

NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the Permanent Amendment or Adoption of Regulations of the
Department of Administration
Division of Human Resource Management

The Personnel Commission will hold a public hearing at 9:00 a.m., on July 11, 2014 at the Legislative Counsel Bureau, Conference Room 3138, 401 South Carson Street, Carson City and in Las Vegas at the Grant Sawyer Building, Room 4401, 555 East Washington Avenue via videoconferencing. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to Chapter 284 of the Nevada Administrative Code.

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

- This regulation does not have a direct economic effect on any business or the public.
- Enforcement of this regulation will not result in an increased cost.
- To our knowledge, the regulation does not overlap or duplicate the regulations of other State or local governmental agencies.
- The regulation does not establish any new fee or increase an existing fee.

NAC#

Regulation Leadline:

284.172

Rate of pay: Effect of promotion

Persons wishing to comment upon the proposed action of the Personnel Commission may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Department of Administration, Division of Human Resource Management, 209 E. Musser Street, Room 101, Carson City, Nevada 89701, Attention: Shelley Blotter. Written submissions must be received by the Division of Human Resource Management on or before July 11, 2014. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Personnel Commission may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 North Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the Division of Human Resource Management, 100 North Stewart Street, Suite 200, Carson City; 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

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

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

PHYSICAL LOCATIONS

CARSON CITY

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

LAS VEGAS

Grant Sawyer State Office Building,
555 E. Washington Ave.

WEBSITES

LCB: www.leg.state.nv.us
Nevada Public Notice:
www.notice.nv.gov
Division of Human Resource
Management
www.hr.nv.gov

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

Proposed Permanent Regulation Amendments

Explanation of Proposed Change: Proposed by the Division of Human Resource Management, this amendment will simplify the “Rate of pay: Effect of promotion” so errors do not occur and all employees are treated equitably. The Division does not have the resources to conduct an in-depth audit of all employee records transactions. Therefore, it is possible that errors, which could result in some employees being afforded a greater or lesser compensation benefit than the regulation currently provides, have occurred as a result of a promotion. The current regulation may dissuade an employee from voluntarily demoting to change his or her career path or enter a new class entirely, by limiting his or her pay in the event that he or she accepts a promotion in the future. The proposed change reduces to one year the limitation governing the pay upon promotion when a demotion has occurred in the past. In addition, the proposed change allows the Administrator to approve a promotional increase when appropriate, e.g. an employee demoted into a trainee classification and has now achieved the skills necessary to function at a higher level in the new job series. This change is in alignment with the amendment to NAC 284.173 Rate of pay: Effect of demotion, which was proposed and passed at the April 11, 2014 meeting of the Personnel Commission. This proposed amendment, as well as the amendment to NAC 284.173, provides dedicated employees the opportunity to broaden their skill sets, as well as the incentive to remain in State service.

NAC 284.172 Rate of pay: Effect of promotion. (NRS 284.065, 284.155, 284.175)

1. The following provisions govern the rate of pay which must be paid if an employee is promoted:

(a) The employee must be placed at the lowest step in the higher grade that meets one of the following requirements:

(1) If the employee moves one or two grades above his or her former grade, he or she must be placed at the same step in the new grade as the step held in his or her former grade.

(2) If the employee moves three or more grades above his or her former grade, the employee must be placed:

(I) At a step which is equivalent to an increase of two steps above the step held in his or her former grade; or

(II) At the lowest step of the new grade,

↳ whichever pay is higher and in accordance with the provisions of NAC 284.179.

(b) A special adjustment to an employee’s pay for performing supervisory duties which is granted in accordance with paragraph (c) of subsection 2 of NAC 284.206 is the present level of pay for the purpose of calculating a promotional increase authorized by paragraph (a) only if the employee has received the special adjustment to his or her pay for more than 6 months of continuous full-time service.

(c) If an employee has been demoted, he or she may not, ***within 1 year after the demotion***, receive a promotional increase in pay that is greater than the increase which he or she would have otherwise been entitled to receive had he or she not been demoted ~~[-]~~ ***unless the Administrator approves the promotional increase.***

(d) This subsection does not apply when an employee is reemployed or reappointed to his or her former grade within 1 year after holding that grade.

2. As used in this section, “present level of pay” means a rate of pay that is equal to the amount that is assigned to the step within the grade which is closest to, but does not exceed, the employee’s pay after a special adjustment to pay pursuant to the provisions of NAC 284.206.

(Added to NAC by Personnel Comm’n by R133-12, eff. 10-4-2013)