(a) Making a temporary limited appointment of a certified person with a disability pursuant to this section; and

(b) The unique challenges a person with a disability faces in the workplace.

6. The Commission shall adopt regulations to carry out the provisions of ~~subsection 1.~~

~~3.1~~ *subsections 1 and 2.*

7. This section does not deter or prevent appointing authorities from employing:

(a) A person with a disability if the person is available and eligible for permanent employment.

(b) A person with a disability who is employed pursuant to the provisions of subsection 1 in permanent employment if the person qualifies for permanent employment before the termination of the person's temporary limited appointment.

~~14.1~~ 8. If a person appointed pursuant to this section is subsequently appointed to a permanent position during or after the 700-hour period, the 700 hours or portion thereof counts toward the employee's probationary period.



Sec. 2. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.



Assembly Bill No. 309—Assemblymen Cohen, Miller, Yeager,
Watkins, Frierson; Benitez-Thompson, Fumo, Jauregui,
Monroe-Moreno, Sprinkle and Swank

Joint Sponsors: Senators Spearman and Parks

CHAPTER.....

AN ACT relating to state employment; imposing additional duties on the Administrator of the Division of Human Resource Management of the Department of Administration and certain state agencies relating to veterans and certain widows and widowers; revising provisions governing the preference provided to veterans and certain other persons relating to employment in the classified service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Administration to provide an annual report of the total number of veterans employed by each agency in the State to the Interagency Council on Veterans Affairs, which includes the Director of the Department of Veterans Services as one of its members. (NRS 417.0191, 417.0194)

Section 3 of this bill requires the Administrator of the Division of Human Resource Management of the Department of Administration to submit to: (1) the Director of the Department of Veterans Services and make available to the public a monthly report listing the names of all veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who are employed in the classified or unclassified service of the State; and (2) the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature a quarterly report on the number of veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who were hired in the classified or unclassified service of the State during the quarter. **Section 6** of this bill makes a conforming change to the annual report. Finally, **section 3** requires the Administrator to ensure that the percentage of officers and employees in such state employment that are veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, is proportional to the percentage of veterans and, to the extent the information is available, such widows and widowers, who reside in this State and are in the labor force.

Existing law requires, with certain exceptions, state agencies in the Executive Department of the State Government to periodically report to the Administrator of the Division of Human Resource Management any appointment, transfer, separation, suspension, reinstatement or any reduction or other change to a position in the public service. (NRS 284.121) **Section 4** of this bill requires that such a report include whether the affected appointee or employee is a veteran or, to the extent the information is available, a widow or widower of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

Under existing law, the State is required, in establishing lists of persons eligible for appointment or promotion to positions in the classified service, to add 10 points to the passing grade on a competitive examination of a veteran with a disability and



5 points to a passing grade on such an examination of a veteran who does not have a disability or a widow or widower of a veteran. Existing law authorizes the application of such preference points to any open competitive examination in the classified service, but only to one promotional examination. (NRS 284.260)

Section 5 of this bill provides that 10 preference points must be added to the passing grade of all veterans and to the passing grade of widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States. **Section 5** also provides that a person who qualifies under more than one category for preference points cannot combine all those points but is entitled to receive points for only one qualifying category that is most beneficial to the person. Finally, **section 5** removes the restriction on applying such preference points to more than one promotional examination.

Existing law requires, with certain exceptions, a state agency in the Executive Department of the State Government to give notice to the Administrator of the Division of Human Resource Management of its intention to fill certain vacant positions in the classified service. After receipt of such notice, the Administrator is required to certify from the list of eligible persons, appropriate to the grade and class in which the position is classified, the names of the persons with the highest scores and, if so certified, the appointing state agency may interview those persons for the position. (NRS 284.265) **Section 5.5** of this bill requires the Administrator to certify additionally for the position the name of any veteran with a service-connected disability who is also on the list of eligible persons and, if so certified, the appointing state agency must interview the veteran for the position.

Under existing law, certain vacant positions in the classified service are not filled by using the foregoing procedure. (Chapter 284 of NRS; chapter 284 of NAC) With regard to such positions, **section 5.5** requires the appointing state agency to interview for the position each veteran with a service-connected disability who is a qualified applicant for the position. Additionally, if there are veterans without a service-connected disability who are qualified applicants for the position, **section 5.5** requires the appointing state agency to interview for the position a number of such veterans that is equal to at least 22 percent of the total number of qualified applicants interviewed for the position or, if there is not a sufficient number to reach that percentage, interview for the position each such veteran who is a qualified applicant for the position.

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

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

Section 1. NRS 284.015 is hereby amended to read as follows:
284.015 As used in this chapter, unless the context otherwise requires:

1. “Administrator” means the Administrator of the Division.
2. “Commission” means the Personnel Commission.
3. “Disability,” includes, but is not limited to, physical disability, intellectual disability and mental or emotional disorder.
4. “Division” means the Division of Human Resource Management of the Department of Administration.



5. "Essential functions" has the meaning ascribed to it in 29 C.F.R. § 1630.2.

6. "Public service" means positions providing service for any office, department, board, commission, bureau, agency or institution in the Executive Department of the State Government operating by authority of the Constitution or law, and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources.

7. *"Veteran" has the meaning ascribed to it in NRS 417.005.*

8. *"Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843 and includes a veteran who is deemed to be a veteran with a service-connected disability pursuant to section 1 of Senate Bill No. 191 of this session.*

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 284.105 is hereby amended to read as follows:

284.105 1. The Administrator shall direct and supervise all administrative and technical activities of the Division.

2. In addition to the duties imposed upon the Administrator elsewhere in this chapter, the Administrator shall:

(a) Apply and carry out the provisions of this chapter and the regulations adopted pursuant to it.

(b) Establish objectives for the Division in terms which are specific, measurable and conducive to reliable evaluation, and develop a plan for accomplishing those objectives.

(c) Establish a system of appropriate policies for each function within the Division.

(d) Attend all meetings of the Commission.

(e) Advise the Commission with respect to the preparation and adoption of regulations to carry out the provisions of this chapter.

(f) Report to the Governor and the Commission upon all matters concerning the administration of the Administrator's office and request the advice of the Commission on matters concerning the policies of the Division, but the Administrator is responsible for the conduct of the Division and its administrative functions unless otherwise provided by law.

(g) Establish and maintain a roster of all employees in the public service. The roster must set forth, as to each employee:

(1) The class title of the position held.

(2) The salary or pay.

(3) Any change in class title, pay or status.

(4) Other pertinent data.



(h) Submit to the Director of the Department of Veterans Services and make available to the public a monthly report which lists the names of all veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who are employed in the classified or unclassified service of the State.

(i) Submit to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature a report for each calendar quarter on the total combined number of veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who were hired in the classified or unclassified service of the State during the quarter.

(j) Ensure, to the extent practicable, that the combined total percentage of officers and employees in public service who are veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, is proportional to the combined total percentage of veterans and, to the extent the information is available, such widows and widowers, who reside in this State and are in the labor force.

(k) In cooperation with appointing authorities and others, foster and develop programs for improving the effectiveness and morale of employees, including training and procedures for hearing and adjusting grievances.

~~(l)~~ *(l)* Encourage and exercise leadership in the development of effective personnel administration within the several departments in the public service, and make available the facilities and services of the Division and its employees to this end.

~~(m)~~ *(m)* Make to the Commission and to the Governor such special reports as the Administrator may consider desirable.

~~(n)~~ *(n)* Maintain a continuous program of recruiting for the classified service.

~~(o)~~ *(o)* Perform any other lawful acts which the Administrator may consider necessary or desirable to carry out the purposes and provisions of this chapter.

Sec. 4. NRS 284.121 is hereby amended to read as follows:

284.121 Each appointing authority shall report to the Administrator in writing, from time to time, any appointment, transfer, separation, suspension, reinstatement or any reduction or other change to a position in the public service. The report must contain:



1. The name of the appointee or employee.
2. The title and status of the employment of the appointee or employee.
3. The date of commencement of the action.
4. The salary or compensation of the appointee or employee.
5. *Whether the appointee or employee is a veteran or, to the extent the information is available, a widow or widower of a person killed in the line of duty while on active duty in the Armed Forces of the United States.*

Sec. 5. NRS 284.260 is hereby amended to read as follows:

284.260 1. In establishing the lists of eligible persons, ~~certain~~ *the following* preferences must be allowed ~~for~~, *except that if a person qualifies for more than one of the following preferences, the person is not entitled to combine preference points for each such qualifying preference but is entitled to receive preference points for only one such qualifying preference that is most beneficial to the person:*

(a) ~~[Veterans not dishonorably discharged from the Armed Forces of the United States.]~~ For veterans, ~~[with disabilities.]~~ 10 points must be added to the passing grade achieved on the examination.

(b) *For widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, 10 points must be added to the passing grade achieved on the examination.*

(c) For ~~[ex-servicemen and women who have not suffered disabilities, and for the]~~ widows and widowers of veterans, 5 points must be added to the passing grade achieved on the examination.

~~[(b) Members of the Nevada National Guard.]~~

(d) For a member of the Nevada National Guard who submits a letter of recommendation from the commanding officer of the member's unit, 5 points must be added to the passing grade achieved on the examination.

2. Any person qualifying for preference points pursuant to subsection 1 is entitled to have the points applied to any open competitive *or promotional* examination in the classified service. ~~but only to one promotional examination.~~

~~3. For the purposes of this section, "veteran" has the meaning ascribed to "eligible veteran" in 38 U.S.C. § 4211.]~~

Sec. 5.5. NRS 284.265 is hereby amended to read as follows:

284.265 1. Except as otherwise provided in NRS 284.305, appointing authorities shall give notice to the Administrator of their intention to fill any vacancy in the classified service.



2. Except as otherwise provided in this ~~section,~~ *subsection*, within a reasonable time after the receipt of the notice, the Administrator shall certify from the list of eligible persons, appropriate for the grade and class in which the position is classified ~~to the~~:

(a) *The* five names at the head thereof. If the competitive examination for that position is scored to the nearest one-hundredth of a point and there are more than five persons having the five highest scores, the names of each of those persons must be so certified.

(b) *Unless otherwise included among the names certified pursuant to paragraph (a), the name of any eligible person on the list who is a veteran with a service-connected disability. The appointing authority shall interview for the position each veteran with a service-connected disability who is so certified.*

3. *If, pursuant to this chapter or the regulations adopted pursuant thereto, the process for filling the position in the classified service is not governed by the provisions of subsection 2, the appointing authority shall:*

(a) *Interview for the position each veteran with a service-connected disability who is a qualified applicant for the position; and*

(b) *If there are veterans without a service-connected disability who are qualified applicants for the position, interview for the position a number of such veterans that is equal to at least 22 percent of the total number of qualified applicants interviewed for the position or, if there is not a sufficient number to reach that percentage, interview for the position each such veteran who is a qualified applicant for the position. For the purpose of calculating percentages pursuant to this paragraph, percentages that are not whole numbers must be rounded to the next highest whole number.*

Sec. 6. NRS 417.0194 is hereby amended to read as follows:

417.0194 1. Each state agency and regulatory body identified in subsections 2 to 15, inclusive, shall report, subject to any limitations or restrictions contained in any state or federal law governing the privacy or confidentiality of records, the data identified in subsections 2 to 15, inclusive, as applicable, to the Interagency Council on Veterans Affairs. Each state agency and regulatory body shall submit such information to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.



2. The Department of Administration shall provide:

(a) Descriptions of and the total amount of the grant dollars received for veteran-specific programs;

(b) The total *combined* number of veterans *and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who are* employed by each agency in the State; and

(c) The total number of veterans with service-connected disabilities who are seeking preferences through the Purchasing Division and the State Public Works Division of the Department of Administration pursuant to NRS 333.3366 and 338.13844.

3. The State Department of Conservation and Natural Resources shall provide the total number of veterans receiving:

(a) Expedited certification for the grade I certification examination for wastewater treatment plant operators based on their military experience; and

(b) Any discounted fees for access to or the use of state parks.

4. The Department of Corrections shall provide:

(a) An annual overview of the monthly population of inmates in this State who are veterans; and

(b) The success rates for any efforts developed by the Incarcerated Veterans Reintegration Council.

5. The Office of Economic Development shall provide an overview of the workforce that is available statewide of veterans, organized by O*NET-SOC code from the United States Department of Labor or the trade, job title, employment status, zip code, county, highest education level and driver's license class.

6. The Department of Education shall provide the distribution of dependents of service members enrolled in Nevada's public schools.

7. The Department of Employment, Training and Rehabilitation shall provide a summary of:

(a) The average number of veterans served by a veteran employment specialist of the Department per week;

(b) The average number of initial and continuing claims for benefits filed per week by veterans pursuant to NRS 612.455 to 612.530, inclusive;

(c) The average weekly benefit received by veterans receiving benefits pursuant to chapter 612 of NRS; and

(d) The average duration of a claim by claimants who are veterans receiving benefits pursuant to chapter 612 of NRS.



8. The Department of Health and Human Services shall provide:

(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the State Emergency Medical Systems program; and

(b) A report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State.

9. The Department of Motor Vehicles shall provide:

(a) The total number of veterans who have declared themselves as a veteran and who applied for and received a commercial driver's license;

(b) The average monthly total of veteran license plates issued; and

(c) An overview of the data on veterans collected pursuant to NRS 483.292, 483.852 and 483.927.

10. The Adjutant General shall provide the total number of:

(a) Members of the Nevada National Guard using waivers for each semester and identifying which schools accepted the waivers;

(b) Members of the Nevada National Guard identified by Military Occupational Specialty and zip code; and

(c) Members of the Nevada National Guard employed under a grant from Beyond the Yellow Ribbon.

11. The Department of Public Safety shall provide the percentage of veterans in each graduating class of its academy for training peace officers.

12. The Department of Taxation shall provide the total number of veterans receiving tax exemptions pursuant to NRS 361.090, 361.091, 361.155, 371.103 and 371.104.

13. The Department of Wildlife shall provide the total number of:

(a) Veterans holding hunting or fishing licenses based on disability; and

(b) Service members holding hunting or fishing licenses who are residents of this State but are stationed outside this State.

14. The Commission on Postsecondary Education shall provide, by industry, the total number of schools in this State approved by the United States Department of Veterans Affairs that are serving veterans.

15. Each regulatory body shall provide the total number of veterans and service members applying for licensure by the regulatory body.



16. The Council shall, upon receiving the information submitted pursuant to this section, synthesize and compile the information, including any recommendations of the Council, and submit the information with the report submitted pursuant to subsection 8 of NRS 417.0195.

17. As used in this section:

(a) "Regulatory body" has the meaning ascribed to it in NRS 622.060.

(b) "Service member" has the meaning ascribed to it in NRS 125C.0635.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2017, for all other purposes.



Assembly Bill No. 384—Assemblymen Thompson, McCurdy II, Flores, Araujo, Carrillo; Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Daly, Frierson, Fumo, Miller, Monroe-Moreno, Neal, Ohrenschall, Sprinkle and Yeager

Joint Sponsors: Senators Ford, Atkinson, Spearman, Cancela, Parks; Denis, Segerblom and Woodhouse

CHAPTER.....

AN ACT relating to public employment; providing generally that the criminal history of an applicant or other qualified person under consideration for a position in the unclassified or classified service of the State may be considered only under certain circumstances; prohibiting the Administrator, when examining an applicant for a position in the classified service of the State, from considering the criminal history of the applicant; providing that, except in certain circumstances, the criminal history of a person may serve as the basis for the Administrator to refuse to certify an applicant or for rescission of a conditional offer of employment in the unclassified or classified service of the State only after consideration of certain factors relating to the criminal history of the person; providing for written notice to a person if the criminal history of the person is the basis for the Administrator's refusal to certify the person or for the rescission of a conditional offer of employment; establishing similar provisions relating to the consideration by the governing body of a county, incorporated city or unincorporated town of the criminal history of an applicant for employment by a county, incorporated city or unincorporated town; authorizing the filing of a complaint with the Nevada Equal Rights Commission under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs generally the employment of persons in the classified and unclassified service of the State. Existing law further establishes the duties of the Administrator of the Division of Human Resource Management of the Department of Administration with regard to administering competitive examinations of persons seeking employment in the classified service of the State and maintaining a list of eligible persons for employment in the classified service. (Chapter 284 of NRS) Under existing law, the Administrator may refuse to examine an applicant or refuse to certify an eligible person if the person has been found guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct. (NRS 284.240)



Section 2 of this bill provides, with exceptions, that the criminal history of an applicant or other qualified person under consideration for employment in the unclassified service of the State may be considered only after the earliest of: (1) the final interview conducted in person; (2) the appointing authority has made a conditional offer of employment to the applicant; or (3) if applicable, the applicant has been certified by the Administrator. **Section 3** of this bill prohibits the Administrator from considering the criminal history of an applicant in examining the applicant. Additionally, **section 3** provides, with exceptions, that the criminal history of an applicant for a position in the classified service may be considered only after the earliest of: (1) the final interview conducted in person; (2) the applicant has been certified by the Administrator; or (3) the appointing authority has made a conditional offer of employment to the applicant. **Sections 2 and 3** set forth specific factors that must be considered by an appointing authority or the Administrator before the criminal history of an applicant may be used as the basis for rescinding a conditional offer of employment or for rejection of the applicant, including: (1) whether any criminal offense charged against or committed by the person directly relates to the responsibilities of the position for which the person has applied; (2) the nature and severity of each criminal offense charged against or committed by the person; (3) the age of the person at the time of the commission of each criminal offense; (4) the period of time between the commission of each criminal offense and the date of the application for employment; and (5) any information or documentation demonstrating the person's rehabilitation. **Sections 5, 6 and 6.3** of this bill establish similar provisions relating to the consideration by the governing body of a county, incorporated city or unincorporated town, respectively, of the criminal history of an applicant for employment by the county, incorporated city or unincorporated town. **Sections 2, 3, 5, 6 and 6.3** provide that if the criminal history of an applicant is used as the basis for rejecting the applicant or rescinding a conditional offer of employment extended to the applicant, the appointing authority or the governing body of the county, incorporated city or unincorporated town, as applicable, must provide to the applicant a written statement which must specifically state the evidence presented and the reason for the rejection of the applicant or rescission of the conditional offer of employment. **Sections 2, 3, 5, 6 and 6.3** also prohibit the appointing authority or the governing body of a county, incorporated city or unincorporated town from considering certain criminal records. **Sections 2, 3, 5, 6 and 6.3** also require the appointing authority or the governing body of a county, incorporated city or unincorporated town to include certain information in an application for employment. **Sections 2, 3, 5, 6 and 6.3** do not apply to any applicant for employment: (1) as a peace officer or firefighter; or (2) in any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.

