

STATE OF NEVADA
DIVISION OF HUMAN RESOURCE MANAGEMENT
REGULATION WORKSHOP

Held at the Legislative Building, 401 S. Carson Street, Room 4100, Carson City; and via video conference in Las Vegas at the Legislative Hearing Rooms Building, 7120 Amigo Street, Room 6.

WORKSHOP
MINUTES
July 11, 2025

STAFF PRESENT:

Bachera Washington, Administrator, DHRM
Michelle Garton, Deputy Administrator, DHRM
Corrine Cosentino, Deputy Administrator, DHRM
Monique Williamson, HR Officer 2, DHRM
Carrie Hughes, Supervisory HR Analyst, DHRM
Nicole Peek, Supervisory HR Analyst, DHRM
Nora Johnson, HR Analyst, DHRM

OTHERS PRESENT:

Darrell Morlan, DHRM
Melissa Cronan, DPBH
Annette Altman, DPBH
Quinn Ashley, DHRM
Sonja Grass, DHRM
Ana M Ornellas, DHRM
Clark Mandichak, DHRM
Jennifer Kauble, DHRM
Allison Wall, NDOT
Tammy Amoth, NDOC
Tori Sheehan, DHRM
Osiris Noble, AGO
Jill Atkinson, AGO
Legend Mairs, DHRM
Kalee Brown, DHRM
Ernestina Hernandez, DHRM
Yahayra Soriano, DHRM
Sarv Snyder, DMV
Aimee Gaul, DCFS
Logan Kuhlman, NVHA
Jenilee Simpson, NVHA
Kris Overton, DCFS
Michael Baltz, DETR

I. Call to Order

Michelle Garton: Good morning, everyone. My name is Michelle Garton and I'm a Deputy Administrator with the Division of Human Resource Management. The reason for this workshop today is to solicit comments from affected parties regarding several topics that could lead to regulation change proposals to NAC 284 of the administrative code that could lead to permanent adoption. We're in the permanent adoption time frame now. Based on the feedback received, the language may be drafted or deleted, and a number of other regulations could be affected as a result of comments today. If any regulations on the topics that we're about to describe are submitted to the Human Resources Commission for adoption, amendment or repeal, the minutes from this workshop and any other comments will be provided to the Commission when they are presented for consideration. There are comment cards in the rooms and written comment can also be submitted to me at mgarton@admin.nv.gov. Staff will provide a quick explanation of the changes in which we would like your feedback on. When making comment please remember to state your name for the record and then go ahead and speak. Thanks again for attending. I think Nora Johnson will get us started on a regulation related to grievances.

II. Review of proposed changes to NAC 284:

284.693 Removal of ineligible request for adjustment of grievance or complaint from procedure; notice; appeal.

Nora Johnson: Good morning. My name is Nora Johnson, Human Resource Analyst for the Division of Human Resource Management, Consultation, Accountability, and Regulations Unit. The proposed amendment to NAC 284.693 will establish a reasonable time frame for an employee to appeal the removal of a grievance not covered under a collective bargaining agreement absent unusual circumstances. Possible examples of unusual circumstances may include if the employee is out on leave covered under the Family and Medical Leave Act. Thank you.

Michelle Garton: All right. Thank you, Nora. The intent of this is to prevent someone from appealing that removal of the grievance months down the road or something like that. It's just so there is a deadline to do it. Any comments? I think 10 days seem like an appropriate time frame.

Michelle Garton: Okay. Don't see anyone coming up. Carrie Hughes is going to present the next group.

284.0937 "Reassignment" and "reassign" defined.

284.358 Types of lists and required priority for use.

284.360 Certification and provision of certain lists by Division of Human Resource Management; certification of eligible persons on ranked or unranked lists or waiver of lists.

284.361 Use of lists and consideration of certified eligible persons: Applicable conditions.

284.405 Reassignment of employee with disability who is unable to perform essential functions of position with or without reasonable accommodation.

Carrie Hughes: Good morning, my name is Carrie Hughes and I'm the Supervisory Human Resource Analyst with Consultation, Accountability and Regulations in DHRM. In NAC 284.0937, 284.358, 284.360 284.361 and 284.405, we are proposing to add the word disability to

the term reassignment. The intent is to clarify that this relates to the reasonable accommodation process under the Americans with Disabilities Act. Additionally, NAC 284.405 outlines the disability reassignment process. We are putting into regulation our current practice of limiting a reassignment search to jobs that the employee has identified they would be willing to accept. And we're also including our new process for identifying open positions for reassignment. This new process will limit how many positions and how many agencies are impacted by the reassignment process, and it should limit that significantly from the prior process. Additionally, we are proposing deadlines for all parties to ensure timeliness as we move through the process. The amendment to NAC 284.358 also separates several types of lists from the priority lists outlined in subsection 1 a, b and c. and this amendment will allow for the use of any other non-priority lists in the order that is requested by an agency. We welcome any comments, questions or suggestions.

