

Steve Sisolak
Governor



Laura E. Freed
Director

Matthew Tuma
Deputy Director

Frank Richardson
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management

209 E. Musser Street, Suite 101 | Carson City, Nevada 89701
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MEMORANDUM
HR# 41-22

August 22, 2022

TO: DHRM Listserv Recipients

FROM: Frank Richardson, Administrator *Frank Richardson*
Division of Human Resource Management

SUBJECT: NOTICE OF PUBLIC MEETING – PERSONNEL COMMISSION

The agenda for the August 26, 2022, meeting of the Personnel Commission has been posted on our website. The meeting will begin at 12:00 p.m. and will be held by teleconference only. Please see the teleconference information below:

If you are in the North: 775-687-0999

If you are in the South: 702-486-5260

Participants Collaboration Code: 40148

If on the Nevada State Phone System, dial in with the last 5-digit numbers underlined. If you are dialing from outside the Nevada State Phone System, i.e., home phone or cellphone, please dial the complete number.

To view the full agenda, please visit our website at:

https://hr.nv.gov/Boards/Master_Meetings_Calendar/

Thank you.

FR:mg

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PERSONNEL COMMISSION

Meeting Notice

DATE: Friday, August 26, 2022

TIME: 12:00 p.m.

LOCATION: *This meeting will be held via teleconference only. Anyone planning to participate in the meeting must participate by using one of the teleconference numbers below.

If you are in the North: 775-687-0999
If you are in the South: 702-486-5260

Participants Collaboration Code: 40148

If on the Nevada State Phone System, dial in with the last 5-digit numbers underlined. If you are dialing from outside the Nevada State Phone System, i.e., home phone or cellphone, please dial the complete number.

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

Agenda

- I. Call to Order, Welcome, Roll Call, Announcements**
- II. Public Comment:** No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020).
- FOR POSSIBLE ACTION III. Discussion and Approval or Denial of Proposed Emergency Regulation Change to Nevada Administrative Code, Chapter**

Sec. 1. NAC 284.726

IV. Discussion of Dates for Upcoming Meetings

V. Commission Comments

VI. 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).

VII. Adjournment

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

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

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

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

http://hr.nv.gov/Services/HRM_Email_Subscription_Management/. If you do not wish to subscribe to LISTSERV and wish to receive notice of meetings, you must request to receive meeting notices and renew the request every 6 months thereafter per NRS 241.020(3)(c), which states in part, "A request for notice lapses 6 months after it is made." Please contact Michelle Garton at (775) 684-0136 or mgarton@admin.nv.gov to make such requests.

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

Carson City

Blasdel Building, 209 East Musser Street
Nevada State Library, Archives and Public Records, 100 North Stewart Street
Nevada State Capitol Building, 101 North Carson Street
Legislative Counsel Bureau, 401 South Carson Street

Las Vegas

Grant Sawyer Building, 555 East Washington Avenue

Websites:

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

NEVADA PERSONNEL COMMISSION'S STATEMENT OF EMERGENCY

WHEREAS, the Nevada Personnel Commission (“Commission”) has convened this public meeting for the purpose of considering the adoption of the foregoing Emergency Regulation, which relate to expanding access to confidential employee information for the purposes of determining qualifications for the Public Sector Loan Forgiveness Program (PSLF) and the temporary Public Service Loan Forgiveness (TEPSLF);

During the past decade, the amount of outstanding debt on federal student loans jumped from more than \$500 billion to over \$1.3 trillion, surpassing all categories of household debt other than mortgages. Today, more than 40 million Americans hold student loans, and many struggle with repayment. To provide relief to certain public employees burdened by student debt, the Federal Government has implemented the PSLF which would temporarily allow some employees of U.S. federal, state, local, or tribal governments or not-for-profit organization, to have some or all of their debts forgiven.

In the interest of assisting government employees with determining their qualification for the program the United States Department of Education has implemented a Computer Matching Program, that will assist the United States Department in Education in notifying borrowers who are employed by Nevada regarding their PSLF eligibility. The United States Department of Education will the employment information from the Nevada to create customized notifications for the borrowers based on the status of the borrowers’ loans and if the borrower has already submitted a PSLF and TEPSLF Certification & Application (PSLF Form). The federal program will expire on October 31, 2022, and Nevada has no ability to extend the eligibility of these borrowers.

Existing regulations render some of the information required to allow the United States Department of Education to match and notify potentially eligible borrowers confidential and limits the ability to share such information. This regulation would expand lawful access to this information to include government officials who are identifying state employees who are eligible for the PSLF program. The temporary regulation process will be commenced immediately as well.

WHEREAS, the Commission finds that an emergency exists insofar as:

1. The need for swift action to expand lawful access to confidential employee information for the PSLF Program;
2. The PSLF program will expire on October 31, 2022, which does not leave adequate time for the Commission to use the procedures mandated by Chapter 233B of the NRS for amending a permanent regulation, therefore the following regulations are proposed as emergency amendments.

NOW THEREFORE, the Commission hereby adopts the following Emergency Regulation which shall be effective upon the endorsement by the Governor and filing with the Secretary of State.

FOR THE COMMISSION:

KATHERINE FOX, Chair
Nevada Personnel Commission

Date

GOVERNOR'S ENDORSEMENT

I, Governor Steve Sisolak, endorse the Nevada Personnel Commission's foregoing Statement of Emergency.

STEVE SISOLAK
Governor of Nevada

Date

[Text continues on next page]

EMERGENCY REGULATION

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

NAC 284.726 Access to confidential records. (NRS 284.065, 284.155, 284.335, 284.4066, 284.4068, 284.407)

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

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

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

(a) The employee.

(b) The employee's representative when a signed authorization from the employee is presented or is in his or her record of employment.

(c) An appointing authority or his or her designated representative.

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

(e) The State Board of Examiners if the Board is considering a claim against the State of Nevada filed pursuant to chapter 41 of NRS which involves the employee.

(f) Persons who are involved in processing records for the transaction of business within and between state agencies.

(g) Persons who are involved in processing records for the transaction of business that is authorized by the employee.

(h) Persons who are employed by government agencies and involved in the administration of the Public Service Loan Forgiveness program and identify state employees for eligibility for that program.

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

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

(a) The employee.

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

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

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

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

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

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

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

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

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

- (a) The employee who is the subject of the internal administrative investigation and who requests a hearing pursuant to NRS 284.390.
- (b) The appointing authority or a designated representative of the agency by which the employee who is the subject of the internal administrative investigation is employed.
- (c) Persons who are authorized pursuant to any state or federal law or an order of a court.
- (d) The Governor or a designated representative of the Governor.

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

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

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

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

[Personnel Div., Rule XVI part § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 9-30-88; 7-21-89; 8-14-90; 7-6-92; 3-23-94; R042-99, 9-27-99; R082-00, 8-2-2000; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm'n by R068-03, 10-30-2003; R024-05, 10-31-2005; R141-07, 1-30-2008; R065-09, 10-27-2009, R059-10, 10-15-2010; R137-12 & R045-13, 10-23-2013; R044-15; 12-21-2015; R175-18, 1-30-2019; R018-19 & R124-19, 6-8-2020)

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Regulation Small Business Impact Statement

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

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

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

Frank Richardson
Frank Richardson, Administrator

8/22/2022

Date