Existing law declares certain employment practices to be unlawful and authorizes any person injured by such a practice to file a complaint with the Nevada Equal Rights Commission. Generally, the Commission has jurisdiction only over practices involving discrimination on the basis of race, color, sex and certain other enumerated characteristics. (NRS 613.330, 613.405) **Section 6.5** of this bill provides that an employer that is subject to the requirements of **section 2, 3, 5, 6 or 6.3** and fails to follow the procedure required by those sections in considering the criminal history of an applicant for employment thereby engages in an unlawful employment practice. **Section 6.7** of this bill provides that the applicant in such a case may file a complaint with the Commission, regardless of whether the complaint is based on race, color, sex or some other characteristic enumerated in existing law.



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 and 3 of this act.

Sec. 2. 1. *Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the criminal history of an applicant or other qualified person for a position in the unclassified service of the State may be considered only after the earliest of:*

- (a) The final interview conducted in person;*
- (b) The appointing authority has extended to the applicant a conditional offer of employment; or*
- (c) If applicable, the applicant has been certified by the Administrator.*

2. An appointing authority may, before examining an applicant or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, an appointing authority may rescind a conditional offer of employment extended to an otherwise qualified person who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

- (a) Whether any criminal offense charged against the person or committed by the person directly relates to the responsibilities of the position for which the person has applied or is being considered;*
- (b) The nature and severity of each criminal offense charged against the person or committed by the person;*
- (c) The age of the person at the time of the commission of each criminal offense;*
- (d) The period between the commission of each criminal offense and the date of the application for employment in the unclassified service; and*



(e) Any information or documentation demonstrating the person's rehabilitation.

4. An appointing authority shall not consider any of the following criminal records in connection with an application for employment:

(a) Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rescinding a conditional offer of employment, rescission of the conditional offer of employment must:

(a) Be made in writing;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rescission of the offer; and

(c) Provide an opportunity for the applicant to discuss the basis for the rescission of the offer with the director of human resources for the appointing authority or a person designated by the director.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The appointing authority will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to any applicant for employment:

(a) As a peace officer or firefighter; or

(b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.

Sec. 3. 1. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person:



(a) The Administrator shall not consider the criminal history of an applicant in examining the applicant.

(b) The criminal history of an applicant for a position in the classified service may be considered only after the earliest of:

(1) The final interview conducted in person;

(2) The applicant has been certified by the Administrator;

or

(3) The appointing authority has extended to the applicant a conditional offer of employment.

2. The Administrator may, before examining an applicant or certifying an eligible person, notify the applicant or eligible person of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the Administrator may refuse to certify an eligible person and an appointing authority may rescind a conditional offer of employment extended to an otherwise qualified person who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense charged against the person or committed by the person directly relates to the responsibilities of the position for which the person has applied or is being considered;

(b) The nature and severity of each criminal offense charged against the person or committed by the person;

(c) The age of the person at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for or consideration of employment in the classified service; and

(e) Any information or documentation demonstrating the person's rehabilitation.

4. The Administrator shall not consider any of the following criminal records in connection with an application for employment:

(a) Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or



(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must:

(a) Be made in writing;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and

(c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the director of human resources for the appointing authority or a person designated by the director.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The Administrator will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to any applicant for employment:

(a) As a peace officer or firefighter; or

(b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.

Sec. 4. NRS 284.240 is hereby amended to read as follows:

284.240 The Administrator may refuse to examine an applicant or, after examination, may refuse to certify an eligible person who:

1. Lacks any of the preliminary requirements established for the examination for the position or employment for which the applicant or eligible person applies.

2. Submitted to a screening test administered pursuant to NRS 284.4066, the results of which indicated the presence of a controlled substance, and the person did not provide the proof required by NRS 284.4066.

3. ~~Has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct.~~



~~4.~~ Has been dismissed from the public service for delinquency or misconduct.

~~5.~~ 4. Has made a false statement of any material fact.

~~6.~~ 5. Has, directly or indirectly, given, rendered or paid, or promised to give, render or pay, any money, service or other valuable thing to any person for, or on account of or in connection with, the examination, appointment or proposed appointment of the applicant or eligible person.

~~7.~~ 6. Has practiced, or attempted to practice, any deception or fraud in the application, certificate or examination of the applicant or eligible person, or in securing the eligibility or appointment of the applicant or eligible person.

Sec. 5. Chapter 245 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the criminal history of an applicant for employment by a county may be considered only after the earlier of:

(a) The final interview conducted in person; or

(b) The county has extended to the applicant a conditional offer of employment.

2. The board of county commissioners, a county officer or any other person acting on behalf of a county may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the board of county commissioners, a county officer or any other person acting on behalf of a county may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense charged against the applicant or committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;



(b) The nature and severity of each criminal offense charged against the applicant or committed by the applicant;

(c) The age of the applicant at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for employment; and

(e) Any information or documentation demonstrating the applicant's rehabilitation.

4. The board of county commissioners, a county officer or any other person acting on behalf of a county shall not consider any of the following criminal records in connection with an application for employment:

(a) Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must:

(a) Be made in writing;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and

(c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the director of the department of human resources of the county or a person designated by the director.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The board of county commissioners, a county officer or any other person acting on behalf of the county will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.



7. This section does not apply to any applicant for employment:

- (a) As a peace officer or firefighter; or*
- (b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.*

Sec. 6. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the criminal history of an applicant for employment by an incorporated city may be considered only after the earlier of:

- (a) The final interview conducted in person; or*
- (b) The incorporated city has extended to the applicant a conditional offer of employment.*

2. The governing body of an incorporated city or a city officer may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the governing body or a city officer may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

- (a) Whether any criminal offense charged against the applicant or committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;*
- (b) The nature and severity of each criminal offense charged against the applicant or committed by the applicant;*

(c) The age of the applicant at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for employment; and

(e) Any information or documentation demonstrating the applicant's rehabilitation.



4. The governing body of an incorporated city or a city officer shall not consider any of the following criminal records in connection with an application for employment:

(a) Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must:

(a) Be made in writing;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and

(c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the director of the department of human resources of the incorporated city or a person designated by the director.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The governing body of an incorporated city or a city officer will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to any applicant for employment:

(a) As a peace officer or firefighter; or

(b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.

Sec. 6.3. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular



position because of the particular criminal history of the person, the criminal history of an applicant for employment by an unincorporated town may be considered only after the earlier of:

(a) The final interview conducted in person; or

(b) The unincorporated town has extended to the applicant a conditional offer of employment.

2. The town board, the board of county commissioners or any other person acting on behalf of an unincorporated town may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the town board, the board of county commissioners or any other person acting on behalf of an unincorporated town may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense charged against the applicant or committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;

(b) The nature and severity of each criminal offense charged against the applicant or committed by the applicant;

(c) The age of the applicant at the time of the commission of each offense;

(d) The period between the commission of each criminal offense and the date of the application for employment; and

(e) Any information or documentation demonstrating the applicant's rehabilitation.

4. A town board, the board of county commissioners or any other person acting on behalf of an unincorporated town shall not consider any of the following criminal records in connection with an application for employment:

(a) Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or



(c) An infraction or misdemeanor in which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of the offer of employment must:

(a) Be made in writing;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and

(c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the director of the department of human resources of the unincorporated town or a person designated by the director.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The town board, the board of county commissioners or any other person acting on behalf of the unincorporated town will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to any applicant for employment:

(a) As a peace officer or firefighter; or

(b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.

Sec. 6.5. NRS 613.330 is hereby amended to read as follows:

613.330 1. Except as otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer:

(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or



(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his or her status as an employee, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin.

2. It is an unlawful employment practice for an employment agency to:

(a) Fail or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person; or

(b) Classify or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person.

3. It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;

(b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive the person of employment opportunities, or would limit the person's employment opportunities or otherwise adversely affect the person's status as an employee or as an applicant for employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or

(c) To cause or attempt to cause an employer to discriminate against any person in violation of this section.

4. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including, without limitation, on-the-job training programs, to discriminate against any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

5. Except as otherwise provided in subsection 6, it is an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee to discriminate against a person with a disability by interfering,



directly or indirectly, with the use of an aid or appliance, including, without limitation, a service animal, by such a person.

6. It is an unlawful employment practice for an employer, directly or indirectly, to refuse to permit an employee with a disability to keep the employee's service animal with him or her at all times in his or her place of employment, except that an employer may refuse to permit an employee to keep a service animal that is a miniature horse with him or her if the employer determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.

7. *It is an unlawful employment practice for an appointing authority governed by the provisions of chapter 284 of NRS, the Administrator of the Division of Human Resource Management of the Department of Administration or the governing body of a county, incorporated city or unincorporated town to consider the criminal history of an applicant for employment without following the procedure required in section 2, 3, 5, 6 or 6.3 of this act, as applicable.*

8. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.

Sec. 6.7. NRS 613.405 is hereby amended to read as follows:
613.405 ~~Any~~

1. *Except as otherwise provided in subsection 2, any person injured by an unlawful employment practice within the scope of NRS 613.310 to 613.435, inclusive, may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.*

2. *Any person injured by an unlawful employment practice within the scope of subsection 7 of NRS 613.330 may file a complaint to that effect with the Nevada Equal Rights Commission regardless of whether the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.*

Sec. 7. This act becomes effective on January 1, 2018.



CHAPTER.....

AN ACT relating to domestic violence; providing under certain circumstances for hours of leave if an employee is a victim of an act which constitutes domestic violence; prohibiting the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation from disqualifying certain persons from receiving unemployment benefits under certain circumstances; prohibiting employers from conditioning employment in certain circumstances; revising the list of persons against whom domestic violence may be committed; revising provisions that exclude certain misdemeanor offenses related to domestic violence from provisions that limit the time of day that an arrest for a misdemeanor may be made; increasing the penalty for a battery which constitutes domestic violence in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain unlawful acts which constitute domestic violence when committed against certain specified persons. (NRS 33.018) **Section 1** of this bill requires an employer to provide certain hours of leave to an employee who has been employed by the employer for at least 90 days and who is a victim of an act which constitutes domestic violence, or such an employee whose family or household member is a victim of an act which constitutes domestic violence and the employee is not the alleged perpetrator. **Section 1** specifically requires that such an employee is entitled to 160 hours of leave during a 12-month period. Such leave: (1) may be paid or unpaid; (2) must be used within the 12 months immediately following the date on which the act which constitutes domestic violence occurred; (3) may be used consecutively or intermittently; and (4) under certain circumstances, must be deducted from leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq. **Section 1** authorizes an employee to use the leave for purposes related to a person who is a victim of an act which constitutes domestic violence. **Section 1** additionally requires an employer to maintain a record of the use of the hours of leave for each employee for a 2-year period and to make those records available for inspection by the Labor Commissioner. Finally, **section 1** requires the Labor Commissioner to prepare a bulletin setting forth the right to these benefits and requires employers to post the bulletin in the workplace.

Section 4 of this bill prohibits the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation from disqualifying a person from receiving unemployment compensation benefits if: (1) the person left employment to protect himself or herself, or his or her family or household member, from an act which constitutes domestic violence; and (2) the



person actively engaged in an effort to preserve employment. **Section 4** also authorizes the Administrator to request evidence from the person to support a claim for benefits.

Section 6 of this bill requires an employer to provide reasonable accommodations which will not create an undue hardship for 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.

Section 7 of this bill prohibits an employer from conditioning the employment of an employee or prospective employee or taking certain employment actions because: (1) the employee is a victim of an act which constitutes domestic violence; (2) the employee's family or household member is a victim of an act which constitutes domestic violence; or (3) of other circumstances related to being a victim of an act which constitutes domestic violence.

Section 7.5 of this bill revises the list of persons against whom domestic violence may be committed to remove certain persons with whom the person is or was actually residing. **Section 8.3** of this bill makes a conforming change.

Existing law establishes the acts which constitute domestic violence, including committing a battery against a person with whom the aggressor has a certain relationship. (NRS 33.018) Under existing law, a person who is convicted of a third or subsequent offense of battery which constitutes domestic violence within 7 years is guilty of a category C felony. Additionally, if a person is convicted of a battery which constitutes domestic violence that is committed by strangulation, the person is guilty of a category C felony. (NRS 200.485) **Section 9** of this bill makes it a category B felony punishable by a minimum term of imprisonment of 2 years and a maximum term of 15 years, and a fine of not less than \$2,000 but not more than \$5,000, to commit a battery which constitutes domestic violence if the person has previously been convicted of: (1) a felony in this State for committing battery which constitutes domestic violence; or (2) a violation of the law of any other jurisdiction that prohibits conduct that is the same or similar to a felony in this State for committing a battery which constitutes domestic violence.

Existing law limits the time of day that an arrest for a misdemeanor may be made. Under existing law, a battery that constitutes domestic violence is excluded from such time limits and under certain circumstances such an arrest must be made. (NRS 171.136, 171.137) **Section 8.7** of this bill makes conforming changes by deleting the reference to battery that constitutes domestic violence and instead providing that an arrest for battery committed upon certain persons, including a person with whom the person to be arrested is or was actually residing, may be made at any time of day if the circumstances prescribed by existing law for mandatory arrest for such an offense are met.

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 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee who has been employed by an employer for at least 90 days and 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 entitled to not more than 160 hours of leave in one 12-month period. Hours of leave provided pursuant to this subsection:

(a) May be paid or unpaid by the employer;

(b) Must be used within the 12 months immediately following the date on which the act which constitutes domestic violence occurred;

(c) May be used consecutively or intermittently; and

(d) If used for a reason for which leave may also be taken pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., must be deducted from the amount of leave the employee is entitled to take pursuant to this section and from the amount of leave the employee is entitled to take pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

2. An employee may use the hours of leave pursuant to subsection 1 as follows:

(a) An employee may use the hours of leave only:

(1) For the diagnosis, care or treatment of a health condition related to an act which constitutes domestic violence committed against the employee or family or household member of the employee;

(2) To obtain counseling or assistance related to an act which constitutes domestic violence committed against the employee or family or household member of the employee;

(3) To participate in any court proceedings related to an act which constitutes domestic violence committed against the employee or family or household member of the employee; or

(4) To establish a safety plan, including, without limitation, any action to increase the safety of the employee or the family or household member of the employee from a future act which constitutes domestic violence.

(b) After taking any hours of leave upon the occurrence of the act which constitutes domestic violence, an employee shall give not less than 48 hours' advance notice to his or her employer of the need to use additional hours of leave for any purpose listed in paragraph (a).

3. An employer shall not:

(a) Deny an employee the right to use hours of leave in accordance with the conditions of this section;

(b) Require an employee to find a replacement worker as a condition of using hours of leave; or

(c) Retaliate against an employee for using hours of leave.



4. *The employer of an employee who takes hours of leave pursuant to this section may require the employee to provide to the employer documentation that confirms or supports the reason the employee provided for requesting leave. Such documentation may include, without limitation, a police report, a copy of an application for an order for protection, an affidavit from an organization which provides services to victims of domestic violence or documentation from a physician. Any documentation provided to an employer pursuant to this subsection is confidential and must be retained by the employer in a manner consistent with the requirements of the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.*

5. *The Labor Commissioner shall prepare a bulletin which clearly sets forth the right to the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.*

6. *An employer shall maintain a record of the hours of leave taken pursuant to this section for each employee for a 2-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner. The employer shall exclude the names of the employees from the records, unless a request for a record is for the purpose of an investigation.*

7. *The provisions of this section do not:*

(a) *Limit or abridge any other rights, remedies or procedures available under the law.*

(b) *Negate any other rights, remedies or procedures available to an aggrieved party.*

(c) *Prohibit, preempt or discourage any contract or other agreement that provides a more generous leave benefit or paid leave benefit.*

8. *As used in this section:*

(a) *“Domestic violence” has the meaning ascribed to it in NRS 33.018.*

(b) *“Family or household member” means a:*

- (1) *Spouse;*
- (2) *Domestic partner;*
- (3) *Minor child; or*



(4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence.

Sec. 2. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, *and section 1 of this act* to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;

2. The Deputy Labor Commissioner, as provided in NRS 607.050;

3. The Attorney General, as provided in NRS 607.160 or 607.220; or

4. The special counsel, as provided in NRS 607.065,

↪ shall prosecute the action for enforcement according to law.

Sec. 3. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, *and section 1 of this act*, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each such violation.

Sec. 4. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall not deny any otherwise eligible person benefits if the Administrator finds that:

(a) The person left employment to protect himself or herself, or a family or household member, from an act which constitutes domestic violence; and

(b) The person actively engaged in an effort to preserve employment.

2. The Administrator may request the person to furnish evidence satisfactory to support the person's claim for benefits.

3. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" means a:

(1) Spouse;

(2) Domestic partner;

(3) Minor child; or



(4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence.

Sec. 5. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. 1. *An employer must make reasonable accommodations which will not create an undue hardship for 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. The employer may provide such accommodations, including, without limitation, as:*

- (a) A transfer or reassignment;*
- (b) A modified schedule;*
- (c) A new telephone number for work; or*
- (d) Any other reasonable accommodations which will not create an undue hardship deemed necessary to ensure the safety of the employee, the workplace, the employer or other employees.*

2. An employer may require an employee to provide to the employer documentation that confirms or supports the reason the employee requires the reasonable accommodations.

3. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" has the meaning ascribed to it in section 4 of this act.

Sec. 7. 1. *It is unlawful for any employer in this State to discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, an employee because:*

(a) The employee requested to use hours of leave pursuant to section 1 of this act;

(b) The employee participated as a witness or interested party in court proceedings related to an act which constitutes domestic violence which triggered the use of leave pursuant to section 1 of this act.

(c) The employee requested an accommodation pursuant to section 6 of this act; or

(d) An act which constitutes domestic violence was committed against the employee in the workplace of the employee.

2. As used in this section, "domestic violence" has the meaning ascribed to it in NRS 33.018.



Sec. 7.5. NRS 33.018 is hereby amended to read as follows:

33.018 1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, ~~any other person with whom the person is or was actually residing,~~ any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

- (a) A battery.
- (b) An assault.
- (c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.
- (d) A sexual assault.
- (e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:
 - (1) Stalking.
 - (2) Arson.
 - (3) Trespassing.
 - (4) Larceny.
 - (5) Destruction of private property.
 - (6) Carrying a concealed weapon without a permit.
 - (7) Injuring or killing an animal.
- (f) A false imprisonment.
- (g) Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 8. (Deleted by amendment.)

Sec. 8.3. NRS 171.1225 is hereby amended to read as follows:

171.1225 1. When investigating an act of domestic violence, a peace officer shall:

- (a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all



reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.

(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:

(1) My name is Officer (naming the investigating officer). Nevada law requires me to inform you of the following information.

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related by blood or marriage, ~~{a person with whom you are or were actually residing,}~~ a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.

(3) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.

(4) The law provides that you may seek a court order for the protection of you, your minor children or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.

(5) An order for protection may require the person who committed or threatened the act of domestic violence against you to:

(I) Stop threatening, harassing or injuring you or your children;

(II) Move out of your residence;

(III) Stay away from your place of employment;

(IV) Stay away from the school attended by your children;

(V) Stay away from any place you or your children regularly go;

(VI) Avoid or limit all communication with you or your children;



(VII) Stop physically injuring, threatening to injure or taking possession of any animal that is owned or kept by you or your children, either directly or through an agent; and

(VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.