Gennie Hudson: Good morning. Gennie Hudson, Department of Conservation Natural Resources. My first comment or question is under NAC 284.358 number four or the new number four. Is it still necessary for agencies to contact DHRM to verify priority lists identified in number one before submitting a requisition. Why do we have to burden both DHRM recruitment and ourselves with taking that extra time to contact DHRM recruitment first, or can we just submit the requisition and get the answer there?

Nicole Peek: Good morning, everyone. Nicole Peek, Supervisory HR Analyst with DHRM. I'll answer that question or at least I'll try. Gennie, you are correct. If you, the agency submits a requisition, and there is a priority list for a layoff or a reassignment or a 700 hour, that will automatically be added to the requisition. So, in those cases, it is not necessary for you, the agencies, the departments, to reach out to DHRM before. We're going to attach it to your requisition. The only time that it's really necessary are the times when you are wanting to do a non-competitive appointment. So, you're proposing that we change that and add some language in there about non-competitive in some way?

Gennie Hudson: Yes. I would say that would be helpful to just clarify that so that it's not a requirement every single time and only the ones that it's needed.

Nicole Peek: Perfect. Thanks.

Gennie Hudson: Thanks. Regarding NAC 284.405, what is the plan and is there consideration for positions that are held vacant budgetary reasons or other reasons such as the agencies contemplating or preparing a reclassification for those positions so essentially, they're not required to hold that position and or have it under consideration for the reassignment process. That's been a problem in the past where we've not be able to move forward with the department's decision with a reclassification of a position or be able to hold that position vacant due to budgetary reasons because of these disability reassignments.

Bachera Washington: Bachera Washington, for the record. Ms. Hudson, would the reclassification be currently in process?

Gennie Hudson: Sometimes not yet. Sometimes the agency is still working on the paperwork to get it prepared to submit to DHRM. So, it's not always in DHRM's hands at the moment that we find out about a reassignment.

Bachera Washington: I would say that would be a discussion at that time. If it's already in the process, that's one thing, but if we, DHRM, do not have the paperwork and we're notifying you, that's a vacant position and you mentioned for budgetary reasons. It's a vacant position that is budgeted for and I know we do but we are not supposed to hold positions vacant for the purpose of salary savings. So, if it's a vacant position and it's available, we'll be reaching out in regards to that vacancy.

Michelle Garton: I neglected to do introductions in Las Vegas. Can we do introductions? Of course, Bachera Washington is our Administrator. I also see Corrine Cosentino, Deputy Administrator, and Monique Williamson. Welcome and thanks for being here. Any other comments on this group of regulations?

Gennie Hudson: On NAC 284.405, letter g under number 13. Is if they fail to respond to that mutually agreed upon time, is that per position or is that like one time they fail to respond and then the process stops for them? So, subsection 13 is the section that addresses when an employee's disability reassignment rights would be exhausted.

Carrie Hughes: So, it would be per the employee. However, we did put some consideration into this. While it would be a one-time not meeting it, if you take a look back at the actual requirement, there is language regarding absent unusual circumstances. So, there is some flexibility if there is a reasonable reason for they're not responding in a timely fashion.

Gennie Hudson: So just to clarify, you said per employee, not per position, right? [Yes.] Thank you.

Michelle Garton: I don't see anyone else coming up here in Carson City. Any comments in Las Vegas? Nobody from Las Vegas. Thank you. Then we will go ahead and move along to the next grouping starting with NAC 284.313.

284.313 Limitation of competition in recruitment; applications.

284.374 Active Lists: Removal and reactivation of names; no requirement or refusal to consider certain persons.

284.4375 Automatic advancement.

Nicole Peek: I think the best way, if it's okay with you Michelle, is to go through every one and then take comments and then go to the next one. Okay. In 313 we're proposing changes to subsection three and subsection six. I do think it's pretty self-explanatory, but subsection 3 currently says the application must be received not later than 5:00 p.m. The proposed language removes not later than 5:00 p.m. and now states the application must be received on the closing date as determined by the Division of Human Resource Management. We all know that we're going into a new applicant tracking system. We don't know what the parameters or requirements of that system will be. Basically, we're trying to ensure that this regulation will work with our new system. So, I don't think there should be any issue with that. Subsection six. It will now read, except as otherwise provided in subsection 8, competition in a promotional recruitment is limited to current classified state employees who are working in the division, department, or state service which is specified in the publicized job announcement. All we're doing is adding the word classified and we're removing the fact that they have to have six months of continuous service to apply for an internal promotional

recruitment. This is open to discussion as this is a workshop, but we don't see why it makes a difference if the employee currently works for the state, it shouldn't matter whether they've worked for the state for one month, six months, a year. So, we're just removing that piece. Annette Alman from DPBH agrees with that, that is a good change.

