

Steve Sisolak
Governor



Laura E. Freed
Director

Colleen Murphy
Deputy Director

Peter Long
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
209 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 684-0122

MEMORANDUM
HR#53-20

October 28, 2020

TO: DHRM Listserv Recipients

FROM: Peter Long, Administrator *Peter Long*
Division of Human Resource Management

SUBJECT: NOTICE OF PUBLIC HEARING – Amendment and Adoption of Regulations that Pertain to NAC 284

The regulation changes included with this memorandum are being proposed for adoption at the upcoming meeting of the Personnel Commission. This meeting will be held via teleconference only. Pursuant to Governor Sisolak's Declaration of Emergency Directives 026 and 029, the requirement contained in NRS 241.023(1)(b) that there be a physical location is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Coronavirus). Accordingly, anyone planning to participate in the meeting must participate by using the teleconference number.

Friday, December 4, 2020 – 9:00 a.m.

Meeting materials are available on the Division of Human Resource Management's website at: http://hr.nv.gov/Boards/Master_Meetings_Calendar/

Teleconference Access:
Teleconference Number – 877-848-7030
Participant Code – 4277490#

Please circulate and post the attached *Notice of Hearing* along with the text of the proposed regulations.

PL:mg

Attachments

NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the Permanent Adoption and Amendment
of Regulations of the
Personnel Commission

The Personnel Commission will hold a public teleconference hearing to receive comments from all interested persons regarding the adoption and amendment of regulations that pertains to Chapter 284 of the Nevada Administrative Code.

Friday, December 4, 2020 – 9:00 a.m.

***This meeting will be held via teleconference only. Pursuant to Governor Sisolak’s Declaration of Emergency Directives 026 and 029, the requirement contained in NRS 241.023(1)(b) that there be a physical location is suspended to mitigate the possible exposure or transmission of COVID-19 (Coronavirus). Accordingly, anyone planning to participate in the meeting must participate by using the teleconference number. Meeting materials are available on the Division of Human Resource Management’s website at:**

[http://hr.nv.gov/Boards/Master Meetings Calendar/](http://hr.nv.gov/Boards/Master_Meetings_Calendar/)

Teleconference Access:
Teleconference Number – 877-848-7030
Participant Code – 4277490#

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, this regulation does not overlap or duplicate the regulations of other State or local governmental agencies.
- This regulation does not establish any new fee or increase an existing fee.

<u>LCB File:</u>	<u>Section:</u>	<u>NAC:</u>	<u>Leadline or Description</u>
R123-19	Section 1.	NEW	Employee who is authorized by law and carries a concealed firearm: Notification to appointing authority required.
	Sec. 2.	284.650	Causes for disciplinary or corrective action.

Persons wishing to comment upon the proposed action of the Personnel Commission may participate in the public teleconference hearing or may address their comments, data, views, or arguments in written form to the Department of Administration, Division of Human Resource Management, 209 East Musser Street, Suite 101, Carson City, Nevada 89701, Attention: Michelle Garton. Written submissions must be received by the Division of Human Resource Management on or before December 4, 2020. If no person who is directly affected by the proposed action makes an oral presentation during the public teleconference hearing, the Personnel Commission may proceed immediately to act upon any written submissions.

This notice and the text of the proposed regulation is available in the State of Nevada Register of Administrative Regulations, which is prepared and published periodically 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 or amendment of any regulation, the agency, if requested to do so by an interested person, either before adoption or amendment, or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or amendment, and incorporate therein its reason for overruling the consideration urged against its adoption or amendment.

This notice of hearing has been provided via electronic means to all persons on the Division's official Listserv e-mail list and posted on the following websites:

Legislative Counsel Bureau website: www.leg.state.nv.us

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

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

EXPLANATION OF PROPOSED CHANGES
LCB File No. R123-19

Section 1: NEW Employee who is authorized by law and carries a concealed firearm: Notification to appointing authority required.

This new regulation establishes the requirement that an employee with a concealed carry permit who carries a concealed firearm in the public building in which he or she is employed, must notify the appointing authority or designated representative.

Sec. 2: NAC 284.650 Causes for disciplinary or corrective action.

This amendment is intended to bring NAC 284.650 into alignment with NRS 202.3673 and establishes the provision that will allow for disciplinary or corrective action for failure to notify the appointing authority or designated representative as required by Section 1 of this LCB File.

EXPLANATION OF PROPOSED CHANGES
LCB File No. R123-19

Section 1: NEW Employee who is authorized by law and carries a concealed firearm: Notification to appointing authority required.

This new regulation establishes the requirement that an employee with a concealed carry permit who carries a concealed firearm in the public building in which he or she is employed, must notify the appointing authority or designated representative.

Sec. 2: NAC 284.650 Causes for disciplinary or corrective action.

This amendment is intended to bring NAC 284.650 into alignment with NRS 202.3673 and establishes the provision that will allow for disciplinary or corrective action for failure to notify the appointing authority or designated representative as required by Section 1 of this LCB File.