(6) A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to:

(I) Pay the rent or mortgage due on the place in which you live;

(II) Pay the amount of money necessary for the support of your children;

(III) Pay part or all of the costs incurred by you in obtaining the order for protection; and

(IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.

(7) To get an order for protection, go to room number (state the room number of the office at the court) at the court, which is located at (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.

(8) If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, the person may be arrested and, if:

(I) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(II) The person has previously violated a temporary or extended order for protection; or

(III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110,

↳ the person will not be admitted to bail sooner than 12 hours after arrest.

(9) You may obtain emergency assistance or shelter by contacting your local program against domestic violence at (state name, address and telephone number of local program) or you may call, without charge to you, the



Statewide Program Against Domestic Violence at
(state toll-free telephone number of Statewide Program).

2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.

3. As used in this section:

(a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, ~~a person with whom he or she is or was actually residing,~~ a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(VII) Injuring or killing an animal.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 8.7. NRS 171.136 is hereby amended to read as follows:

171.136 1. If the offense charged is a felony or gross misdemeanor, the arrest may be made on any day, and at any time of day or night.



2. If it is a misdemeanor, the arrest cannot be made between the hours of 7 p.m. and 7 a.m., except:

(a) Upon the direction of a magistrate, endorsed upon the warrant;

(b) When the offense is committed in the presence of the arresting officer;

(c) When the person is found and the arrest is made in a public place or a place that is open to the public and:

(1) There is a warrant of arrest against the person; and

(2) The misdemeanor is discovered because there was probable cause for the arresting officer to stop, detain or arrest the person for another alleged violation or offense;

(d) When the offense is committed in the presence of a private person and the person makes an arrest immediately after the offense is committed;

(e) When ~~{the offense charged is battery that constitutes domestic violence pursuant to NRS 33.018 and}~~ the arrest is made in the manner provided in NRS 171.137;

(f) When the offense charged is a violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive;

(g) When the person is already in custody as a result of another lawful arrest; or

(h) When the person voluntarily surrenders himself or herself in response to an outstanding warrant of arrest.

Sec. 9. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or **3 or** NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.



(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

↳ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third ~~and any subsequent~~ offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to **subsection 3 or** NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than \$15,000.

3. **Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:**

(a) A battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a felony pursuant to paragraph (c) of subsection 1 or subsection 2; or

(b) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a),

↳ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$2,000 but more than \$5,000.

4. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program



for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➔ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

~~4. An~~

5. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. **An offense which is listed in paragraph (a) or (b) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions.** The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

~~5. 6.~~ In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

~~6. 7.~~ In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

~~7. 8.~~ If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency



for the costs of any services provided, to the extent of the convicted person's ability to pay.

~~18~~ **9.** If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

~~19~~ **10.** As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 10. NRS 432B.640 is hereby amended to read as follows:

432B.640 1. Upon receiving a referral from a court pursuant to subsection ~~7~~ **8** of NRS 200.485, an agency which provides child welfare services may, as appropriate, conduct an assessment to determine whether a psychological evaluation or counseling is needed by a child.

2. If an agency which provides child welfare services conducts an assessment pursuant to subsection 1 and determines that a psychological evaluation or counseling would benefit the child, the agency may, with the approval of the parent or legal guardian of the child:

(a) Conduct the evaluation or counseling; or

(b) Refer the child to a person that has entered into an agreement with the agency to provide those services.

Sec. 11. This act becomes effective;

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.



STATE OF NEVADA
Department of Administration
Division of Human Resource Management
REGULATION WORKSHOP

Carson City at the Legislative Counsel Bureau, 401 S. Carson Street, Room 2135, Carson City, Nevada; and via video conference in Las Vegas at the Grant Sawyer State Building, Room 4412E, 555 East Washington Avenue.

MEETING MINUTES Tuesday, July 11, 2017

STAFF PRESENT IN CARSON CITY:

Peter Long, Administrator, DHRM
Cassie Moir, Deputy Administrator, DHRM
Shelley Blotter, Deputy Administrator, DHRM
Michelle Garton, Supervisory Personnel Analyst, DHRM
Beverly Ghan, Supervisory Personnel Analyst, DHRM
Carrie Hughes, Personnel Analyst III, DHRM

STAFF PRESENT IN LAS VEGAS:

None

I. CALL TO ORDER

Shelley Blotter: Opened the meeting and explained that the reason for the workshop was to solicit comments from affected parties with regard to the regulations proposed for permanent adoption. Based on the feedback received, the proposed language may be changed or deleted and additional regulations may be affected. If the regulations are submitted to the Personnel Commission for adoption, amendment or repeal, the minutes from the workshop and any other comments received will be provided to the Personnel Commission when the regulation is presented for their consideration.

II. Review of Proposed Changes to NAC 284

NEW	Reasonable break times and place to express milk.
NEW	Request for break times and place to express milk.
NEW	“Complaint” defined.
NEW	Submission of complaint to Employee-Management Committee.
284.0735	“Organizational climate study” defined.
284.112	“Working day” defined.
284.589	Administrative leave with pay.
Section 1 of LCB File No. R076-15	Removal of ineligible grievance or complaint from procedure.
284.662	Providing assistance to employee.

284.680	Date of receipt of grievance or complaint.
284.692	Agreement for extension of time to file grievance or complaint, or take required action.
284.6952	Request for resolution conference; appointment of facilitator; effect of request for resolution conference on jurisdiction of Employee-Management Committee.
284.6955	Hearing before the Employee-Management Committee: Procedure.
284.6957	Hearing before the Employee-Management Committee: Continuance.
284.696	Unlawful discrimination.
284.697	When resolution of grievance or complaint becomes binding.
284.358	Types of lists and priority for use.
284.360	Reemployment lists; certification or waiver of lists.
284.361	Use of lists and consideration of eligible persons.
284.364	Lists of persons with disabilities who are eligible for temporary limited appointments.
284.325	Preferences for veterans.
284.321	Convictions: Disclosure; factors for consideration.
NEW	Accommodation for employee affected by domestic violence.
284.539	Annual leave: Written request; approval or denial; authorized use. NAC
284.554	Sick leave: Authorized use.
284.578	Leave of absence without pay.
Section 1 of	Appeal of refusal to examine or certify.
	LCB File No. R100-16

Shelley Blotter: Explained the process and invited attendees to provide their comments.

Carrie Hughes: Explained that DHRM is proposing new sections and amendments to Nevada Administrative Code Chapter 284 to address the provisions of Assembly Bill 113 of the 2017 Legislative Session, which provide an employee who is a nursing mother, reasonable break times and a place to express breast milk. Assembly Bill 113 was signed into law by the Governor on June 1st and became effective on July 1st, 2017. The new sections and amendments are currently effective as emergency regulations. As emergency regulations are only effective for 120 days, they are now being proposed as permanent regulations. The new section titled, “Reasonable break times and place to express milk,” provides an employee with a child under one year of age with reasonable break times and a place (other than a bathroom), to express milk. It also provides that the employee may take additional break time, if necessary, to express breast milk. The regulation allows an agency to determine whether an employee would need to use leave or flex her schedule, if she determines that her rest periods are not sufficient to express breast milk.

Shelley Blotter: Invited comments.

Kathleen Kirkland: Commented that 1(a) of the new regulation provides for a number of variables, noting that an agency requirement for an employee to use their leave for break times to express milk would be unfair. She cited an example during her time working in the NSLA building where a breast feeding employee had to travel from the Secretary of State office to the NSLA to express milk, noting that it was unfair that she utilize leave time for the purpose of this

travel. She requested that this section be removed from the regulation, noting the importance of flexibility.

Shelley Blotter: Responded that the comment was appreciated and that the Division could work with this.

Kathleen Kirkland: Stated her assumption that agencies will develop their own policies. She noted that the regulation refers to dirt and pollution, while omitting any reference to electrical outlets.

Trinese Causey: Spoke from Las Vegas, noting the importance of the regulation, particularly in regard to accommodating nursing mothers during break times. The 15 minutes typically allotted for morning and afternoon breaks is not adequate to complete the breast milk expression process from setup to completion. It is of great importance for an employee to be able to modify her break times and schedule, in order to provide adequate time for the process and return to work.

Shelley Blotter: Responded that the Division endeavors to be as flexible as possible in terms of the types of leave that can be utilized. Depending upon whether the employee has a flexible work week agreement, she may be able to flex her time, rather than having to take leave time.

Carrie Hughes: Explained that the new section titled “Requests for break times and place to express milk,” requires agencies to develop a procedure for requesting reasonable break times and a place to express milk. Developing a procedure does not necessarily require an agency to immediately set up a place for expressing milk, unless the organization currently has an employee who needs space to express milk. Agency procedures should include a point of contact for employees, expedited approval process and could include guidelines regarding whether leave and/or flex time would be appropriate for needed additional break time. It encourages early communication between the agency and employee regarding the employee’s needs by clarifying that this discussion need not wait until an employee returns to work following the birth of her child. It also establishes when an employee’s request for break times and/or a private place to express breast milk is deemed to be received by an agency.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Stated that the new section titled “Complaint, defined” establishes “complaint,” as a defined term in regulation. Regulations to follow during this workshop will address the complaint process.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Explained that the new section titled, “Submission of complaint to Employee-Management Committee,” provides that an employee may file a complaint with the Employee-Management Committee relating to requests for breaks and/or a place other than a bathroom to express milk. Additionally, an employee who alleges retaliation for the use of break times or a place to express milk as well as for taking any action to ensure compliance with these requirements may file a complaint with the Employee-Management Committee. An employee

has 10 working days to file a complaint following 1) receipt of an agency's response, 2) an agency's 8 working days to respond to a request, or 3) the date of alleged retaliation. Male gender pronouns were included in the regulation to clarify that a male employee could file a complaint under these provisions in response to retaliation for having taken action to ensure compliance with these provisions. The section further outlines how and when a complaint shall be submitted to the Committee. Due to the language in the bill and the need for an employee who is nursing to receive a quick response, the time periods in the complaint process have been made as short as possible, allowing for statutory requirements. Additionally, complaints have been given priority over grievances in placement on an Employee-Management Committee's agenda. Based upon input from legal counsel, all employees, including unclassified, are eligible to file a complaint. However, filing of a grievance will continue to be limited to classified employees.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Addressed the amendment to NAC 284.0735, noting that it adds "complaint" to the types of communication that may be considered in an organizational climate study.

Shelley Blotter: Invited comments. There were none. She clarified that the regulations to be addressed next are predominately for the purpose of making them consistent with other provisions and do not represent substantial changes.

Carrie Hughes: Stated that the amendment to NAC 284.112, applies the definition of "working day" to the complaint process.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Explained that the amendment to NAC 284.589, provides an employee with administrative leave for appearing as a complainant at a hearing of the Employee-Management Committee.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Stated that the amendment to Section 1 of LCB File No. R076-15 provides the Division with the authority to remove a complaint from submission to the Employee-Management Committee, if it deems that the complaint is not eligible for the process.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Noted that in NAC 284.662, the right to representation and assistance from the Division and an employee's agency's human resources have been extended to employees who file a complaint. Additionally, employees who file a complaint and those who assist or testify regarding a complaint are provided protection against discrimination.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Explained that NAC 284.680 describes when a complaint is deemed to have

been received by the Division. Due to distinct differences between the grievance and complaint procedures, the complaint may not be submitted in NEATS.

Shelley Blotter: Commented that a standalone form has been developed and is available on the DHRM website. Agency policy should direct employees to the form, if needed. She invited comments. None were received.

Carrie Hughes: Stated that the amendment to NAC 284.692 removes the requirement that a request for an extension of time to file or any step in the grievance process may be made on a form prescribed by the Division, allowing for requests to be submitted via email. The Division is interested in comments on whether the form should be retained for optional use. Additionally, the amendment clarifies that grievance or complaint extensions must be authorized by both the agency and the employee.

Shelley Blotter: Noted that the Division is requesting input as it relates to the form, which was developed to document an extension of time request from the employee or management. Many times, this communication takes place via email. The Division is willing to drop the required use of the form in lieu of an email, which could be attached in NEATS in place of the form. The Division seeks input on the desire to change the regulation to allow for this informal communication. And if so, whether the form should remain as an optional tool or be eliminated altogether. Further input is requested on the proposal for the extension of time for complaints. Current options are to put the time extension in abeyance, but not to extend the time.

Amy Taylor: Recommended that the form remain as part of the process and that an email can be used in lieu of the form. However, it is notable that emails are often forgotten or overlooked. An established form is a good reminder for supervisors and managers.

Melody Duley: Appreciates the flexibility of utilizing email and would not object to the form remaining as an option. She added that she was unclear as to the intent of the continuance and abeyance.

Shelley Blotter: Clarified that there will be more information on the continuance and abeyance during the upcoming presentation of additional regulations. She invited additional comments. There were none.

Carrie Hughes: Explained that the amendment to NAC 284.6952 clarifies that if either party to a grievance or complaint requests a resolution conference, both parties must participate. It also provides that the Division will attempt to schedule a requested resolution conference related to a complaint prior to the scheduled hearing. However, due to the need for an expedited response, if a resolution conference cannot be set prior to the scheduled hearing, a resolution conference will not be held. Upon the Committee's request, the Division will provide the Employee-Management Committee the reason for the failure to schedule a resolution conference.

Shelley Blotter: Invited comments.

Kathleen Kirkland: Stressed the importance of the resolution conference, adding that it should

be held before going to the Committee. **Shelley Blotter:** Asked for clarification on whether the resolution conference should take precedence over obtaining the accommodation for nursing mothers. **Kathleen Kirkland:** Confirmed that it should take precedence as an important component to the communication process, specifically in having a neutral party assist with the resolution. **Dave Badger:** Introduced himself as being from the Department of Motor Vehicles. He asked for an example of proposed time frames. **Michelle Garton:** Explained that there is a required 21 working day notification to the parties that they will be scheduled for the EMC. This provides for receipt of the complaint, followed by processing and notification. The Division allows itself seven days for this process. The 21-day notification is in addition to this period for a total period of 28 days. In terms of scheduling the resolution conference, if a resolution conference is unable to be scheduled in that time frame, an explanation would be provided to the Employee-Management Committee.

Cadence Matijevich: Introduced herself as being from the Office of the Secretary of State. She asked whether the term “neutral facilitator,” which appears in Subsection 2, is defined elsewhere in regulation. **Shelley Blotter:** Said that DHRM provides the neutral facilitator. In the instance that the case involved a DHRM employee, the facilitator would be someone other than a DHRM employee. If the case involved an employee from the Office of the Secretary of State, the facilitator would be a neutral party provided by DHRM. Referring back to the comments by Dave Badger, the ability to express milk is diminished the longer the period of time that an employee is unable to express milk. The intent was to prevent prolonging the decision making process. She invited further questions. **Kathleen Kirkland:** Said her hope was that it would not need to get to this point. Being an HR representative, she would encourage the holding of a meeting right away. **Shelley Blotter:** Pointed out that if these conversations are taking place and there is a need for a neutral party, such meeting does not need to be called a resolution conference and that DHRM would be happy to provide this assistance at any point. She envisions that potential policies would state that requests would go to the agency’s human resources office for review and that if it cannot be resolved, it goes to the Employee-Management Committee right away.

Carrie Hughes: Stated that NAC 284.6955 outlines the required documentation and procedures of an Employee-Management Committee hearing. In this amendment, the complaint process adopts the existing provisions used for grievances.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Explained that the amendment to NAC 284.6957 allows for a complaint to be held in abeyance, if good cause is shown. However, due to the need for an expedited response, the language does not currently allow for a continuance for a complaint. The Division is interested in whether there is a need for continuances to be allowed for complaints. **Shelley Blotter:** Stated that the Division did not build in a provision to extend out the conversations, however it can be put in abeyance. For example, if the employee is still out and has not yet returned from leave, the conversation may need to be postponed. She clarified that that the Division encourages the conversations to take place even while the employee is still on leave. This is why the regulation advises the agency to go ahead and contact the employee on leave. **Michelle Garton:** Suggested clarification of the terms “continuance” and “abeyance.”

Abeyance refers to an instance where a grievance is submitted to step four while another type of investigation is also occurring and one or more individuals is unavailable. The chair of the Committee may allow the grievance to go into abeyance, which puts the grievance on hold. A continuance is different, in that it would only be requested after the grievance has been scheduled for a meeting. Continuances relate more to scheduling issues, rather than requests to place the matter on hold.

Shelley Blotter: Invited further comments or recommendations as to whether complaints should be allowed to be continued or simply placed in abeyance as needed. **Cadence Matijevich:** Pointed out that that as it relates to new mothers, unforeseen circumstances may arise. A process for either the employee or employer for flexibility and that four working days is reasonable.

Carrie Hughes: Stated that the amendment to NAC 284.696 is a technical adjustment as the word “complaint,” is replaced with "charge," as “complaint” will now become a defined term.

Shelley Blotter: Requested that Ms. Hughes present the next amendment.

Carrie Hughes: Explained that NAC 284.697 outlines when a resolution to a complaint becomes binding by adopting the existing provisions currently used for grievances.

Shelley Blotter: Invited comments on the last two sections regarding this topic.

Amy Taylor: Concurred with the changes.

Shelley Blotter: Invited overall comments on the amendments covered thus far. There were no comments.

Michelle Garton: Introduced herself as the Supervisory Personnel Analyst with DHRM’s Consultation and Accountability Unit. The regulations being presented are the result of three bills passed during the 2017 Legislative Session. Currently an appointing authority is encouraged to make temporary limited appointments of certified persons with disabilities to positions for a period not to exceed 700 hours, which is commonly referred to as the 700 hour program. Assembly Bill 192 requires, rather than authorizes, appointing authorities for positions in State service to make such temporary limited appointments. The Division is presenting amendments to four regulations as a result of this bill. The bill has an effective date of January 1, 2018. NAC 284.358 provides the different types of eligible lists and the order in which they are required to be used when filling a position. This proposed amendment incorporates the 700 list into the regulation, placing it second after reemployment lists. The Division is also considering clarifying in the regulation that it is required that eligible lists are used in the order they appear, as the Division continues to receive questions around this. The amendment to subparagraph C of subsection 1 is not related to the bill, however, this change is proposed, because Legislature transfer lists are the only transfer lists currently used.

Shelley Blotter: Invited comments. **Dave Badger:** Asked for clarification, as it appears that the reemployment lists and the 700 hour lists are mandatory, requiring agencies to hire off of these lists. His question refers to his understanding that there is no requirement to hire off of the

Legislature transfer list. **Shelley Blotter:** Confirmed the accuracy of his understanding. **Paula Miles:** Introduced herself as representative of DETR. She asked for clarification that agencies are not only required to interview people from the 700 hour list, but must also hire them. **Cassie Moir:** Stated this is correct. **Shelley Blotter:** Stressed the importance of having the essential functions of the job clearly documented. Anyone coming off the 700 hour list must be able to perform the essential functions.