Bachera Washington: Please have Annette come to the microphone. Thank you.

Nicole Peek: Are there any comments, questions, concerns other than Annette or can we move on to the next regulation?

Michelle Garton: Let's start in Las Vegas. And please remember to state your name for the record and turn your microphone on.

Michael Baltz: Good morning. For the record, my name is Michael Baltz, and I am the Personnel Officer 3 for the Department of Employment, Training, and Rehabilitation, also known as DETR. DETR would like to comment about the proposed revisions to NAC 284.313, specifically the removal of subsection a from section 6. While DETR applauds and in fact encourages the ability to promote within state service, DETR is concerned there may be unintended consequences of such a revision. Removing the requirement of at least six months of continuous employment may lead to employees being promoted before their performance can be adequately evaluated. This could result in multiple divisions or departments expending time and training resources yet receiving no return for these expenditures. Furthermore, this could add to excessive recruitment, interviewing, hiring turnover, and a loss of institutional knowledge. Thank you.

Jill Atkinson: Jill Atkinson, Chief Human Resources Manager for the Attorney General's Office. I would like to see clarification on the revision in particular that if an employee who has not completed a probationary period is now being given preferential treatment in a promotional opportunity not through an open competitive process. How does that correspond to the merit principles required in hiring in the classified service?

Nicole Peek: Nicole Peek, I guess, just clarification please. Why would you think that it's preferential treatment?

Jill Atkinson: If it is a promotional opportunity that's limited to current employees, and this is a probationary employee who hasn't achieved confirmed status, they haven't achieved the full rights entitled to confirmed employees within the classified service. And therefore, their rights are no different than any other member of the public who does not live under that set of rights and privileges.

Michelle Garton: The stricken language does say six months, and it doesn't say they need to have completed a probationary period and become permanent. So, it's probationary either way.

Nicole Peek: Nicole Peek, just one other comment. I understand we're talking about a promotional recruitment, but if the agency had opened it up as open competitive, then again, any employee that had only worked for the state for one month could apply to that recruitment. So, I guess that's a workaround. But again, this is up for discussion. Is there a way that you would like to see it written or do you just want 'a' to be added back in? We can take it back and discuss it again. I feel like we have differing opinions here.

Jill Atkinson: So no, absolutely I appreciate the dialogue. I think it's important from my perspective that we are ensuring fair and equitable treatment for all individuals regardless of circumstances in which they may find themselves. And so, if it is a brand new person, I'm saying I could have been employed for a single day and now I'm eligible for promotional opportunity. How do I have I guess greater rights or privileges than any member of the public? And so, limiting I think our opportunity to open those up to catch hopefully the most qualified pool of applicants. This feels like it could be exploited as a workaround process to give individuals advantages in certain circumstances which is my concern on the equity side.

Bachera Washington: Jill, can I jump in for a second? What's the difference between one month and six months?

Jill Atkinson: It's just math. Under at least a six-month tenure process, that individual has, I think to the point that the representative from DETR made has provided that agency opportunity to determine their merit qualifications to be eligible for a non-open competitive promotional opportunity versus I've been here a single day. It's a very different evaluative criteria than 6 months in my opinion.

Corrine Cosentino: Corrine Cosentino for the record. It's the agency's prerogative to open up a divisional promotional. So that opportunity is afforded to employees of that division or agency. That's number one. Number two, the difference between the open competitive and getting someone from outside the agency applying to it, or that person being evaluated in a very specific position doesn't determine whether they're not going to succeed or be successful in another opportunity afforded to them. I just don't see that connection.

Jill Atkinson: My concern I think is the other side of that equation. All of those individuals on the external components aren't being afforded the same opportunity. So, through a non-competitive open competitive process, you have all of those unknown individuals out there that also aren't being afforded the opportunity to apply for that position at the exclusion of somebody that I hired a day ago. Conversely, I do believe that to your point, it is the agency's prerogative in terms of how they will seek to fill vacant opportunities. Whether they want to open them up internally or externally. I think that's an important piece to keep in mind, but I also think we need to find a place of balance where we aren't creating undue advantages and that all individuals are being provided opportunity to enjoy the benefits and privileges of public service.

Bachera Washington: Bachera Washington, for the record. Before Annette jumps in, it is a state employee benefit. And the department again makes that decision of whether they want or they feel like they have internal talent to have a promotional recruitment versus them selecting to go to the open competitive process. But it is a state benefit for the employees because it lessens the applicant pool when it comes to the promotional opportunities and it allows an employee an opportunity for growth in that department. So, it is a benefit and it is something that we do afford to employees versus outside candidates but again it's the department's choice whether they want to fill it internally or open competitive.