**PROPOSED REGULATION OF
THE PERSONNEL COMMISSION**

LCB File No. R123-19

March 10, 2020

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

AUTHORITY: §1, NRS 284.065 and 284.155; §2, NRS 284.065, 284.155, 284.383 and 284.385.

A REGULATION relating to the State Personnel System; requiring a state employee who holds a permit to carry a concealed firearm to provide notification to the appointing authority or designated representative thereof that the employee will be carrying a concealed firearm on the premises of the public building in which he or she is employed; authorizing disciplinary or corrective action to be taken against such an employee for failing to provide such notification; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally authorizes a person who holds a valid permit to carry a concealed firearm to carry a concealed firearm while the permittee is on the premises of any public building, but a permittee is prohibited from carrying a concealed firearm while on the premises of certain public buildings, including a public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building. However, existing law also provides an exception to such a prohibition if the permittee is employed in the public building. (NRS 202.3673)

Existing law requires the Personnel Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations to carry out the provisions of law governing the State Personnel System. (NRS 284.065) Existing law also requires the Commission to adopt a code of regulations for the classified service of the State of Nevada, which is comprised of all positions in the public service that are lawfully designated as being in the classified service and filled according to merit and fitness from eligible lists prepared upon the basis of examination. (NRS 284.150, 284.155) Existing law further requires the Commission to adopt regulations that set forth a system for administering disciplinary measures against a state employee in which less severe measures are generally applied first and, if such measures fail to correct the employee's deficiencies, more severe measures are then applied. (NRS 284.383) Existing regulations set forth provisions relating to when a warning or written reprimand may be issued against an employee and when an employee may be suspended, demoted or dismissed. (NAC 284.638, 284.642, 284.646) Existing regulations also set forth

various situations in which appropriate disciplinary or corrective action may be taken against an employee. (NAC 284.650)

Section 1 of this regulation requires an employee who possesses a permit to carry a concealed firearm and is authorized by existing law to carry a concealed firearm while on the premises of the public building in which he or she is employed to notify, before the employee carries a concealed firearm on the premises of the public building, the appointing authority or a designated representative of the appointing authority that the employee will be carrying the concealed firearm. **Section 2** of this regulation provides that appropriate disciplinary or corrective action may be taken against an employee who fails to provide such notification.

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

If an employee is authorized pursuant to NRS 202.3673 to carry a concealed firearm while on the premises of the public building in which he or she is employed, the employee must, before the employee carries a concealed firearm on the premises of the public building, notify the appointing authority or a designated representative of the appointing authority that the employee will be carrying the concealed firearm.

Sec. 2. NAC 284.650 is hereby amended to read as follows:

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

1. Activity which is incompatible with an employee's conditions of employment established by law or which violates a provision of NAC 284.653 or 284.738 to 284.771, inclusive.
2. Disgraceful personal conduct which impairs the performance of a job or causes discredit to the agency.
3. The employee of any institution administering a security program, in the considered judgment of the appointing authority, violates or endangers the security of the institution.
4. Discourteous treatment of the public or fellow employees while on duty.
5. Incompetence or inefficiency.

6. Insubordination or willful disobedience.
7. Inexcusable neglect of duty.
8. Fraud in securing appointment.
9. Prohibited political activity.
10. Dishonesty.
11. Abuse, damage to or waste of public equipment, property or supplies because of inexcusable negligence or willful acts.
12. Drug or alcohol misuse as described in NRS 284.4062 and NAC 284.884.
13. Conviction of any criminal act involving moral turpitude.
14. Being under the influence of intoxicants, a controlled substance without a medical doctor's prescription or any other illegally used substances while on duty.
15. Unauthorized absence from duty or abuse of leave privileges.
16. Violation of any rule of the Commission.
17. Falsification of any records.
18. Misrepresentation of official capacity or authority.
19. Violation of any safety rule adopted or enforced by the employee's appointing authority.
20. Carrying, while on the premises of the workplace, any firearm which is not required for the performance of the employee's current job duties or authorized by his or her appointing authority.
21. *Failure of an employee who is authorized pursuant to NRS 202.3673 to carry a concealed firearm while on the premises of the public building in which he or she is employed to notify the appointing authority or a designated representative of the appointing authority, in*

accordance with section 1 of this regulation, that the employee will be carrying the concealed firearm.

22. Any act of violence which arises out of or in the course of the performance of the employee's duties, including, without limitation, stalking, conduct that is threatening or intimidating, assault or battery.

~~22.~~ 23. Failure to participate in any investigation of alleged discrimination, including, without limitation, an investigation concerning sexual harassment.

~~23.~~ 24. Failure to participate in an administrative investigation authorized by the employee's appointing authority.

~~24.~~ 25. Failure to report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license when required pursuant to NAC 284.652.

Steve Sisolak
Governor



Laura E. Freed
Director

Colleen Murphy
Deputy Director

Peter Long
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
209 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 684-0122

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

10/28/2020

Date