Michelle Garton: Addressed NAC 284.360, noting that it explains how DHRM will handle requests for lists of eligible persons. First it will be determined if a reemployment list exists. If there is not one available, then a 700 hour list of persons will be certified. If there is not a 700 list available, a Legislature transfer list will be certified. If none of these lists exist, a ranked or unranked list will be provided. Subsection 5 of the regulation is proposed for removal, as lists of persons who have requested a transfer do not exist and 700 hour candidates would be certified on a separate list.

Shelley Blotter: Invited comments. **Cadence Matijevich:** Opined that she had perhaps misunderstood Mr. Badger's question regarding the Legislature transfer list. She asked whether NRS 284.3775 requires that those lists be prioritized ahead of the divisional and departmental promotional. **Beverly Ghan:** Explained that the normal process has always been to issue the reemployment list first followed by the 700 hour list and thirdly, the Legislature transfer list, as it is an optional list to the agencies. If needed, this would be followed by the typical process of issuing a regular list for recruitment. **Cadence Matijevich:** Referred to the change in the prior section, where it used to be that the transfer list was at the option of the appointing authority. And given that that language has been stricken, there is an order preference. She questioned whether this is legislatively mandated or simply how the amendment is being proposed. **Peter Long:** Stated that this would have to be verified. The old system would allow all the different types on one list. In NVAPPS, it is one list at a time. The intent would be that if A and B are not available, the intent would be to send out the transfer list, to let the agency know it is available. Agencies would not have to use it. At that point, the Division would begin recruitment or would send the agency a list based on its desire for divisional, departmental, statewide or open competitive.

Cadence Matijevich: Said that the way she reads the new proposed language in NAC 284.360 is that there is a definite linear path. Her feedback to the Division is that unless it is legislatively mandated that agencies should not have to use the Legislature transfer list, she has concern about not providing the opportunity to employees within the agency. **Peter Long:** Stated that the Division would check into this. **Beverly Ghan:** Clarified that even though the Division is issuing the Legislature transfer list, the agency can put it on hold. The application can be held and the applicant interviewed along with everyone else. In other words, the agency retains the option as to when it takes the action with the application. It can be moved on or held until the rest of the interviews take place. **Cadence Matijevich:** Appreciates the clarification, however stressed the need for clarity when the regulations are developed that the list does not have to be cleared before the agency receives a list of its internal promotional candidates. **Beverly Ghan:** Stated that it has to be cleared online for the Division to move on, but not physically done. **Cadence Matijevich:** Reiterated that it should be clear procedurally to the agencies that their internal candidates will have the same opportunity as the Legislature transfer list.

Michelle Garton: Explained that the next regulation related to Assembly Bill 192 is NAC 284.361, which outlines how to use lists of eligible persons. A new subsection 2 has been created to add the time frames required for a person to accept or refuse an offer of employment. This will apply to all types of offers and is not limited to offers of reemployment.

Shelley Blotter: Invited comments, noting that this has a larger effect than merely the 700 hour program. She sought assurance that agencies are comfortable with the change. **Mary Gordon:** Introduced herself as a representative from DMV. She asked for clarification on where the ADA reassignment fits in. **Beverly Ghan:** Explained that reassignment is not an actual list and is just a detail processed through the system. There will not be a list issued, as this is dealt with one-on-one with the agencies. **Shelley Blotter:** Inquired as to whether reemployment comes before reassignment and reassignment comes before the 700 hour list, to which **Beverly Ghan** concurred.

Michelle Garton: Addressed NAC 284.364, which describes the process related to 700 lists. The amendment to the regulation addresses a situation in which there is more than one qualified person on a 700 hour list. If this should occur, the appointing authority must appoint the individual most qualified for the position who can perform the essential functions of the position.

Shelley Blotter: Invited comments. **Peter Long:** Recommended that agencies have clear essential functions for the position, so that when a 700 hour applicant comes in, they have a clear understanding of the job and its physical requirements. **Shelley Blotter:** Noted that the Division reestablished what was previously called a Physical Characteristics Inventory. It has been revised and renamed as the Position Characteristics Inventory, which includes both physical and cognitive position requirements. She encouraged agencies to review this on the website under the forms section and that agencies ensure positions include this information. This is particularly important as the Division rolls out an upcoming phase in NEATS, as it will be possible to insert this information into the electronic system, which will help agencies complete online requirements for essential functions.

Michelle Garton: Stated that all regulations associated with Assembly Bill 192 have been presented. The next discussion involves Assembly Bill 309. Currently, a veteran with a disability receives ten points added to the passing grade on a ranked competitive examination and a veteran who has a disability receives an additional five points. Currently veteran's preference points that can be added to the passing grade on a competitive examination for a promotion may only be used once. Assembly Bill 309 requires that ten preference points must be added to the passing grade of all veterans as well as widows and widowers of persons killed in the line of duty while on active duty in the U.S. armed forces. This bill also removes the restriction of use of veteran's preference points. In addition, any qualified applicant on a list who is a veteran with a service-connected disability will be granted an interview. If there are veterans on the list without a service-connected disability, at least 22 percent of those qualified applicants will be interviewed. If there is not a sufficient number to reach 22 percent, each veteran who is a qualified applicant will be interviewed for the position. The bill becomes effective on October 1st of 2017. NAC 284.325 explains the use of preference points for veterans. The proposed amendment removes the restriction on the use of veteran's preference point in regulation.

Shelley Blotter: Invited comments. **Kathleen Kirkland:** Asked how the veterans would be identified. **Peter Long:** Explained that the Division is working with NVAPPS, so that when a list is generated, veterans will be identified with a V or DV next to their names. The Division worked closely with Assemblywoman Cohen and the bill sponsors, Interagency Council on Veterans Affairs (through the Governor's Office). Input received indicated that use of DV or disabled veteran did not represent derogatory language.

Michelle Garton: Addressed Assembly Bill 384. Currently an applicant must indicate on his or her application if he or she has a record of a criminal conviction as an adult. The administrator may refuse to examine or certify the applicant. The bill prohibits the administrator from considering the criminal history of an applicant during the examination phase. The bill provides that the criminal history of an applicant may only be considered after the earliest of: The final in-person interview; the applicant has been certified by the administrator; a conditional offer of employment has been made. The bill becomes effective January 1st, 2018. It is proposed that NAC 284.321 be repealed, due to the change in when an appointing authority can consider the criminal history of an applicant. **Shelley Blotter:** Added that the intent of the bill is to delay consideration of an applicant's potential convictions or criminal background until the agency determines whether or not they would want to select the person for the job. The way it is actually written provides that when the list is certified, the agency could request this information. Peace Officers have a different standard, in that agencies can request the information at an earlier step in the process. **Peter Long:** Suggested that other agencies, such as DMV and Welfare, who have certain restrictions placed on them for voter registration may request the information after the lists are certified. DHRM will no longer be requesting or taking this information.

Shelley Blotter: Invited comments. **Dave Badger:** Stated that all DMV applicants are fingerprinted. The bill discusses that if there are applicable federal or State statutes, the agency may proceed as normal. The DMV has Motor Voter (State law), CDL and Real ID (federal law) requirements. The DMV is required to obtain fingerprint information. DMV will be proceeding by including the information in its announcements for those who require Motor Voter and CDL. Real ID criteria will be listed on all announcements. The bill states that agencies may let the applicants know in advance what the requirements for the position are. He asked when "ban the box" will become effective. **Peter Long:** Stated that the Division is working on this right now. The bill goes into effect January 1st, so the changes will be made no later than that date. He added that most of the DMV's specifications are specific to the requirements mentioned by Mr. Badger and he did not anticipate a problem with the DMV continuing in this manner.

Melody Duley: Noted that she has heard from employees who are happy that the box will be removed. However, this brings to mind the fact that NDOT is not currently performing criminal history checks on current employees, unless they are moving from a non-criminal history checked position into a criminal history checked position. The reason the policy was written this way is that if the agency was to criminally history check a current employee and an unfavorable result came back, the agency would not have a mechanism for terminating them. Thankfully, they have not yet been in this position. One item of note is that the agency could go back to the initial application to determine whether the employee had disclosed the conviction. If they had not, then the agency would have a method to terminate an employee for false information on the

application. With these fields gone, it may be more difficult for a termination to stand up, if it reached this point in the process. It might be worth considering making a clear termination reason such as an unfavorable result. An agency LCB audit recommended that the agency criminal history check current employees. They are hesitant to do so, as they are uncertain whether potential terminations would hold up.

Peter Long: Commented that it would be difficult to put something in regulation that could address all the various possibilities. His understanding is this would address falsification of an application for nondisclosure versus a particular criminal conviction, which may be relevant for one job and not for another. He surmised that this would be determined by NDOT and its DAGs and not the Division as to what type of conviction or offense is relevant to the job. **Melody Duley:** Reiterated that the agency has not yet found itself in this situation. However, if they did receive unfavorable results, the mere presence of a conviction would not necessarily remove the employee from eligibility. However, a conviction that conflicted with their job duties would. The concern arises from the potential need to criminal check current employees in a position for which a conviction would be an issue. In such a case, the agency does not have a mechanism for termination. **Shelley Blotter:** Stated that the Division would take a further look at this issue.

Cadence Matijevich: Stated that her understanding of the bill does not prohibit the agency from requesting the information regarding criminal background at all. It merely defines the point at which the request can be made during the process. **Shelley Blotter:** Confirmed that this is the Division's understanding as well. The bill delays this step in the process, so that applicants are not prohibited from proceeding past the application phase. **Cadence Matijevich:** Added that the bill may address Ms. Duley's concern, in that even with the initial disclosure, other specifications must be considered, including timing and nature of any criminal conviction. **Peter Long:** Noted that there was significant work done on the bill with significant input during various hearings. Assemblyman Thompson made several amendments to make it palatable to those who would have to incorporate and use its provisions. However Assembly persons and bill drafters may not always fully understand HR processes, resulting in provisions that are difficult to implement. Mr. Long believes Assemblyman Thompson's intent was that agencies not consider criminal backgrounds, until the point at which conditional offers are prepared. However, this is not what the bill states. The bill says that an agency can ask for the information after a list has been certified.

Shelley Blotter: Invited further comments. There were none.

Carrie Hughes: Stated that the DHRM is proposing a new section and amendments to Nevada Administrative Code Chapter 284 to address the provisions of Senate Bill 361 of the 2017 Legislative Session. This provides new employment benefits and requirements relating to domestic abuse. Senate Bill 361 was signed into law by the Governor on June 8th and becomes effective on January 1st, 2018. The new section titled "Accommodation for employee affected by domestic violence" will require agencies to provide accommodations, such as relocations of work space or duty location, modification of a work schedule or a new work phone number to an employee who is a victim of an act of domestic violence or whose family or household member is a victim of domestic violence, unless an accommodation would pose an undue hardship. The definition of domestic violence in NRS 33.018 was adopted by reference in the Senate Bill. It is

the Division's intent to include the text of the statute in the *Rules for State Personnel Administration* publication for reference. The definition of family or household member from Senate Bill 361 has been incorporated into this new section as well as the following three amendments. The chart explaining first degree of consanguinity or affinity is available on the State's Commission on Ethics' website. Only adult persons not otherwise listed in the definition of family or household member have to be residing with the employee at the time of the act of domestic violence for an employee to be entitled to an accommodation, unless it is an undue hardship, or leave. Additionally, the new section clarifies that the accommodation of relocation is not a transfer as defined in regulation. The Division is interested in the agencies' belief as to whether it is necessary to clarify that accommodations only need to be provided if an employee indicates an actual need for an accommodation.

Shelley Blotter: Invited comments. **Amy Taylor:** Introduced herself as a representative from DHRM. She recommended that it state an employee would request an accommodation. This follows other guidelines, regulations and policies and would make the process less confusing. She stressed the importance of avoiding assumptions. **Cadence Matijevich:** Agreed.

Carrie Hughes: Explained that Senate Bill 361 provides that an employee who has 90 days of employment with an employer will be entitled to not more than 160 hours of leave in one 12 month period, if an employee is a victim of an act of domestic violence or his or her family or household member is a victim of domestic violence. It is the Division's intent to include the text of the bill in the *Rules for State Personnel Administration* for reference. Senate Bill 361 outlines what leave events related to an act of domestic violence an employee will be able to take leave for. The bill lists diagnosis, care or treatment of a related health condition, to obtain counseling or assistance related to the act of domestic violence, to participate in any related court proceeding and to establish a safety plan. The amendment to NAC 284.539 will allow an employee to take annual leave up to a combined maximum, potentially including sick leave and leave without pay of 160 hours in a 12-month period. The statutory requirement that an employee would have to have six months of employment with the State to be able to use annual leave would apply, as other leave types are available if an employee is not eligible for annual leave. The Division is interested in whether agencies believe there is a need for specific payroll codes for these types of leaves related to domestic violence.

Shelley Blotter: Noted that at this point, existing payroll codes can be used. Her concern is whether or not agencies will be able to look back to see if the person has met the 160 hours. **Melody Duley:** Supports a payroll code or some mechanism to provide an indication that the hours are to be considered part of the 160. **Shelley Blotter:** Added that they could also be part of FMLA and she anticipates that codes specific to this would be needed as well. **Cadence Matijevich:** Asked whether there is a designation for when the 12-month period starts and stops. **Carrie Hughes:** Stated that this is addressed in the bill. The bill states the period is from the act of domestic violence. **Cadence Matijevich:** Suggested the possibility of revising the language to tie it back to the date of the incident for the sake of clarity. **Kathleen Kirkland:** Asked for clarification in a scenario where an employee goes on FMLA and whether they are allowed an additional 160 hours. **Carrie Hughes:** Explained that Senate Bill 361 addressed FMLA. It states that if the time is used for a reason for which leave may also be taken for FMLA, it must be deducted from the amount of leave the employee is entitled to take pursuant to this section and

from the amount of leave the employee is entitled to take pursuant to the Family Medical Leave Act. **Shelley Blotter:** Summarized the bill does not add an additional benefit. She requested further comments. There were none.

Carrie Hughes: Stated that NAC 284.554 will allow an employee to take sick leave up to a combined maximum, potentially including annual leave and leave without pay of 160 hours in a 12-month period, if an employee is a victim of an act of domestic violence or his or her family or household member is a victim of domestic violence. Due to the 120 hour maximum for family sick leave in NAC 284.558, new leave codes specific to this domestic violence provision could clarify that the 120 hour maximum for family sick does not apply when an employee is taking leave pursuant to this provision. The Division is interest in receiving agency comments.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Explained that NAC 284.578 will allow an employee to take leave without pay up to a combined maximum, potentially including annual and sick leave of 160 hours in a 12-month period, if an employee is a victim of an act of domestic violence or his or her family or household member is a victim of domestic violence. Additionally, the amendment to NAC 284.578 includes technical adjustments to clarify that the phrases “leave of absence without pay” and “leave without pay” are referencing the same type of leave.

Shelley Blotter: Invited comments. There were none.

Michelle Garton: Addressed the amendment to Section 1 of LCB File No. R100-16. This is a relatively new regulation, which has not yet been codified by the Legislative Council Bureau, so the Division is still using the LCB file number. This amendment is not based on the Legislative Session, however the changes are necessary at this time to reflect the process that is actually currently being followed. After the regulation was adopted, it was realized that the Division could make the language clearer to reflect how the process is actually working. If an individual wishes to appeal the refusal to examine or certify, he or she must first request a review by the recruitment supervisor with DHRM. If the person is not satisfied with the decision of the supervisor, he or she may request a statement from the Administrator. If the individual is still not satisfied, they may appeal the Administrator’s decision to the Personnel Commission. A 30 calendar day time frame is applied to each step in this process.

Shelley Blotter: Invited comments. There were none.

Shelley Blotter: Reminded those in attendance that the Division does receive comments outside of this arena and those will be taken into consideration as well. The regulations that the Division chooses to take forward will go to the Legislative Council Bureau’s Legal Division for preadoption review. They may add additional regulation changes, based on their review, which would then be presented to the Personnel Commission. She closed by expressing thanks for the comments received and attendance at the meeting.

III. ADJOURNMENT

Shelley Blotter: Adjourned the meeting.

STATE OF NEVADA
Department of Administration
Division of Human Resource Management
REGULATION WORKSHOP

Carson City at the Legislative Counsel Bureau, 401 S. Carson Street, Room 2135, Carson City, Nevada; and via video conference in Las Vegas at the Grant Sawyer State Building, Room 4412E, 555 East Washington Avenue.

MEETING MINUTES
Wednesday August 30, 2017

STAFF PRESENT IN CARSON CITY:

Peter Long, Administrator, DHRM
Shelley Blotter, Deputy Administrator, DHRM
Cassie Moir, Deputy Administrator, DHRM
Michelle Garton, Supervisory Personnel Analyst, DHRM
Beverly Ghan, Supervisory Personnel Analyst, DHRM
Carrie Hughes, Personnel Analyst III, DHRM

STAFF PRESENT IN LAS VEGAS:

None

I. Call to order

Shelley Blotter: Opened the meeting and explained that the reason for the workshop was to solicit comments from affected parties with regard to the regulations proposed for permanent adoption. Based on the feedback received, the proposed language may be changed or deleted and additional regulations may be affected. If the regulations are submitted to the Personnel Commission for adoption, amendment or repeal, the minutes from the workshop and any other comments received will be provided to the Personnel Commission when the regulation is presented for their consideration. Staff will provide an explanation of the proposed change with time allowed for comments.

II. Review of Proposed Changes to NAC 284

NEW	Filling a vacancy.
NEW	“Spouse” defined.
284.114	Affirmative action program and equal employment opportunity.
284.027	“Budget Division” defined.
284.126	Creation of new class, reclassification of position or reallocation of existing class.
284.2508	Compensatory time: Use.
284.458	Rejection of probationary or trial status employees.
NEW	Letter of Instruction: Use and administration.
NEW	Report of suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver’s license.
284.653	Driving under the influence; unlawful acts involving controlled

- substance.
- 284.890 Transportation of employee to and from location of screening test.
- 284.692 Agreement for extension of time to file grievance or take required action.

Shelley Blotter: Explained the process and invited attendees to provide their comments upon presentation of the changes.

Beverly Ghan: Explained that as a result of regulation changes related to filling vacancies pertaining to reassignments and a recent change per Assembly Bill 192 as to how the 700-hour program list is handled, DHRM is proposing an amendment. The amendment adds a new section to NAC 284 in order to clarify the process that must be used prior to filling vacancies through either competitive or noncompetitive means. The regulation will clarify that prior to filling any vacancy in State service in the classified system, the appointing authority must contact DHRM to verify if there is anyone on the reemployment list or through the reassignment process or on a list of persons with disabilities, commonly known as the 700-hour list. The appointing authority can also check to see if there is anyone on a transfer list when applicable. Transfer lists are only maintained during a Legislative year, until November 1st of that year for the Legislature transfer employees.

