



DEPARTMENT OF PERSONNEL
209 East Musser Street, Room 101
Carson City, Nevada 89701-4204
(775) 684-0150
<http://dop.nv.gov>

MEMO PERD # 30/08

May 14, 2008

TO: Personnel Commission Members
Department Directors
Division Administrators
Agency Personnel Liaisons
Agency Personnel Representatives
Designees for Rules Distribution
Employee Representatives
Interested Parties

FROM: Todd Rich, Director *T.R.R.*
Department of Personnel

SUBJECT: NOTICE OF PUBLIC HEARING - Amendments to NAC 284

The regulation changes included with this memorandum are being proposed for adoption at the June 20, 2008 Personnel Commission meeting. This meeting will be held at 9:00 a.m. at the Legislative Building, Room 3138, 401 South Carson Street, Carson City, Nevada and by video conference at the Grant Sawyer Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada.

Please circulate or post the enclosed *Notice of Public Hearing* along with the *text of the proposed regulations*, or otherwise notify your employees.

TR:rf

Enclosures



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NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for the Amendment of Regulations of the
Department of Personnel**

The Personnel Commission will hold a public hearing at 9:00 a.m., on June 20, 2008, at the Legislative Building, 401 S. Carson Street, Room 3138 and in Las Vegas at the Grant Sawyer Building, Room 4412E, 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:

- These regulations do not have a direct economic effect on any business or the public.
- Enforcement of these regulations will not result in an increased cost.
- To our knowledge, these regulations do not overlap or duplicate the regulations of other State or local governmental agencies.
- These regulations do not establish any new fee or increase an existing fee.
- A statement of the need for and the purpose of the proposed regulations precede the text of each regulation included in the attached document. The following regulation amendments will be considered at this meeting:

<u>Regulation Lead Line:</u>	<u>NAC #</u>
Date of receipt of grievance	284.680
When resolution of grievance becomes binding	284.697

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 Personnel, 209 E. Musser Street, Suite 101, Carson City, Nevada 89701, Attention Shelley Blotter. Written submissions must be received by the Department of Personnel on or before May 30, 2008. 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 regulations to be amended will be on file at the State Library, 100 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 Department of Personnel, 209 E. Musser Street, Suite 300, Carson City, and 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:

CARSON CITY

Blasdel Building, 209 East Musser Street
Nevada State Library and Archives, 100 Stewart St.
Capitol Building, Main Floor
Legislative Building, 401 South Carson Street
Department of Personnel Web Site www.dop.nv.gov
Main branch of Nevada County Public Libraries

LAS VEGAS

Grant Sawyer State Office Building
555 East Washington Avenue

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

REGULATIONS PROPOSED FOR PERMANENT ADOPTION

Section 1. NAC 284.680 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, augments the method of determining when a grievance is received at each step in the grievance process by the inclusion of grievances submitted via the State's on-line Incident Tracking System.

NAC 284.680 Date of receipt of grievance. (NRS 284.065, 284.155, 284.384) For the purposes of NAC 284.682, 284.686 and 284.690, a grievance is deemed to have been received at each step in the grievance procedure:

1. On the date on which the employee or his chosen representative personally delivers the grievance, [ø] transmits it by facsimile machine [;] ***or submits it via the Internet using the Employee Incident Tracking System within the Nevada Employee Action and Timekeeping System developed by the Department of Personnel, which is available at <https://nvapps.state.nv.us/NEATS/admin/Home.aep>; or***

2. If the employee mails the grievance, 3 days after:

(a) The date on which the grievance was postmarked; or

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

(Added to NAC by Personnel Comm'n by R065-98, eff. 7-24-98)

Sec. 2. NAC 284.697 is hereby amended as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, clarifies that the date a resolution of grievance rendered by the Employee-Management Committee becomes binding and improves the clarity of the wording in subsection 2.

NAC 284.697 When resolution of grievance becomes binding. (NRS 284.065, 284.155, 284.384)

1. Except as otherwise provided in subsection 2, the resolution of a grievance is binding: [when:]

(a) [There] ***When there*** is an agreement ***on the resolution of the grievance*** between the person filing the grievance and the appointing authority or the designated representative of the employing agency; or

(b) [The] ***On the date the*** Committee renders a final ***written*** decision [·] ***on the grievance.***

2. The appointing authority or the designated representative of the employing agency shall submit each proposed resolution of a grievance which has a fiscal effect to the Budget Division of the Department of Administration for a determination of whether the resolution ***of the grievance*** is feasible ***based*** on [the basis of] its fiscal [effects·] ***effect.*** The resolution [is] ***of the grievance becomes*** binding only if [it is so found·] ***the Budget Division determines that the resolution is feasible based on its fiscal effect.***

(Added to NAC by Dep't of Personnel, eff. 8-28-85; A by Personnel Comm'n by R030-02, 5-2-2002)