

**STATE OF NEVADA  
DIVISION OF HUMAN  
RESOUCCE MANAGEMENT  
REGULATION WORKSHOP**

Held at the Nevada State Library and Archives Building, 100 N. Stewart Street, Room 110, Carson City; and via video conference in Las Vegas at the Eureka Building, 7251 Amigo Street, Suite 120.

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**WORKSHOP  
MINUTES  
June 14, 2024**

**STAFF PRESENT:**

Michelle Garton, Deputy Administrator, DHRM  
Bachera Washington, Administrator, DHRM  
Brian O'Callaghan, Deputy Administrator, DHRM  
Heather Dapice, Supervisory Personnel Analyst, DHRM  
Matt Lee, Supervisory Human Resources Analyst, DHRM  
Darrell Morlan, Human Resources Analyst, DHRM  
Michael Baltz, Diversity Inclusion Liaison, DETR

**OTHERS PRESENT:**

Perry Faigin, B&I  
Kristin Bowling, NDOW  
Ana Ornellas, DHRM  
Tori Sheehan, DHRM  
Kara Carmonne, DHRM  
Suzanne Webb, NDOT  
Jon Terrazas, DHRM  
Mary Gordon, DPS  
Dominique Etchegoyhen, DCNR  
Sarv Snyder, DMV  
Nora Johnson, DHRM  
Dave Pasternak, NTA  
Michael Balz, DETR  
Lori Gaston, DWSS  
Mildred Farkas, ADSD  
Christina Petrilla, ADSD

**I. CALL TO ORDER.**

**Michelle Garton:** Michelle Garton, Deputy Administrator with the Division of Human Resource Management, called the Regulation Workshop to order on June 14, 2024 at 9:00 a.m.

**II. REVIEW OF PROPOSED CHANGES TO NAC 284:**

<u>NAC#</u>	<u>Regulation Leadline</u>
284.042	"Classification plan" defined.
284.050	"Commission" defined.
284.058	"Eligible person" defined.
284.126	Creation of new class, reclassification of position or reallocation of existing classes.
284.150	Class specifications.
284.180	Rate of pay: Nonclassified or unclassified employees or other certain employees appointed to classified service.
284.295	Determining type of recruitment.
284.2975	Designation of class for which applicants for promotion are not normally available.
284.305	Continuous recruitment.
284.313	Limitation of competition in recruitment; applications.
284.317	Investigations of applicants; minimum age requirement.
284.325	Preferences for veterans: Declaration; submission of proof.
284.329	Competitive examinations: Use and administration.
284.333	Centers for assessment: Selection and training of assessors; administration of examinations.
284.338	Minimum passing scores; computation of final scores.
284.341	Review of examinations; disputes regarding results.
284.345	Correction of errors in rating, scoring, or computing results.
284.349	Retaking examination for same class.
284.353	Allocation of time used by employees for examinations and interviews.
284.358	Types of lists and priority for use.
284.360	Certification and provision of certain lists by Division of Human Resource Management.

- 284.361 Use of lists and consideration of certified eligible persons: Applicable conditions.
- 284.364 Lists of persons with disabilities who are eligible for temporary limited appointments.
- 284.370 Integration of subsequent lists.
- 284.371 Correction of errors in certification.
- 284.373 Inquiry of availability of eligible person.
- 284.374 Active lists: Removal and reactivation of names; no requirement or refusal to consider certain persons.
- 284.3745 Refusal to examine applicant or certify eligible person: Review of action; appeal.
- 284.386 Reinstatement of former permanent employee.
- 284.405 Reassignment of employee with disability who is unable to perform essential functions of position with or without reasonable accommodation.
- 284.406 Provisional appointments.
- 284.414 Temporary appointments.
- 284.434 Seasonal positions.
- 284.460 Failure of permanent employee who voluntarily transferred to complete trial period: Restoration to former position or other placement; required notifications; exception.
- 284.462 Placement of promoted employee who fails to attain permanent status or is dismissed for certain causes from position to which employee was promoted; placement of displaced employee.
- 284.6017 Placement on a reemployment list of name of employee with permanent disability.
- 284.6018 Status following reemployment of person with permanent disability; restoration of name to reemployment list following failure of such person to complete probationary period; right of employee after expiration of right to reemployment.
- 284.618 Layoffs: Voluntary demotions.
- 284.630 Layoffs: Reemployment.
- 284.632 Layoffs: Calculation of seniority.
- 284.894 Treatment of applicant who tests positive; treatment of employee who tests positive twice within 5-year period.
- 284.114 Affirmative action program and equal employment opportunity.