Shelley Blotter: Invited comments.

Cadence Matijevich: Acknowledged that the recent legislation makes hiring from the 700-hour list mandatory. She asked whether the other types, including reemployment, reassignment or transfer are mandatory or whether an interview is the only requirement. **Beverly Ghan:** Explained that the reemployment list is mandatory. The 700-hour list is also mandatory. Even though there is not an official list for the reassignment, it will take priority over both of these if someone is in the reassignment process. **Cadence Matijevich:** Requested that there be clarification in the regulation, that it direct not only to see if a list is available, but also what the process is for using any person on the list. It seems that the intent is that if there are persons on the list that the agency would indeed have to hire them. **Beverly Ghan:** Concurred, adding that the regulation will be made clearer.

John Scarborough: Asked how this applies to NSHE with the delegation agreement. **Peter Long:** Stated that now that NSHE may or not have access to NVAPPS, because of NSHE’s new system, the agreement was that the process must still be followed. If needed, they may reach out to verify whether there are any of these types of lists or potential employees available. They are still required to follow the regulation.

Janine Nelson: Acknowledged that she did not realize there was an Assembly Bill associated with this and requested an outline of the bill. **Beverly Ghan:** Explained that AB 192 essentially states that if anyone is on the 700-hour list, which is accumulated through the DETR Vocational Rehabilitation office. The normal process by DHRM, upon request for recruitment, is to send out the reemployment list first. If that is not used for whatever reason, DHRM issues the 700-hour list. When the 700-hour list is issued, agencies are now required to work with the person on the list, including reach out efforts. The person may be provided the essential functions of the job. If the individual signs off stating the functions can be performed, the job must be offered to the person. If there is more than one person on the list, they will not be ranked. The agency must decide which person is the most qualified. **Janine Nelson:** Noted that it has always been the State philosophy to first try to hire from within. She inquired whether this takes away the ability to manage an internal, noncompetitive appointment within the department for a vacancy. **Beverly Ghan:** Affirmed this understanding. The regulations require that the mandatory lists be addressed first, followed with the normal process, if needed. **Peter Long:** Agreed, noting that statute

requires this. He compared it to the process of reemployment. If a person on the 700-hour list is capable of performing the essential functions, it is mandatory that they be offered the position.

Alys Dobel: Sought clarification on reemployment, posing a scenario where a person is reverted back to their position, which has already been filled. The person who is reverted back has rights to the position as long as they have more seniority than the person currently in the position. In a case where they do not have greater seniority, they are placed on the reemployment list. **Peter Long:** Stated that recent steps have been added in the restoration process. Reemployment would apply for the person who had backfilled. This is specifically addressed in regulation. Before a vacancy is filled, the question must always be asked as to whether there is a reemployment available.

Susie Bargmann: Referred to the 700-hour list. Because this is not a ranked list, she questioned whether the mandatory five must be contacted. Alternatively, if an individual can be selected as the most qualified and subsequently chooses not to select the person, must the agency move on with the 700-hour list or is it now finished with the 700-hour list? **Beverly Ghan:** Clarified that if there is more than one person on the list, the agency has the authority to choose the most qualified person, based on the information available. If the choice does not work out, the agency can send the list back to DHRM. **Peter Long:** Stated that this is a good question, which may need to be looked at more closely. The intent is for the agency to review the various people on the 700-hour list. He stated that agencies should reach out to all the individual's on the list, partly because the agency needs an understanding of an individual has any personal limitations. The ability to perform the essential functions has the potential to narrow down the list. In summary, the agency could not simply choose the most qualified and if the individual cannot perform the essential functions, the agency may not disregard the other individuals, but would need to reach out to all of them that are available. Once it is determined which individuals meet the essential functions, the agency can choose the one it deems most qualified.

Carrie Hughes: Addressed the new regulation, which defines the term "spouse" as an individual who is in a marriage, as well as a domestic partner, to be used throughout Nevada Administrative Code, Chapter 284. The reference to NRS 122A.100 refers to domestic partnerships entered into in Nevada. The reference to NRS 122A.500 refers to partnerships entered into outside the State of Nevada.

Shelley Blotter: Invited comments. There were none.

Michelle Garton: Addressed NAC 284.114, affirmative action program and equal employment opportunity. NRS 122A.200 states that a public agency shall not discriminate against a person on the basis that that person is in a domestic partnership, rather than a spouse. It also states that domestic partners have the same right to nondiscriminatory treatment as that provided to spouses. As such it is proposed to add "domestic partnership" to NAC 284.114.

Shelley Blotter: Invited comments. There were none.

Michelle Garton: Addressed NAC 284.027, Budget Division defined and NAC 284.126, creation of new class, reclassification of position or reallocation of existing class. The purpose of the amendments is to reflect that the Budget Division was moved from the Department of Administration to the Governor's Office of Finance in Assembly Bill 469 of the 2015 Legislative Session. This type of change is generally handled through codification. However, because the Legislative Council Bureau has not codified NAC 284 for more than two years, DHRM is proposing these changes to the regulations at this time.

Shelley Blotter: Invited comments. There were none.

Carrie Hughes: Discussed NAC 284.2508, compensatory time: use. In conjunction with the regulations and amendments proposed at the July Regulation Workshop, the amendment to NAC 284.2508 is proposed to address the provisions of Senate Bill 361 of the 2017 Legislative Session, which provides for new employment benefits and requirements relating to domestic abuse. The amendment will allow an employee who has been employed at least 90 days and is a victim of an act of domestic violence or his or her family or household member is a victim of domestic violence to take accrued compensatory time up to a combined maximum, potentially including annual leave, sick leave and leave without pay of 160 hours in 12 month period following the act of domestic violence.

Shelley Blotter: Stated that this is a companion to regulations that were proposed at a previous workshop. She invited comments. There were none.

Michelle Garton: Addressed NAC 284.458, Rejection of probationary or trial status employee. This amendment will make it clear in regulation that an employee who was rejected from probation or trial status may not submit an appeal or a grievance as a result of the decision by the appointing authority. The new Subsection 3 in the regulation will allow the Administrator to remove an appeal or a grievance from the process, when either is filed as a result of a rejection from probation or trial status. Removing appeals and grievances from the process that have been inappropriately filed will improve efficiency in both of the processes.

Shelley Blotter: Stated that Kevin Ranft, labor representative with AFSCME was unable to attend, but provided written comments. She read his comments into the record:

“Regarding NAC 284.458, Rejection of probationary or trial status employees. These recommended changes in regard to NAC 284.458 don’t address a concern that employees often see when being rejected. There has been many cases where an employee is rejected off of a probationary or trial status and are very confused with their situation. The confusion is based upon two main concerns. One, the agency supervisor/manager has not met the requirement of providing the three, seven and/or 11 month appraisal evaluation process with the employee. This is a very important process for the employee to succeed. The employee hasn’t received their full training or the training they have received is insufficient. I understand that these concerns are not always relevant in an employee’s rejection. However, a process should be in an NAC regulation that requires an agency supervisor or manager to meet their obligation prior to any employee being rejected, unless egregious circumstances exist. There have been times where an employee is being set up to fail by the supervisor’s inaction. There is no recourse for the employee in these situations and little to no accountability for the supervisor or manager. Our organization would like to see these concerns addressed.”

Shelley Blotter: Invited comments. There were none.

Michelle Garton: Addressed a new regulation, letter of instruction: use and administration. This amendment was proposed by the College of Southern Nevada and will place into regulation the use and administration of letters of instruction, which many agencies currently use as a coaching or performance management tool. A letter of instruction is not part of the disciplinary process and no threat of discipline should be included. This regulation specifies the contents that should be included in a letter of instruction and what it must not contain. The requirement of a meeting between the supervisor and employee is included in the regulation and the retention of a letter of instruction is also addressed. Because many agencies have utilized letters of instruction for many years, DHRM is particularly interested in feedback related to this regulation.

Shelley Blotter: Invited Mr. Scarborough or a representative from CSN to the table for comments. **John Scarborough:** Stated that he and Ms. Blotter discussed this several months ago when they proposed this,

in order to remove any ambiguity about exactly what a letter of instruction is. CSN uses letters of instruction extensively, not only for classified employees, but for academic and administrative faculty as a way of coaching employees so that they improve problem areas or correct misunderstandings. CSN appreciates the fact that DHRM has developed a regulation to address this. **Shelley Blotter:** Commented that some agencies were receiving grievances from employees, where the employee had received a letter of instruction. And because there was a consequence associated with the letter of instruction, the Employee-Management Committee viewed it as a documented oral warning. This effort is intended to clarify that the letter of instruction does not include any consequences and is truly meant as a training tool. She invited further comments.

Alys Dobel: Noted that the letter of instruction has been around for quite some time, but may not always be called a letter of instruction. It could also be referred to as a memorandum to the employee. The retention schedule indicates that letters of instruction are to be removed from the employee's file. If it is in the supervisor's file, it indicates it must be removed after a year. She does not necessarily agree with this. Part of an employee's supervisor's file is the history of the employee. Letters of instruction should remain in the employee's file for even two to three years, as it demonstrates improvement. If an employee knows the letter will be removed after one year, they may revert to previous behavior. **Shelley Blotter:** Stated she would be happy to look into this. There are sometimes agreements made between the employee and the supervisor. She does not recall the provision where the letter is removed after a year, but she will review this. **Alys Dobel:** Added that she likes the policy overall, in that it clarifies what needs to go in a letter of instruction. She would like more information on whether a memorandum of understanding or similarly titled document must be specifically called a letter of instruction. **Shelley Blotter:** Noted that at this point, it is still in the formulation stage. She would see all such documents as similar coaching tools commonly referred to as a letter of instruction. This can be looked at for the possibility of creating a broader net. She invited further comments.

Brian Boughter: Stated that he likes the regulation. However, recently he was asked the following question: "Can we pull a document out of a supervisor file? Can the supervisor do that?" His advice to the employee was to share his preference for a complete supervisor file, where nothing is removed. The same would apply to letters of commendation. Another reason he likes the regulation is because DETR has difficulty having people understand what the letter of instruction is, what information it will contain, whether it will contain violations, whether it can be listed as a violation or an applicable rule. DETR had ended up listing items as applicable rules instead of violations in order to minimize the perception of the disciplinary aspect.

Gennie Hudson: Referred to Ms. Dobel's earlier comments regarding a letter of instruction not necessarily being termed "letter of instruction." Simple items such as an email can serve to document a conversation between an employee and a supervisor and are not necessarily given formal document titles. **Renee Depaoli:** Echoed the comments, noting that when she took Progressive Discipline training, it was referred to in tools and training that it could be a memorandum of understanding or called something else. Welfare and Supportive Services uses letters of instruction on a daily basis. She appreciates that this regulation provides clarity to the process. However, sometimes what such a document is called can make a difference in how it is received. The term "letter of instruction" has a bite to it, where a memorandum of understanding might be received more easily. She stated that records retention to working files may need to be revised. **Shelley Blotter:** Assured that she would look at this. There is opportunity to provide feedback to the committee that oversees records retention.

Janine Nelson: Stated that she likes the regulation. She noted that item 2(d) states that "The letter of instruction should contain the following elements." The term "should" seems to provide wiggle room, which would be helpful. Some letters of instruction may not include an associated time frame. She asked whether it is okay to exclude whether something is applicable, according to how the regulation is written.

Shelley Blotter: Stated her belief that this is correct, that it is meant to be a framework for use. Otherwise the regulation would read “shall include” rather than “should include.”

Janine Nelson: Addressed number 5 and noted that the language is soft, that as an FYI, the document can be used to build upon discipline. Some employees are surprised that a letter of instruction may be referenced in an oral warning. Therefore the language in 5 is good to have and in her opinion, could be a little more firm that the document can be used in the progressive progress. **Shelley Blotter:** Commented that this is something that she and the Employee’s Association representatives have spoken about, specifically whether the document can be used in future discipline. The Division feels firmly that it establishes previous efforts with the employee to change behavior.

Shelley Blotter: Read into the record an additional written comment from Kevin Ranft as follows:

“In regards to the new NAC being proposed addressing the use of letters of instruction, this has been a topic for years and I am grateful that it is being addressed. Although our organization disagrees with an LOI being used in discipline, as it is not grievable and sometimes used inappropriately, I am hopeful that supervisors will use this regulation change to draft an LOI properly and the situation is corrected by the employee. I know that we all agree that when an LOI is used properly, it can prevent a situation from becoming a bigger issue. Again, I am grateful to see the LOI process being added to the NAC. I would like to suggest that this regulation add a Section 6 citing something similar to the following: A supervisor must attach a written response, if submitted by the employee to the letter of instruction. Any use of the letter of instruction for future discipline must include the employee’s response, if submitted.”

Shelley Blotter: Noted some confused reaction as to what the comments mean. She surmised that if an employee responds to a supervisor in writing to the letter of instruction, then that response would be attached to the letter of instruction, in the event that the letter of instruction is used for future discipline.

Shelley Blotter: Invited further comments. There were none.

Michelle Garton: Discussed a new regulation, report of suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver’s license. The regulation will require that an employee report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver’s license within five days, if holding such a license or certificate is stated in the work performance standards or essential functions of the employee’s position. When DHRM submits the regulation to the Legislative Council Bureau for pre-adoption review, it will be proposing that the five day requirement is five working days. The regulation supports NAC 284.646 for the immediate dismissal and NAC 284.650, causes for disciplinary action, by requiring a notification to the agency.

Shelley Blotter: Invited comments.

Janine Nelson: Asked whether the requirements must be included in each document, as the department does not typically include these requirements in work performance standards. **Michelle Garton:** Stated that the way it is written in terms of intent, it would be “or,” as in whether it is work performance standards or the essential functions.

Janine Nelson: Asked about the rationale for adding NPD-19 in. **Peter Long:** Replied that he would not be opposed to adding it. Furthermore, it could be looked at to clarify that the requirements are “or,” rather than “and.” The intent is that the employee be notified somewhere that the licensure is appropriate. **Shelley Blotter:** Commented that it would be appropriate to include on essential functions, as this would be the document to be used for reassignments.

Alys Dobel: Stated that within the DMV, if a position requires an employee to have a driver's license, it is included in essential functions. She feels it is appropriate for inclusion in work performance standards, as the license must be maintained. She has worked in other agencies with employees such as social workers, nurses, psychologists, nurses, etc. The requirement is included on the documents, because CEUs must be maintained to retain licenses.

Shelley Blotter: Invited further comments. There were none.

Carrie Hughes: Addressed NAC 284.653, driving under the influence: unlawful acts involving controlled substance. The amendment will require employees to report to their appointing authorities within five working days arrests and convictions relating to driving under the influence, the unlawful manufacture, distribution, dispensing, possessing or use of a controlled substance or violation of any state or federal law prohibiting the sale of a controlled substance. The report is required, regardless of whether the incident leading to the arrest or conviction occurs while an employee is working or is on his or her own personal time. Violation of this requirement will require the dismissal of the employee.

Shelley Blotter: Invited comments.

Cadence Matijevich: Asked for clarification on the intent of the requirement, particularly in terms of something that happens off duty, noting that an arrest is not a conviction. In addition, she asked why an employee must report the loss of a license, if it is not associated with the performance of their duties.

Peter Long: Clarified that the requirement only states that if the employee fails to make the report, they would be dismissed. They will not necessarily be dismissed for being arrested, as current verbiage says "upon conviction." This was brought to our attention, because there have been situations where a State employee on their private time was arrested and did not report it to their appointing authority. For example, an employee receives a DUI arrest. Typically upon arrest, their license is suspended. The employee's job may require a valid driver's license. The employee may continue to illegally drive while on duty. It is at the discretion of the appointing authority, but the intent is to give the appointing authorities the tools to make this decision. **Carrie Hughes:** Added that the regulation is specific as to the types of offenses which are applicable. She does not believe that the regulation ties it to job duties.

Cadence Matijevich: Suggested that perhaps the regulation could be narrowed to those circumstances where the ability to operate a motor vehicle is specifically noted. She has concern regarding the employee/employer relationship outside of the workplace. If the employee's behavior outside of the workplace does not relate to his or her job duties and the consequences would not prevent them from performing their duties, she questioned the nexus.

Shelley Blotter: Invited further comments.

Susie Bargmann: Agreed with the prior comments. Based on how this is written, it does not indicate that it would be relevant to the person's job duties. It merely indicates that an employee must report it. In the example of an administrative assistant, there is likely no requirement for a driver's license. If such an employee does not report the act, the regulation indicates that the employee must be dismissed.

Janine Nelson: Agreed with the prior comments with the exception that the regulation should not only tie to a driver's license, but also to job duties. For example, the department would not want to have a substance abuse counselor providing services when they themselves have been arrested for this type of conviction. She suggested specificity that it be related to duties versus licensure. However, she agrees that it does not apply to everyone. **Shelley Blotter:** Stated that Ms. Nelson raises a good point. In situations where there is not necessarily a license requirement, certain classes of employee may be required to have pre-employment drug testing. She questioned whether these classes would be covered

in this situation and how they would be linked in order for the employee to be informed that an arrest would need to be reported. **Janine Nelson:** Stated she would need to think through the various customers to answer the question, however, she likes the idea to tie to the class. For example, childcare workers do not have to have a license, but they do have to pass certain background check requirements.

Peter Long: Noted that the intent is to assist the agencies as well as the employees. The idea is that the employer is at least made aware of any arrests and potential loss of licensure. **Alys Dobel:** Commented that on a personal level, she would not want her rights to be violated. The DMV runs background clearances. Incidents only show up if they are a true conviction. Because the DMV must follow federal and state laws, they have drafted disclosure statements for employees to sign, if they are in positions that would require a specific clearance to continue in their jobs. **Peter Long:** Added that some agency positions have certain criteria they must meet, which may not fall under drug or substance abuse violations.

Shelley Blotter: Invited further comments.

Brian Boughter: Said that he was curious as to how this reconciles with recent legislation regarding “Ban the Box” and background information. The guidance essentially states that the employer should not be seeing background information until after someone has been offered a job. **Peter Long:** Acknowledged the comments, but stated that “Ban the Box” was specific to not discriminating based on background of this type for employment. This regulation refers to current employees.

Shelley Blotter: Invited further comments. There were none.

Carrie Hughes: Discussed NAC 284.890, transportation of employee to and from location of screening test. As the use of alcohol and/or drugs can at times lead to a need for immediate medical intervention, the intent of the amendment is to provide agencies with the flexibility to respond as necessary to ensure an employee’s safety when arranging for appropriate transportation following a screening test that does not immediately establish an employee is not impaired. The determination that an employee needs emergency medical assistance does not necessarily require a medical professional’s evaluation, but instead, this regulation relies upon the reasonable person standard. Additionally, it allows for an employee to choose to make his or her own transportation arrangements. However, all three options in the regulation continue to require an appointing authority to actively ensure that an employee has appropriate transportation.

Shelley Blotter: Invited comments. There were none.

Michelle Garton: Explained that amendment to NAC 284.692, agreement for extension of time to file a grievance or take required action, was proposed by the Department of Employment, Training and Rehabilitation. There are times when an employee or agency representative are out of the office for an extended period of time and unavailable to enter into a written agreement for the extension of time to file a grievance or take required action. This amendment will allow for an exception to the agreement in these types of documented situations, which would be granted or denied by DHRM. Examples of such absences are listed in the regulation and the granting or denial of the exception could be reviewed by the Employee-Management Committee, if the grievance proceeds to a hearing. She invited Mr. Boughter to provide comments.

Brian Boughter: Stated that the Department of Employment, Training and Rehabilitation recently experienced a grievance situation whereby this regulation change was proposed. The Department had an employee who went out on a short-term disability event and was unable to be reached. In terms of the spirit and intent of the grievance process, a meeting should take place at the lowest level and each

proceeding level with the employee. If the employee is unavailable, they have the right to go into the NEATS system and escalate their grievance without having any conversation or interaction. This is an attempt to give the agency an opportunity to get to the employee at the lowest level, if possible.

Shelley Blotter: Invited further comments. There were none. She thanked everyone for their attendance at the workshop. She further invited attendees to forward additional comments and questions. The proposed changes will be submitted within the next few days to the Legislative Council Bureau for pre-adoption review.

III. Adjournment

Shelley Blotter: Adjourned the meeting.



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
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June 21, 2017

Regulation Small Business Impact Statement

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

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

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

Peter Long

Peter Long, Administrator

June 21, 2017

Date

Personnel Commission Meeting
December 7, 2017

FOR DISCUSSION AND POSSIBLE ACTION

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

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

LCB File No. R034-17

Effective January 1, 2018, Assembly Bill 192 (AB 192) of the 2017 Legislative Session amends NRS 284.327 to require, rather than authorize, an appointing authority to make temporary limited appointments of certified persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327.

The Division of Human Resource Management (Division) recommends the amendments included in this LCB File, as they place into regulation the requirement of the use of the lists of persons with disabilities who are eligible for temporary limited appointments.

The amendments remove language which indicates that the use of lists of persons with disabilities who are eligible for temporary limited appointments, pursuant to NRS 284.327, are optional, rather than mandatory.

The amendments specifically require the Division to certify and provide each list to an appointing authority, and include a timeframe for a response to an offer of employment.

The amendments in this LCB File also detail how appointments should be made from the list of persons with disabilities who are eligible for temporary limited appointments when more than one applicant from the list is qualified.

This regulation was discussed at a Regulation Workshop on July 11, 2017, and no comment was received in support or opposition of the amendment.

LCB File No. R034-17

Section 1. NAC 284.358 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 192 of the 2017 Legislative Session amends NRS 284.387 to require appointing authorities to make appointments from the lists of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327 to vacant positions, unless the individual receives benefits from the agency of the Executive Department of the State Government in which the position exists, or if there is an actual or potential conflict of interest.

This amendment, proposed by the Division of Human Resource Management, clarifies the order when using lists of eligible persons, and makes mandatory the use of list of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327. The reference to the Assembly Bill 192 is also included in the proposed amendment.

NAC 284.358 Types of lists and priority for use. (NRS 284.065, 284.155, 284.250, 284.327)

1. The types of lists of eligible persons and , *unless otherwise provided in this chapter or chapter 284 of NRS*, the *required* priority for their use are as follows:

(a) Reemployment lists.

(b) Lists of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327 , *as amended by section 1 of Assembly Bill No. 192, chapter 189, Statutes of Nevada 2017, at page 1016.* [~~at the option of the appointing authority.~~]

(c) Transfer lists, at the option of the appointing authority.

(d) Divisional promotional lists.

(e) Departmental promotional lists.

(f) Statewide promotional lists.

(g) Lists of persons determined to be eligible from open competitive recruitments.

(h) Lists of eligible persons of comparable classes.

2. The names on each list must be used as prescribed in NAC 284.361.

3. The open and promotional lists referred to in paragraphs (d) to (h), inclusive, of subsection 1 must be:

(a) Based on the type of recruitment prescribed by the Division of Human Resource Management; and

(b) Described in the publicized job announcement.

↪ The establishment of any other type of list from the initial recruitment must be in accordance with NAC 284.367.

[Personnel Div., Rule V § A, eff. 8-11-73]—(NAC A by Dep't of Personnel, 4-20-90; 7-6-92; A by Personnel Comm'n by R183-03, 1-27-2004)

Sec. 2. NAC 284.360 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 192 of the 2017 Legislative Session amends NRS 284.387 to require appointing authorities to make appointments from the lists of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327 to vacant positions, unless the individual receives benefits from the agency of the Executive Department of

the State Government in which the position exists, or if there is an actual or potential conflict of interest.

This amendment, proposed by the Division of Human Resource Management, establishes the order of lists to be used if no reemployment list is available. If none is available, the list of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327 will be certified next. If that type of list is unavailable, the list of employees who are entitled to transfer to a position pursuant to NRS 284.3775 will be certified. Finally, if no reemployment list or list of persons with disabilities who are eligible for temporary limited appointments are available, a ranked or unranked list will be certified, or the list will be waived.

NAC 284.360 Reemployment lists; certification or waiver of lists. (NRS 284.065, 284.155, 284.250)

1. Upon receipt of the appropriate form from an appointing authority for a list of eligible candidates in a specific class, the Division of Human Resource Management ~~{will}~~ **must** verify the availability of a reemployment list for that class. If a reemployment list is available, the Division of Human Resource Management ~~{will}~~ **must certify and** provide the reemployment list to the appointing authority. Eligible persons who appear on reemployment lists are ranked in order of seniority. Except as otherwise provided in subsection 2 of NAC 284.6017, placement on a reemployment list ~~{will}~~ **must** be determined using the criteria governing the determination of seniority for layoff pursuant to NAC 284.632.

2. If there is no reemployment list available, *the Division of Human Resource Management must certify and provide to the appointing authority any available lists of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327, as amended by section 1 of Assembly Bill No. 192, chapter 189, Statutes of Nevada 2017, at page 1016.*

3. *If there are no available lists of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327, as amended by section 1 of Assembly Bill No. 192, chapter 189, Statutes of Nevada 2017, at page 1016, the Division of Human Resource Management must certify and provide to the appointing authority any available transfer lists of employees who are entitled to transfer to a position pursuant to NRS 284.3775.*

4. *If no list described in subsection 1 or 2 is available,* the Division of Human Resource Management ~~{will,}~~ **must, upon request of the appointing authority and** in accordance with subsections ~~{3 and 4,}~~ **5 and 6,** certify the names of eligible persons on ranked or unranked lists ~~{}~~ **described in paragraphs (d) to (h), inclusive, of subsection 1 of NAC 284.358,** or waive the list.

~~{3.}~~ **5.** The names of eligible persons on ranked lists ~~{will}~~ **must** appear in the order of the total rating which they earned in the examination, including preferences for veterans and residents.

~~{4.}~~ **6.** The Division of Human Resource Management may certify a list of eligible applicants who are not ranked, or may waive the list, for:

(a) A class that is grade 20 or below;

(b) A class designated in the classification plan as entry level; or

(c) A class designated in the classification plan as a class for which applicants for promotion are not normally available.

~~{5.} Eligible persons who have requested a transfer and persons with disabilities who are eligible for temporary limited appointments pursuant to NAC 284.364 will be certified on the same list as other eligible persons and may be considered at the option of the appointing authority.~~

~~{6.}~~ **7.** Only an eligible person who has indicated the willingness to accept the location of the vacancy and the other conditions of employment ~~{will}~~ **may** be certified.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004; R024-05, 10-31-2005)

Sec. 3. NAC 284.361 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 192 of the 2017 Legislative Session amends NRS 284.387 to require appointing authorities to make appointments from the lists of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327 to vacant positions, unless the individual receives benefits from the agency of the Executive Department of the State Government in which the position exists, or if there is an actual or potential conflict of interest.

This amendment, proposed by the Division of Human Resource Management, places the conditions that apply to the use of reemployment lists into subsection 1, allowing the new subsection 2 to apply to all offers of employment, not only offers of reemployment. This will establish a timeframe for an offer of employment to a person with a disability who is eligible for temporary limited appointment pursuant to NRS 284.327 to be accepted. It is necessary to expand this portion of the regulation so that the hiring agency can move to the next type of list, if an offer of employment is not answered in the established timeframes.

NAC 284.361 Use of lists and consideration of eligible persons. (NRS 284.065, 284.155, 284.250)

When using lists of persons who are eligible and considering eligible persons who have been certified, the following conditions apply:

1. When a reemployment list is certified, ~~the~~
~~—(a) Eligible~~ persons who are available for appointment and who are certified on reemployment lists, other than seasonal reemployment lists, must be hired in the order in which they appear unless the appointing authority, upon submitting written justification, obtains the written concurrence of the Governor to deviate from the order of priority or to hire from another list. The appointing authority must make the written justification available for examination by affected persons or their designated representatives.

~~[(b)]~~ 2. A person must accept or refuse an offer of ~~reemployment:~~
~~—(1)] employment:~~

(a) If the offer of ~~reemployment]~~ *employment* is sent by mail to the person, within 6 calendar days after the postmarked date appearing on the envelope in which the offer was mailed; or

~~[(2)]~~ (b) If the offer is an oral offer of ~~reemployment,]~~ *employment*, within 3 business days after the oral offer has been made.

~~[(2)]~~ 3. The appointing authority may request selective certification for a particular position if the normal method of certification does not provide candidates qualified to perform the duties of the position satisfactorily. Where selective certification is necessary, the appointing authority shall furnish in writing the special requirements peculiar to the position and his or her reasons therefor. If the facts and reasons justify such a method of selection, the Division of Human Resource Management may certify the highest ranking eligible persons who possess the special qualifications.

~~[(3)]~~ 4. Certification of only eligible persons who are the same sex ~~will]~~ *must* not be made unless there is clear evidence that the duties assigned could be performed efficiently only by the sex specified.

~~[4.]~~ 5. When using ranked lists other than those for reemployment, the appointing authority shall attempt to communicate, as provided in NAC 284.373, with at least 5 persons in the first 10 ranks to determine their availability and qualifications. The names on each type of list must be considered before names from the next succeeding list. If there are fewer than 10 ranks with persons who are available for appointment on a given list and the appointing authority requests a full complement of 10 ranks, the name or names at the top of the next succeeding list must be combined with those on the preceding list to establish 10 eligible ranks with persons who are available for appointment. Except as otherwise provided in subsection ~~[6.]~~ 7, all competitive appointments from ranked lists must be made from the persons who:

- (a) Are in a rank of persons who received the 10 highest scores on the examination; and
- (b) Are available for appointment.

~~[5.]~~ 6. If the list is unranked or waived, the appointing authority shall attempt to communicate, as provided in NAC 284.373, with at least five eligible persons he or she deems most qualified based upon a review of their respective qualifications as they relate to the position or class, or with all of the eligible persons if there are five or less. Except as otherwise provided in subsection 1, any eligible person who is certified from an unranked or waived list may be appointed.

~~[6.]~~ 7. If persons from fewer than five ranks of eligible persons are willing to accept appointment:

(a) The appointing authority may make an appointment from among those remaining available eligible persons.

(b) Certification and appointment may be made from other appropriate lists, including lists of higher grades as determined by the Division of Human Resource Management. The names from other lists ~~[will]~~ *must* follow those which have been certified, if any, from the original lists.

(c) A new recruitment may be conducted.

(d) A provisional appointment may be made only if the requirements of NAC 284.406 are met.

[Personnel Div., Rule V § F, eff. 8-11-73; A 2-5-82]—(NAC A by Dep’t of Personnel, 10-26-84; 7-21-89; 11-16-95; 11-16-95; R082-00, 8-2-2000; A by Personnel Comm’n by R069-02, 8-14-2002; R183-03, 1-27-2004; R025-13, 10-23-2013)—(Substituted in revision for NAC 284.378)

Sec. 4. NAC 284.364 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 192 of the 2017 Legislative Session amends NRS 284.387 to require appointing authorities to make appointments from the lists of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327 to vacant positions, unless the individual receives benefits from the agency of the Executive Department of the State Government in which the position exists, or if there is an actual or potential conflict of interest.

This amendment, proposed by the Division of Human Resource Management, includes language mandating the appointment of a certified person with a disability, and details how appointments should be made from the list of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327 when more than one applicant from the list is qualified.

NAC 284.364 Lists of persons with disabilities who are eligible for temporary limited appointments. (NRS 284.065, 284.155, 284.250, 284.327)

1. Pursuant to NRS 284.327, *as amended by section 1 of Assembly Bill No. 192, chapter 189, Statutes of Nevada 2017, at page 1016*, the Rehabilitation Division of the Department of

Employment, Training and Rehabilitation may provide to the Division of Human Resource Management the names of persons with disabilities certified by the Rehabilitation Division who are eligible for temporary limited appointments of 700 hours' duration. Upon receipt from the Rehabilitation Division of the job applications and job recommendations, the Division of Human Resource Management ~~{will}~~ **must** evaluate the information against the job requirements and minimum qualifications of the recommended classes. Through noncompetitive means, the names of qualified persons ~~{will}~~ **must** be placed ~~{in a 700-hour category on the eligible list}~~ **on a list of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327, as amended by section 1 of Assembly Bill No. 192, chapter 189, Statutes of Nevada 2017, at page 1016**, and certified to the requesting agency for consideration. ***If the list includes more than one qualified person, the appointing authority must appoint the most qualified person based upon a review of the respective qualifications of each person as the qualifications relate to the position or class and the ability of each person to perform the essential functions of the position.***

2. A current probationary or permanent state employee who occupies a permanent full-time position is not eligible for the provisions of this section unless his or her disability jeopardizes his or her continued employment in his or her present position and placement on the list does not merely circumvent the provisions of this chapter governing promotion or transfer.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 12-26-91; 7-6-92; R098-99, 9-27-99; A by Personnel Comm'n by R183-03, 1-27-2004)

Sec. 5. NAC 284.618 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 192 of the 2017 Legislative Session amends NRS 284.387 to require appointing authorities to make appointments from the lists of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327 to vacant positions, unless the individual receives benefits from the agency of the Executive Department of the State Government in which the position exists, or if there is an actual or potential conflict of interest.

This amendment, proposed by the Legislative Counsel Bureau, makes a conforming change. The amendment changes the reference to subsection 2 of NAC 284.361 to subsection 3 of NAC 284.361, because that regulation is proposed for amendment in Section 3 of this LCB File, and the subsection number has changed as a result.

NAC 284.618 Layoffs: Voluntary demotions. (NRS 284.065, 284.155, 284.175, 284.380)

1. In lieu of being laid off, a permanent employee may choose to be voluntarily demoted to a vacant position or displace an employee within the department and geographical location where employed to one of the next lower classes:

- (a) Within his or her current class series and option; or
- (b) Within the class series and option from which he or she was appointed to his or her current position during current continuous service if he or she cannot be demoted pursuant to paragraph (a).

➤ For the purposes of this subsection, divisions of the Department of Health and Human Services and the Nevada System of Higher Education shall be deemed to be departments.

2. No employee in a higher class may displace an employee in a lower class who has more seniority. If an employee chooses to displace another, he or she must displace the member of the

next lower class who has the least seniority. If that member has more seniority, the displacing employee must descend further in the class series.

3. The employees displaced reestablish the layoff class.

4. An employee may choose to displace another only if he or she meets the minimum qualifications for the class, option and position. For the purposes of this subsection, qualifications for a position may be different from those of the class and option only when selective certification is required pursuant to subsection ~~2~~ 3 of NAC 284.361.

5. Full-time, part-time and seasonal employees must be treated separately and can only displace like employees.

6. Displacement is always a movement to a class at a lower grade.

7. A current employee who elects to displace another employee has priority over former employees already on reemployment lists.

8. The pay of the employee who is taking a voluntary demotion cannot exceed the highest step for the class to which the employee is being demoted. If the current pay falls within the lower rate range, no reduction in pay may occur unless money is not available as certified by the Chief of the Budget Division or, in the case of an agency which is not supported from the State General Fund, as certified by the administrator of that agency.

[Personnel Div., Rule XIII § B subsec. 2, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 7-21-89; 8-1-91; R146-01, 1-18-2002; A by Personnel Comm'n by R096-03, 10-30-2003; R143-05, 12-29-2005)

Sec. 6.

<p>Explanation of Proposed Change: This section provides that the regulations included in LCB File No. R034-17 become effective on January 1, 2018, or upon filing with the Secretary of State, whichever occurs later.</p>
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This regulation becomes effective on January 1, 2018, or upon filing with the Secretary of State, whichever occurs later.

Personnel Commission Meeting
December 7, 2017

FOR DISCUSSION AND POSSIBLE ACTION

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

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

LCB File No. R035-17

The amendment to NAC 284.325 was adopted by the Personnel Commission, endorsed by the Governor, and filed with the Secretary of State as an emergency regulation due to Assembly Bill 309 (AB 309) of the 2017 Legislative Session. The regulation became effective on October 1, 2017 and is set to expire on January 29, 2018. The regulation in this LCB File virtually mirrors the emergency regulation that was adopted, except that the reference to AB 309 was not included in the emergency regulation, and is included here.

Effective October 1, 2017, AB 309 requires that 10 preference points must be added to the passing grade of all veterans, as well as widows and widowers of persons killed in the line of duty while on active duty in the US Armed Forces. This bill also removes the restriction of use of veterans' preference points. In addition, any qualified applicant on a list who is a veteran with a service-connected disability will be granted an interview. If there are veterans on the list without a service-connected disability, at least 22 percent of those qualified applicants will be interviewed. If there is not a sufficient number to reach 22 percent, each veteran who is a qualified applicant will be interviewed for the position.

The Division of Human Resource Management recommends the amendment to NAC 284.325 to remove the restriction on the use of veterans' preference points in regulation.

This regulation was discussed at a Regulation Workshop on July 11, 2017, and no comment was received in support or opposition of the amendment.

LCB File No. R035-17

Section 1. NAC 284.325 is hereby amended to read as follows:

Explanation of Proposed Change: Existing law requires points to be added to the passing grade on a competitive examination of veterans or a widow or widower of a veteran. Assembly Bill 309 of the 2017 Legislative Session amends subsection 2 of NRS 284.260 by removing the restriction on applying veterans' preference points to more than one promotional examination.

This amendment, proposed by the Division of Human Resource Management, amends NAC 284.325 to change the point in time when an applicant must declare his or her intention to use veterans' preference points, and prove his or her eligibility. This amendment also removes the restriction of use of veterans' preference points in regulation.