284.204	<b>Adjustment of steps within same grade: Conditions for approval; request; effective date; revocation.</b>
284.206	<b>Special adjustments to pay: Conditions for approval; request; effective date; revocation.</b>
284.480	<b>Letters of instruction: Authorized use as coaching or performance management tool; contents; discussion; retention in working file of supervisor.</b>
284.638	<b>Warnings and written reprimands.</b>
284.662	<b>Providing assistance or representation to employee; discrimination prohibited relating to seeking or filing request for review of grievance or complaint or testifying or providing assistance or representation to another employee; available resources for assistance.</b>
284.696	<b>Unlawful discrimination.</b>
284.710	<b>Order of processing personnel documents.</b>
NEW	<b>Paid family leave; effective of temporary total disability.</b>
284.598	<b>Breaks in continuous service.</b>

**Michelle Garton:** Michelle Garton stated the purpose of this workshop was to solicit comments from elected parties with regards to several topics related to regulations in Chapter 284 of the Nevada Administrative Code. Ms. Garton noted these possible amendments could lead to submission to the Human Resources Commission for adoption after pre-adoption review by the Legislative Council Bureau. Ms. Garton indicated that, based on the feedback, language may be drafted or deleted, and a number of other regulations may be affected, as many of them work together. Ms. Garton stated if any regulations related to the topics described are submitted to the HRC for adoption, amendment, or appeal, the minutes from this workshop and any comment, written comment, or comment card comment will be provided to them when they are presented with the amendment. Ms. Garton proceeded to go through the amendments listed above and welcomed any comments from the workshop or public

**Dominique Etchegoyen:** Dominique Etchegoyen, Deputy Director, Nevada Department of Conservation and Natural Resources, voiced concern with the changes in 284.150, stating his understanding to be when employees are promoted from that non-classified position to another position, they aren't able to get paid a higher rate of pay than their current rate of pay and presents challenges because employees of the legislature are treated differently when they come over after a legislative session. Mr. Etchegoyen noted this was something that their Department would like to see changed

**Perry Faigin:** Perry Faigin raised a concern about the regulation changes under 284.358, and the impact this would have on the hiring process.

**Brian O'Callaghan:** Brian O'Callaghan proposed a cut-off period at the point when an offer is ready to be made.

**Michelle Garton:** Michelle Garton continued with the regulation changes.

**Bachera Washington:** Bachera Washington questioned the process by which appointing authorities would be made aware an applicant had a suspension, demotion, or terminated from another state agency, to which Darrell Morlan explained the flagging process. Both parties agreed to speak after the workshop.

**Dominique Etchegoyen:** Dominique Etchegoyen proposed that NAC 284.462 be changed to reflect discretion going to a director or appointing authority in choosing to restore a person to their position.

**Perry Faigin:** Perry Faigin proposed that there be language under NAC 284.462 limiting the number of reversions an employee can have within the state. Mr. Faigin also stated that the investigation should not stop if an employee leaves their current division or department to go to another, and that there should be a system for notifying the

appointing authority of the new position if such an investigation is in process.

**Michael Baltz:** Michael Baltz suggested NAC 248.638 as the appropriate place to have a mechanism to communicate pending disciplinary action to an employee.

**Dominique Etchegoyen:** Dominique Etchegoyen suggested language added to regulations concerning temporary total disability regarding workers' compensation cannot be used in conjunction with paid family leave.

## **XI. ADJOURNMENT.**

**Michelle Garton:** This meeting is adjourned.