NAC 284.325 Preferences for veterans. (NRS 284.065, 284.155, 284.205, 284.250) An applicant must declare his or her intention to request veterans' preference points pursuant to NRS 284.260 ~~[before the examination.]~~, *as amended by section 5 of Assembly Bill No. 309, chapter 510, Statutes of Nevada 2017, at page 3430, at the time of application.* Proof of eligibility for preference as a veteran must be submitted ~~[no later than the last day on which the applicant takes the last phase of the ranking portion of the examination. If the examination is a promotional examination, the placement of the employee's name on the promotional list exhausts the veterans' preference points for that employee for all future promotional examinations.]~~ *at the time of application.*

[Personnel Div., Rule IV § L, eff. 8-11-73] — (NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004) — (Substituted in revision for NAC 284.342)

Personnel Commission Meeting
December 7, 2017

FOR DISCUSSION AND POSSIBLE ACTION

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

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

LCB File No. R036-17

Effective January 1, 2018, Assembly Bill 384 (AB 384) of the 2017 Legislative Session amends Chapter 284 of NRS to provide that the criminal history of an applicant may no longer be considered at the time of application. The criminal history of an applicant will only be considered after either the final in-person interview, a conditional offer of employment has been made, or the applicant has been certified by the Administrator, whichever occurs first.

The Division of Human Resource Management (Division) recommends the amendment to NAC 284.374 to remove the reference to disclosing convictions as required by NAC 284.321, because NAC 284.321 is proposed for repeal. The Division also recommends the repeal of NAC 284.321, as disclosure of a conviction on an employment application is no longer a requirement.

This regulation was discussed at a Regulation Workshop on July 11, 2017, and no comment was received in support or opposition of the amendment.

LCB File No. R036-17

Section 1. NAC 284.374 is hereby amended to read as follows:

Explanation of Proposed Change: Assembly Bill 384 of the 2017 Legislative Session amends NRS 284 to add a new section providing that the criminal history of an applicant or other qualified person under consideration for employment in the classified or unclassified service may not be considered until the final in-person interview, a conditional offer of employment, or the applicant has been certified by the Administrator, whichever occurs first.

This amendment, proposed by the Legislative Counsel Bureau, references Assembly Bill 384 as amending NRS 284.240, and removes the failure to disclose convictions, because NAC 284.321 is proposed for repeal in Section 2 of this LCB File.

NAC 284.374 Active lists: Removal and reactivation of names; refusal to consider certain persons. (NRS 284.065, 284.155, 284.250, 284.295)

1. The names of eligible persons will be removed from the active lists for any of the following causes:

(a) Appointment after certification to fill a full-time permanent position in the class for which the examination was given.

(b) Expiration of the term of eligibility.

(c) Separation of a person who is eligible for promotion from the state service.

(d) Failure by an eligible person to respond within the required time to an inquiry of availability.

(e) A statement by the eligible person that he or she is not willing to accept any type of appointment from the eligible list.

(f) Any of the causes listed in NRS 284.240 , *as amended by section 4 of Assembly Bill No. 384, chapter 340, Statutes of Nevada 2017, at page 2098*, pursuant to which the Administrator may refuse to examine or certify an eligible person ~~[, failure to disclose convictions as required by NAC 284.321]~~ or, if the employee has been laid off, reemployment pursuant to subsection 7 of NAC 284.630.

2. An appointing authority need not consider an eligible person more than one time from a recruitment. Consideration of an applicant for other than full-time permanent positions must not be counted for the purposes of this subsection.

3. An appointing authority need not consider an otherwise eligible person who cannot perform the essential functions of the position with or without reasonable accommodation.

4. An appointing authority may refuse to consider an eligible person who has been subject to a suspension, demotion or termination as a result of an upheld or uncontested disciplinary action in the preceding 12 months. The 12-month period begins on the effective date of the uncontested action or, if it is contested, on the date the hearing officer issues a final decision upholding a suspension, demotion or termination. If an employee is removed from consideration pursuant to this subsection, the appointing authority must notify the employee of that fact in writing before interviewing the next candidate or making its selection. The employee has 3 working days after being notified that he or she has been removed from consideration pursuant to this subsection to notify the appointing authority of any discrepancy in the information in his or her personnel file which led to the removal of the employee from consideration. The appointing authority may not make its selection:

(a) If the employee does not notify the appointing authority of a discrepancy, until after the end of the period pursuant to which the employee may notify the appointing authority of a discrepancy; or

(b) If the employee notifies the appointing authority of a discrepancy, until after the appointing authority determines whether the removal of the employee from consideration pursuant to this subsection was appropriate.

5. An appointing authority shall refuse to consider an eligible person whose appointment to a position will violate NRS 281.210, NAC 284.375 or a policy approved by the Commission pursuant to NAC 284.375.

6. An eligible person whose name has been removed from an active list may request that his or her name be reactivated by stating his or her reasons for the request. If the Division of Human Resource Management determines that the reasons are justified, and the person's term of eligibility has not otherwise expired, his or her name may be reactivated.

[Personnel Div., Rule V § E, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 12-26-91; 7-1-94; 8-16-96, eff. 10-1-96; A by Personnel Comm'n by R069-02, 8-14-2002; R182-03, 1-27-2004; R143-05 & R144-05, 12-29-2005; R023-13, 10-23-2013)

Sec. 2. NAC 284.321 is hereby repealed:

Explanation of Proposed Change: Assembly Bill 384 of the 2017 Legislative Session amends NRS 284 to add a new section providing that the criminal history of an applicant or other qualified person under consideration for employment in the classified or unclassified service may not be considered until the final in-person interview, a conditional offer of employment, or the applicant has been certified by the Administrator, whichever occurs first.

This amendment, proposed by the Division of Human Resource Management, repeals NAC 284.321, as the regulation is related to the consideration of criminal history when an employment application is being reviewed, rather than the time periods now listed in Assembly Bill 384 of the 2017 Legislative Session.

~~[NAC 284.321—Convictions: Disclosure; factors for consideration.—(NRS 284.065, 284.155, 284.295)~~

~~—1.—Any applicant who has a record of a criminal conviction as an adult shall so indicate on his or her application. The application must be accompanied by a complete explanation of the conviction. The failure of the applicant to authorize the release of the information which relates to the conviction of a crime is cause for rejection of the applicant.~~

~~—2.—Any applicant who has a record of conviction for any moving traffic violations within the previous 5 years shall so indicate on his or her application, including the dates and nature of the violations and the fines imposed.~~

~~—3.—The Division of Human Resource Management or its designated representative, in determining whether to accept or refuse the application for a class, position or state service, will consider the type of position, the relevant statutory provisions, the intervening amount of time since the offense, the applicant's age at the time of the offense and, if applicable, the applicant's conduct during incarceration and any parole or probation, the reports from parole or probation officers concerning the applicant's record of employment while on parole or probation and related factors.~~

~~—4.—All relevant public records must be made available to the appointing authority upon its request.]~~

[Personnel Div., Rule IV § E, eff. 8-11-73; A 6-9-74] — (NAC A by Dep't of Personnel, 10-26-84; 5-27-86) — (Substituted in revision for NAC 284.314)

Sec. 3.

Explanation of Proposed Change: This section provides that the regulations included in LCB File No. R036-17 become effective on January 1, 2018, or upon filing with the Secretary of State, whichever occurs later.

This regulation becomes effective on January 1, 2018, or upon filing with the Secretary of State, whichever occurs later.

Personnel Commission Meeting
December 7, 2017

FOR DISCUSSION AND POSSIBLE ACTION

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

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

LCB File No. R088-17

Chapter 122A of the Nevada Revised Statutes (NRS) states that a public agency in the State of Nevada shall not discriminate against the person on the basis that the person is a domestic partner rather than a spouse.

The Division of Human Resource Management (Division) recommends the addition of regulations defining “domestic partner” and “spouse” to be used in in relation to this in Chapter 284 of the Nevada Administrative Code (NAC 284). The Division also recommends the amendment to the regulation related to affirmative action and equal employment opportunity, to incorporate the requirement that the State of Nevada shall not discriminate against the person on the basis that the person is a domestic partner rather than a spouse.

The Division recommends the amendment to the compensatory time regulation included in this LCB File, which require the approval of such a leave request when an employee or the family or household member of the employee is a victim of domestic violence. Amendments to the annual leave, sick leave and leave without pay regulations were adopted by the Commission at its September 29, 2017 meeting, and this regulation is recommended in alignment with the amendments adopted at that time.

The total allowable amount of leave requested for this purpose is 160 hours in a 12-month period, which begins at the time the domestic violence occurs, and includes any combination of leave types, e.g. annual, sick, leave without pay and compensatory time.

These regulations were discussed at a Regulation Workshop on August 30, 2017, and no comment was received in support or opposition of the amendments.

LCB File No. R088-17

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

Sec. 2.

Explanation of Proposed Change: This amendment defines “domestic partner” for the purposes of Chapter 284 of the Nevada Administrative Code, to have the meaning ascribed to it in NRS 122A.030. The Division of Human Resource Management initially proposed that this definition be included in NAC 284.114 (Section 5 below), however the Legislative Counsel Bureau proposed that the definition be added to Chapter 284 as a new standalone regulation.

NEW “Domestic partner” defined. “Domestic partner” has the meaning ascribed to it in NRS 122A.030, as amended by section 1 of chapter 72, Statutes of Nevada 2017, at page 288.

Sec. 3.

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, amends NAC 284 by adding a new section to define “spouse” to include an individual who is a domestic partner, pursuant to the relevant statutes. This term is used throughout NAC 284, particularly as it relates to filling vacancies and attendance and leave regulations.

NEW “Spouse” defined. “Spouse” includes a domestic partner as set forth in NRS 122A.200, as amended by section 4 of chapter 72, Statutes of Nevada 2017, at page 289.

Sec. 4. NAC 284.010 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment incorporates the two new definition regulations proposed in LCB File No. R088-17 (e.g., “Domestic partner” defined and “spouse” defined) into the General Provisions pertaining to Chapter 284 of the Nevada Administrative Code.

NAC 284.010 Definitions. (NRS 284.065) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 284.021 to 284.1125, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

(Supplied in codification; A by Dep’t of Personnel, 10-26-84; 4-19-88; 8-1-91; 7-6-92; 3-23-94; 10-27-97; R031-98, 4-17-98; R043-99, 9-27-99; R197-99, 1-26-2000; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm’n by R038-03, 10-30-2003; R142-05, 12-29-2005; R147-06, 12-7-2006; R137-12, 10-23-2013)

Sec. 5. NAC 284.114 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, amends NAC 284.114 to include that a whether or not an applicant or employee is a “domestic partner” may not be used as a basis for discrimination in the personnel

management system of the State of Nevada. This amendment is based on NRS 122A.200, which states that a public agency in the State of Nevada shall not discriminate against a person on the basis that the person is a domestic partner.

NAC 284.114 Affirmative action program and equal employment opportunity. (NRS 284.065)

1. The Division of Human Resource Management is responsible for establishing, coordinating and evaluating an affirmative action program for this State.

2. The Division of Human Resource Management will cooperate and consult with agencies to:

(a) Identify barriers in the personnel management system which may adversely affect the ability of applicants and employees to reach their full employment potential without regard to race, sex, sexual orientation, gender identity or expression, religion, color, national origin, age, genetic information ~~for disability.~~, *disability or whether or not the person is a domestic partner.*

(b) Coordinate programs to remove barriers to equal employment opportunity while ensuring the effectiveness of the merit system and the opportunity for persons to enter the system and progress in it to the extent of their merit.

3. As used in this section, “gender identity or expression” has the meaning ascribed to it in NRS 281.370.

[Personnel Div., Rule I § C, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; 7-6-92; R098-99, 9-27-99; A by Personnel Comm’n by R055-10, 6-30-2010; R023-11, 10-26-2011)

Sec. 6. NAC 284.2508 is hereby amended to read as follows:

Explanation of Proposed Change: Senate Bill 361 of the 2017 Legislative Session amends NRS 613 to require an employer to provide accommodations to an employee who is a victim of domestic violence or whose family or household member is a victim of domestic violence. These accommodations could include the movement of the employee’s desk or office, a modified work schedule, a new telephone number, or anything else that would not create an undue hardship for the employer. This bill also amends NRS 613 to make it unlawful for an employer to discharge, discipline, discriminate against in any manner or deny promotion, or threaten such action, any employee who has requested accommodations as listed above, requested leave pursuant to section 1 of the bill, attended court proceedings, or has an act of violence committed against them at the employee’s workplace.

This amendment, proposed by the Division of Human Resource Management, allows the approval of accrued compensatory leave, if available, to an employee who has been employed for at least 90 calendar days, and who is a victim of domestic violence. The regulation also allows the approval of accrued compensatory leave, if available, to an employee who has been employed for at least 90 calendar days when his or her spouse, domestic partner, minor child, certain other family members, or a member of his or her household is a victim of domestic violence. The maximum allowable amount of a combination of all leave types (annual, sick, leave without pay and compensatory leave) is 160 hours in a 12-month period, which begins at the time the domestic violence occurs.

NAC 284.2508 Compensatory time: Use. (NRS 284.065, 284.155, 284.175, 284.345)

1. At the direction of the appointing authority, compensatory time must be used within a reasonable time after it is accrued.

2. Unless it would cause an undue hardship to the agency, a request for the use of compensatory time may not be unreasonably denied if the request is made at least 2 weeks in advance of the first date on which the employee wishes to use his or her compensatory time.

3. Unless it would cause an employee to forfeit an amount of annual leave pursuant to subsection 2 of NRS 284.350, an employee must, to the extent possible, exhaust his or her compensatory time before using his or her available annual leave.

4. An appointing authority shall approve a request for compensatory time of an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator if:

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

(b) The employee has accrued the amount of compensatory time necessary to cover the time requested; and

(c) The combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence occurred.

(Added to NAC by Dep't of Personnel by R147-01, eff. 1-22-2002)

Sec. 7.

Explanation of Proposed Change: This section provides that Sections 1 through 5 of LCB File No. R088-17 become effective upon filing with the Secretary of State.

This section also provides that Section 6 of this LCB File is contingent upon the adoption of LCB File No. R037-17 by the Personnel Commission, which has occurred, and the approval of the Legislative Commission. The Legislative Commission approved LCB File No. R037-17, and subsequently filed it with the Secretary of State on October 31, 2017. As such, this LCB File will become effective on the date it is filed with the Secretary of State, or on January 1, 2018, whichever occurs later.

1. This section and sections 1 to 5, inclusive, of this regulation become effective upon filing with the Secretary of State.

2. Section 6 of this regulation becomes effective only if LCB File No. R037-17 is adopted by the Personnel Commission and filed by the Legislative Counsel with the Secretary of State. Section 6 of this regulation becomes effective on:

(a) January 1, 2018;

(b) The date on which this regulation is filed by the Legislative Counsel with the Secretary of State; or

(c) The date on which LCB File No. R037-17 is filed by the Legislative Counsel with the Secretary of State,

↳ whichever occurs later.

FOR DISCUSSION AND POSSIBLE ACTION

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

December 7, 2017.

Item VI-A-1-a

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
1.803	Deputy State Forester	42	A		<i>Abolished</i>		

EXPLANATION OF CHANGE

As part of the biennial Class Specification Maintenance Review process, the Division of Human Resource Management has conducted a review of the Deputy State Forester class specification. The Division of Forestry is the only Department/Division to utilize this class.

During the review, and in conjunction with the Division of Forestry, it was determined that the class is not currently being utilized as the duties and responsibilities were reallocated to the Deputy Administrator, Forestry, 7.411, grade 44 class.

It is therefore recommended that the Deputy State Forester, 1.803, grade 42 class specification be abolished.

Throughout the course of the study, management and agency staff participated in the review and they support this recommendation.

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



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
DEPUTY STATE FORESTER	42	A	1.803

~~Under administrative direction of the State Forester, the Deputy State Forester provides administrative oversight and coordination of the statewide Fire and Resource Management Programs and the delivery and administration of regional forestry programs to ensure the protection of forest, range and watershed resources; act as a liaison with State, federal and local agencies in the management of natural resources on private and public land.~~

~~Act on behalf of the State Forester in all matters related to division operations, activities and personnel as directed by the State Forester.~~

~~Provide administrative guidance and supervise assigned staff including Forestry Program Coordinators and Forestry Regional Managers; assign duties, evaluate performance, counsel, discipline and terminate assigned staff as required; coordinate program activities with fiscal and personnel management functional areas; assist Forestry Regional Managers and Forestry Program Coordinators with personnel actions ensuring compliance with State and federal laws; provide administrative oversight in drafting and changing division policies, procedures and regulations.~~

~~Provide oversight and coordination in development of budgetary information from program areas for the biennial budget; ensure fire reporting and billings are prepared in a timely manner and submitted to accounting staff for review and processing; ensure regional and statewide annual plans are met and funding requirements supported; oversee regional administration in the delivery of fire, resource and conservation camp operating and spending plans.~~

~~Investigate and pursue external funding sources; prepare and submit grant proposals to federal agencies for approval; notify regions of budget allocations; consolidate, review and submit federal reporting documents; ensure program expenditures and activities are in compliance with established grant criteria; negotiate agreements and contracts related to funding, reimbursement or exchange of services.~~

~~Provide administrative oversight to ensure continuity of fire management administration within the regions in conformance with division policies; ensure adequate fire management support between regions for fire suppression and back-up; oversee intra- and inter-agency training and coordination; provide oversight to liaison with the National Guard, Division of Emergency Management, and other divisions within the department to coordinate activities and resources.~~

~~Provide administrative oversight to ensure the continuity of resource management within the regions; ensure the cooperation and coordination of program plans to facilitate and promote sharing of funding, labor and equipment whenever possible.~~

~~Provide for statewide coordination of fire and resource programs through efforts of regional and central office staff; provide uniform delivery of statewide forestry programs within the regions while balancing the needs of the public and private landowners with sound resource management practices.~~

~~Coordinate resource and fire management programs with federal, State and local entities; represent the division at meetings including city councils, county commissions, State agencies, national groups and civic organizations as required.~~

~~Perform related duties as assigned.~~

MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENT:

~~—*—A valid driver's license is required at the time of appointment and as a condition of continuing employment.~~

~~EDUCATION AND EXPERIENCE:—Bachelor's degree from an accredited college or university in forest, range or resource management or closely related field and five years of increasingly responsible and varied program management experience involving resource management and fire suppression, including at least two years in a supervisory capacity; **OR** one year as a Forestry Regional Manager in Nevada State service; **OR** an equivalent combination of education and experience. (See Special Requirement)~~

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

~~**Working knowledge of:**—principles, practices and methods of effective management including supervision, budgeting and fiscal management; fields of study related to forest health including silviculture, horticulture, entomology, botany, range management, hydrology and soil science; fire management including wildland and structural fire suppression and prevention methods, law enforcement, air operations, communications, interagency cooperation, and equipment and property management; development of interagency mutual aid agreements and administration of contractual agreements; best management practices of forest, range and watershed resources including forest silviculture, vegetation management, riparian enhancement, wildlife management and protection of threatened and endangered plant species; federal laws and regulations related to forest harvest practices and the protection of threatened and endangered plant species, environmental assessments and resource planning processes; federal grant application and administration procedures. **Ability to:**—plan, organize, direct and control statewide programs related to the conservation and protection of forest, range and watershed resources; establish and maintain effective working relationships with federal, State, local, private agencies and individuals; represent the division and act on behalf of the State Forester; communicate effectively both orally and in writing; prepare concise, logical and analytical reports; interpret and explain complex and sometimes conflicting policies, procedures, laws and regulations; understand and balance the diverse demands of users with natural resource stewardship; supervise and evaluate the performance of assigned personnel including management, professional, technical and support staff.~~

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

~~**Working knowledge of:**—State, county and municipal laws and regulations governing Nevada forestry management; Nevada State personnel, budget and purchasing rules and regulations; Nevada forest, range and resource management practices. **Ability to:**—direct and deploy division resources within authorized staffing and budgetary limitations.~~

~~This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.~~

1.803

- ESTABLISHED: 1/1/61
- REVISED: 9/1/64
- REVISED: 7/1/71
- REVISED: 4/24/75
- REVISED: 11/2/76
- REVISED: 2/22/77
- REVISED: 7/1/87 12P
- REVISED: 10/17/86PC
- REVISED: 7/1/93R
- REVISED: 12/3/93UC
- REVISED: 10/7/94UC
- REVISED: 7/1/97P
- REVISED: 6/4/96PC
- REVISED: 2/19/98R
- REVISED: 3/23/99UC]
- ABOLISHED 12/7/17PC

FOR DISCUSSION AND POSSIBLE ACTION

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

December 7, 2017.

Item VI-B-1-a

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.860	Cultural Resource Technician	27	C		<i>Abolished</i>		

EXPLANATION OF CHANGE

As part of the biennial Class Specification Maintenance Review process, the Division of Human Resource Management has conducted a review of the Cultural Resource Technician class specification. The University of Nevada - Las Vegas (UNLV), Cultural Resource Division of the Harry Reid Center solely utilized this class specification.

During the review, and in conjunction with UNLV, it was determined that the class is not currently being utilized and is not expected to be utilized in the future.

It is therefore recommended that the Cultural Resource Technician, 7.860, grade 27 class specification be abolished.

Throughout the course of the study, UNLV participated in the review and they support this recommendation.

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



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
CULTURAL RESOURCE TECHNICIAN	27	C	7.860

~~Under general supervision, Cultural Resource Technician's perform technical cultural resource duties in the field or in a museum setting which includes, but is not limited to, archaeological site excavation, survey records maintenance, cataloging of specimens, reference work, compilation of data and reports, conservation and preservation of artifacts, and assisting in exhibit maintenance and/or preparation as directed by professional staff.~~

~~Perform technical aspects of cultural resource field projects including site surveys, recordkeeping, cataloging of specimens and/or the compilation of data and reports; assist in the acquisition, preservation, conservation, and cataloging of donated artifacts.~~

~~Assist in and/or conduct excavation of sampling units at cultural resource sites; maintain field notes of excavation units and photographs of sampling units and features; and assist with cleaning, cataloging and analysis of artifacts.~~

~~Maintain excavation and laboratory equipment to ensure proper working condition.~~

~~Prepare drawings and rough maps of site profiles and site features.~~

~~Compile and review relevant data reports; organize material and prepare reports and responses.~~

~~Provide information and services to public schools and organizations by assembling and distributing educational material, leading school tours, and/or coordinating lectures.~~

~~Perform related duties as assigned.~~

MINIMUM QUALIFICATIONS

~~EDUCATION AND EXPERIENCE:—Associate's degree from an accredited college or university with major course work in archaeology, anthropology or closely related field; **OR** graduation from high school or equivalent education and two years of archaeology related field work experience, one year of which included technical experience in archaeological site excavation, survey records maintenance, cataloging of specimens, and/or the compilation of associated data and reports; **OR** an equivalent combination of education and experience.~~

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

~~**Working knowledge of:**—site excavation techniques and related equipment; standards for the removal of cultural resource deposits and recording of data; land survey practices and procedures. **Ability to:** identify and note the significance of commonly encountered archaeological remains and artifacts; prepare field notes and records; perform technical work in a specific area of responsibility and exercise limited independence when applying guidelines or procedures requiring a degree of judgment, ingenuity or creativity regarding the course of action to accomplish assignments; follow through on oral and written instructions; work as part of a team; use maps and sketches to lay out and mark site areas; maintain a variety of records and reports; apply basic scientific techniques in obtaining, arranging and interpreting cultural resource data; use a variety of hand tools associated with cultural resource work; speak before public groups or organizations.~~

MINIMUM QUALIFICATIONS (cont'd)

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

~~**Working knowledge of:** archaeological field techniques and procedures; preparation and maintenance of maps.~~

~~**Ability to:** catalog, repair, reconstruct and preserve archaeological specimens; prepare specimens for exhibit.~~

~~This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.]~~

7.860

- ~~ESTABLISHED:~~ 9/23/75
- ~~REVISED:~~ 7/1/93P
- ~~REVISED:~~ 8/31/92PC
- ~~REVISED:~~ 7/1/95P
- ~~REVISED:~~ 9/16/94PC
- ~~REVISED:~~ 6/15/07PC]
- ~~ABOLISHED~~ 12/7/17PC

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#: 1-18

Effective: 08/08/17

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.776	Fiscal/Business Professional Trainee	31	B	<i>7.776</i>	<i>Fiscal/Business Professional Trainee</i>	<i>31</i>	<i>B</i>

BASIS FOR RECOMMENDATION

At the request of the Department of Business and Industry, Division of Housing, the Division of Human Resource Management (DHRM) has conducted a review of the Grants and Projects Analyst series. Analysts within DHRM partnered with subject matter experts from the Office of the Attorney General, Department of Education, Department of Health and Human Services, Department of Public Safety, Department of Business and Industry and the Department of Employment, Training and Rehabilitation and determined a trainee level was needed within the Grants and Projects Analyst series to improve recruitment efforts. As a result, it is recommended that revisions be made to the Fiscal/Business Professional Trainee class specification to remove reference to the Grants and Projects Analyst. It is also recommended to remove Investment Analyst and Financial Institutions Examiner and add Economist and Loan Officer. Additionally, it is recommended that minor revisions be made to the minimum qualifications to account for the changes.

The DHRM feels that the recommended changes will improve recruitment efforts without reducing the quality of candidates.

Throughout the process, management staff within DHHS and analysts within DHRM participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

POSTING#: 2-18
Effective: 08/29/17

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
	<i>New</i>			7.208	<i>Organizational Change Manager, PMO</i>	44	A

BASIS FOR RECOMMENDATION

In consultation with Subject Matter Experts from the Department of Administration and Division of Human Resource Management it has been determined that a new series should be developed as a result of the creation of the Project Management Office (PMO), which will be tasked with the Organizational Change Management for Enterprise Resource Planning for the State of Nevada.

Enterprise Resource Planning (ERP) is the integrated management of core business processes, often in real-time and mediated by software and technology. ERP is usually referred to as a category of business-management software, typically a suite of integrated applications, that an organization can use to collect, store, manage and interpret data from these many business activities. The Project Management Office is tasked to develop and implement an ERP that will integrate business functions to include Budget, Financial Administration, Grants, Human Resource Management, Purchasing and Technical Resources.

The Organizational Change Manager, PMO, will direct, coordinate and manage organizational change related to the implementation of ERP for the State of Nevada; instill organizational change management principles and practices within projects and structured work efforts to achieve desired business related outcomes; and lead, direct, coordinate and provide visibility for the State’s change management efforts.

In reviewing the job duties, it was determined that this class aligns with the Fiscal Management & Staff Services Occupational Group, Business Management Subgroup. The recommended grade was compared to other business management series’ to include Administrative Services Officer and Management Analyst, as well as, the Director, PMO and Administrator, PMO; and it was determined that the complexity of the assignment, the consequence of error, the high degree of judgment necessary and the overall importance of the duties and responsibilities necessitated a grade 44.

Throughout the process, management within the Department of Administration, the Division of Human Resource Management and Analysts within the Recruitment Unit participated by offering recommendations and reviewing changes as the process progressed and they support the recommendation.

POSTING#: 03-18
Effective: 08/29/17

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
	<i>New</i>			7.209	<i>Director, Office of Project Management</i>	48	A

BASIS FOR RECOMMENDATION

In consultation with Subject Matter Experts from the Department of Administration and Division of Human Resource Management it has been determined that a new series should be developed as a result of the creation of the Project Management Office (OPM), which will be tasked with Enterprise Resource Planning for the State of Nevada.

Enterprise Resource Planning (ERP) is the integrated management of core business processes, often in real-time and mediated by software and technology. ERP is usually referred to as a category of business-management software, typically a suite of integrated applications, that an organization can use to collect, store, manage and interpret data from these many business activities. The Project Management Office is tasked to develop and implement an ERP that will integrate business functions to include Budget, Financial Administration, Grants, Human Resource Management, Purchasing and Technical Resources.

The Director, Project Management Office will be responsible for providing leadership and guidance in directing and managing ERP for the State of Nevada; responsible for the State’s overall Information Technology governance function; coordinate with key stakeholders and PMO staff in the development of methods and best practices to provision IT into the State of Nevada’s business functions in order to improve overall Project Portfolio Management (PPM) maturity across the State of Nevada’s ERP system; responsible for supporting and enabling the organization’s projects, programs and structured work efforts to ensure the work of the OPM embraces the strategy of the organization and meets the goals set by the Executive Committee.

In reviewing the job duties, it was determined that this class aligns with the Fiscal Management & Staff Services Occupational Group, Business Management Subgroup. The recommended grade was compared to other Department/Division managers to include Administrator II, Professional Engineer (6.221, grade 47), Warden (12.501, grade 46), and Deputy Administrator, Regulatory Agency (6.804, grade 46) and it was determined that the complexity of the assignment, the consequence of error, the high degree of judgment necessary and the overall importance of the duties and responsibilities necessitated the higher grade 48. The recommended grade is also two grades above the Administrator, Project Management Office, which is consistent with the majority of class series within the State.

Throughout the process, management within the Department of Administration, the Division of Human Resource Management and Analysts within the Recruitment Unit participated by offering recommendations and reviewing changes as the process progressed and they support the recommendation.

POSTING#: 04-18

Effective: 08/29/17

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
	<i>New</i>			<i>7.210</i>	<i>Administrator, Office of Project Management</i>	<i>46</i>	<i>A</i>

BASIS FOR RECOMMENDATION

In consultation with Subject Matter Experts from the Department of Administration and Division of Human Resource Management it has been determined that a new series should be developed as a result of the creation of the Project Management Office (OPM), which will be tasked with Enterprise Resource Planning for the State of Nevada.

Enterprise Resource Planning (ERP) is the integrated management of core business processes, often in real-time and mediated by software and technology. ERP is usually referred to as a category of business-management software, typically a suite of integrated applications, that an organization can use to collect, store, manage and interpret data from these many business activities. The Project Management Office is tasked to develop and implement an ERP that will integrate business functions to include Budget, Financial Administration, Grants, Human Resource Management, Purchasing and Technical Resources.

The Administrator, Project Management Office operates as the State functional lead for Enterprise Resource Planning for the State of Nevada and will assist the Director, Project Management Office in the identification and development of project management roles, processes, methods, tools, guidelines, standards and policies and procedures; provide guidance and leadership to identified lead Subject Matter Experts; coordinate with Organizational Change Management and Business Process Re-Engineering to facilitate synergy; ensure functional requirements are defined and business process changes are identified; coordinate and lead State staff and vendor teams to communicate State functional requirements and to assist the State in its understanding and evaluation of proposed solutions; and develop, implement and submit analytical, narrative and statistical reports regarding assigned projects.

In reviewing the job duties, it was determined that this class aligns with the Fiscal Management & Staff Services Occupational Group, Business Management Subgroup. The recommended grade was compared to other Department/Division administrators to include Deputy Administrator, Regulatory Agency (6.804, grade 46), Deputy Administrator Forestry (7.411, grade 44), Chief, Right-of-Way (7.403, grade 44), Deputy Administrator, State Parks (1.902, grade 44), Highway Project Manager (6.101, grade 44) and Deputy Administrator DETR (12.103, grade 43) and it was determined that the complexity of the assignment, the consequence of error, the high degree of judgment necessary and the overall importance of the duties and responsibilities necessitated the higher grade 46.

Throughout the process, management within the Department of Administration, the Division of Human Resource Management and Analysts within the Recruitment Unit participated by

offering recommendations and reviewing changes as the process progressed and they support the recommendation.

POSTING#: 05-18

Effective: 09/01/17

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.753	Grants & Projects Analyst III	37	B	7.753	<i>Grants & Projects Analyst III</i>	37	<i>B</i>
7.755	Grants & Projects Analyst II	35	B	7.755	<i>Grants & Projects Analyst II</i>	35	<i>B</i>
7.757	Grants & Projects Analyst I	33	B	7.757	<i>Grants & Projects Analyst I</i>	33	<i>B</i>
	New			7.759	<i>Grants & Projects Analyst Trainee</i>	31	<i>B</i>

BASIS FOR RECOMMENDATION

At the request of the Department of Business and Industry (B&I), Nevada Housing Division, the Division of Human Resource Management (DHRM) has conducted a review of the Grants & Projects Analyst series. Analysts within DHRM partnered with subject matter experts from B&I, the Office of the Attorney General (AG Office), Department of Health and Human Services (DHHS), Department of Public Safety (DPS) and Department of Employment, Training and Rehabilitation (DETR) and as a result of this review, it is recommended that revisions be made to the series concept, class concept and minimum qualifications. The changes include statements that clarify the work being performed by the Grants & Projects Analysts, type of supervision received at levels three and two and the addition of a trainee level within the class specification series to assist with recruitment efforts. It is also recommended that minor revisions be made to the series concept, class concept and minimum qualifications to maintain consistency with verbiage, formatting and structure.

The agency feels that the recommended changes will improve recruitment efforts without reducing the quality of candidates.

Throughout the process, management staff within B&I, AG Office, DHHS, DPS, DETR and analysts within DHRM participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

POSTING#: 06-18

Effective: 09/08/17

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.856	Cultural/Natural Resource Specialist III	35	B	<i>7.856</i>	<i>Cultural/Natural Resource Specialist III</i>	<i>35</i>	<i>B</i>
7.857	Cultural/Natural Resource Specialist II	33	B	<i>7.857</i>	<i>Cultural/Natural Resource Specialist II</i>	<i>33</i>	<i>B</i>
7.858	Cultural/Natural Resource Specialist I	31	B	<i>7.858</i>	<i>Cultural/Natural Resource Specialist I</i>	<i>31</i>	<i>B</i>

BASIS FOR RECOMMENDATION

At the request of the Department of Tourism and Cultural Affairs (DTCA), Nevada Arts Council, the Division of Human Resource Management (DHRM) has conducted a review of the Cultural/Natural Resource Specialist (CNRS) series. Analysts within DHRM partnered with subject matter experts from DTCA and the Nevada Department of Transportation (NDOT) and as a result of this review, it is recommended that revisions be made to the CNRS III, Option A and CNRS I class concepts and the minimum qualifications of Option A for CNRS III, II and I and Option B for CNRS II.

The changes include the revision of the CNRS I classification concept to allow both the Nevada Arts Council and Nevada Department of Transportation to permanently classify a position at the one level to perform the duties in a more limited capacity. It is also recommended that minor revisions be made to the series concept, class concept and minimum qualifications to maintain consistency with verbiage, spelling, formatting and structure.

The agency feels that the recommended changes will improve recruitment efforts without reducing the quality of candidates.

Throughout the process, management staff within DTCA, NDOT and analysts within DHRM participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

POSTING#: 07-18

Effective: 09/15/17

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
12.619	Parole & Probation Supervisor	36	B	<i>12.619</i>	<i>Parole & Probation Supervisor</i>	<i>36</i>	<i>B</i>
12.618	Parole & Probation Specialist IV	35	B	<i>12.618</i>	<i>Parole & Probation Specialist IV</i>	<i>35</i>	<i>B</i>
12.616	Parole & Probation Specialist III	33	B	<i>12.616</i>	<i>Parole & Probation Specialist III</i>	<i>33</i>	<i>B</i>
12.614	Parole & Probation Specialist II	31	E	<i>12.614</i>	<i>Parole & Probations Specialist II</i>	<i>31</i>	<i>E</i>
12.615	Parole & Probation Specialist I	29	E	<i>12.615</i>	<i>Parole & Probation Specialist I</i>	<i>29</i>	<i>E</i>

BASIS FOR RECOMMENDATION

Through the Individual Classification Study (NPD-19) process and at the request of the Department of Public Safety, Division of Parole & Probation, it is recommended that revisions be made to the Parole & Probations Specialist class specification.

Working with Subject Matter Experts from the Division, it was determined that modifications be made to the Parole & Probation Specialist III class concept to account for duties and responsibilities of the Re-Entry Program recently reacquired from the Department of Corrections and their Correctional Case Work Specialist positions.

Minor changes were also made to the class concept for the Parole & Probation Supervisor and Parole & Probation Specialist II to clarify duties and responsibilities.

In addition, the Education & Experience section of the Minimum Qualifications were modified to maintain consistency with formatting and structure. As such, the Informational Note was removed as this is clarified within the education verbiage.

Throughout the process, management staff within the Department of Public Safety, Division of Parole & Probation, and Analysts within the Division of Human Resource Management participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

POSTING#: 08-18

Effective: 09/27/17

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.215	Administrative Services Officer IV	44	A	7.215	<i>Administrative Services Officer IV</i>	<i>44</i>	<i>A</i>
7.216	Administrative Services Officer III	41	A	7.216	<i>Administrative Services Officer III</i>	<i>41</i>	<i>A</i>
7.217	Administrative Services Officer II	39	B	7.217	<i>Administrative Services Officer II</i>	<i>39</i>	<i>B</i>
7.218	Administrative Services Officer I	37	B	7.218	<i>Administrative Services Officer I</i>	<i>37</i>	<i>B</i>

BASIS FOR RECOMMENDATION

At the request of the Division of Human Resource Management, Recruitment Unit, it is recommended that minor revisions be made to the minimum qualifications of the Administrative Services Officer Series.

It is recommended that the Education & Experience section, at all levels, be amended to clarify the types of experience required. It is also recommended that equivalencies at the Administrative Services Officer I be added to allow for experience at the Budget Analyst II, Economist II and Management Analyst II.

These changes will allow for greater flexibility in the recruitment process and a more robust pool of applicants, both externally and internally.

Throughout the process, the Division of Human Resource Management Recruitment Unit, as well as, Subject Matter Experts from various Departments, participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.