Corrine Cosentino: Corrine Cosentino for the record. I wanted to say that the divisional promotional option for the agencies exists regardless of whether that piece of this regulation is removed or not. That still exists. So, it won't change the choice for the agency. Thank you.

Annette Altman: Just making sure I'm clear. Annette Altman, Division of Public and Behavioral Health. I just want to say the reason that I support it is anytime we expand the candidate pool for any type of recruitment, I'm going to support. Within my department, I never do division promotional or department promotional. They're always open competitive for the reasons that you've expressed. So, I just want to say I support anything that broadens our candidate pools. Thanks.

Nicole Peek: I just have one last comment before we move on. If there's any concern about the internal employees not having enough time in state service or potentially not being qualified, that should be easily squashed knowing that the person if they are the chosen person for that promotional recruitment, they're still on probation and they wouldn't have been on the list for that recruitment unless they met minimum qualifications. Thanks. Okay, let's move on if there are no other comments for 313. Okay, moving on to 284.374. I think the explanation of the proposed change is clear here. Current interpretation is that the term of eligibility is a period of 12 months from the time a candidate is determined to be eligible. After those 12 months have expired, an applicant may no longer be added to an eligible pool or list of candidates for that title. They would need to reapply again in the system. The standard will continue to be 12 months in the future. But with this regulation, we propose to future proof things because we don't know what our new system will entail, what the parameters will be. So, to future proof everything, we are adding this piece in subsection 1B that states the expiration of term of eligibility as determined by the administrator. That opens it up to make a change in that term if needed sometime in the future. But as it stands, this doesn't change anything currently. We are still going to be using the term of eligibility of 12 months.

Gennie Hudson: Genevieve Hudson, DCNR. So first of all, keeping the standard of 12 months even if it's unwritten. That's a long time. And when you're looking at those admin assistant positions or the accounting assistant positions, those lists can be very really long. And the applicants on them tend to get exhausted way before 12 months. Keeping them on there for that amount of time is just too long. It's an exhaustive, unnecessary requirement for the agencies to have to go through to exhaust those lists to be able to move on. And contacting every single one of those applicants who have been contacted probably 500 times about an admin assistant position, for example, is just a lot. And so, we would actually like to see the 12 months lessened as a standard. And then moving forward with the general language of as determined. If that is not a set defined time period somewhere in DHRM's guidelines, then how would that time frame be determined? How will those of us in the agencies know what that the time frame is? Would it potentially be different for different job titles? And how, as I just described, how would this fix the issues with these applicants that we and the agencies have?

Bachera Washington: Gennie, so, you think a period of six months is a reasonable amount of time?

Gennie Hudson: I think six is better and definitely better than 12. I think even for some of the lower-level ones though like the admins, admin assistants or accounting assistants could even be less than that.

Nicole Peek: Nicole Peek, just one thing, Gennie, don't get up yet. In my opinion, I wouldn't want

to make the term of eligibility different from one job to another job. I just think that muddies it too much. And if we do decide to change it to six months, I don't really see an issue with that except that we can't do that in our current system of NEATS, which automatically gives the eligibility of 12 months. That would be something that we'd have to fix going forward with our new system.

Annette Altman: Annette Altman, for the record. I agree with everything Gennie just said.

Nicole Peek: Okay, let's move on to NAC 284.4375. This one is called automatic advancement, commonly known as auto progression. In subsection one, we are updating the language to make it more clear and moving away from the term journey level. So, we have redlined 'but not exceeding the journey level'. The three requirements for an employee to be auto progressed or automatically advanced are number one, A, you have to meet the minimum qualifications. B, you have to receive a standard or above standard on your most recent evaluation within the last 12 months, and C, you have to obtain endorsement from your appointing authority. In current practice this is what we do. We are just clarifying subsection 1B more to say that satisfactory performance means a satisfactory evaluation. Subsection three, at least in my opinion, has always been very confusing. So, we're trying again to clarify the language. In summary, what it says is that an employee that goes on military leave and returns to state service after their military leave must complete their probationary period to ensure that they are performing satisfactorily. After they've completed their probationary period and become permanent, we will go back and retroactively pay them to the date on which they would have originally received their auto progression had they not gone on military leave. Hopefully the language that says after successful completion of the probationary period automatic advancement must be granted to the employee as of the date on which permanent status would have been granted if the employee had not taken military leave clarifies it a little bit. And then finally, subsection four. This one is an addition. Any retroactive adjustments pursuant to this to this section shall not exceed six months from the date on which the Division of Human Resource Management receives the request. Here's my comment on subsection 4. I passionately believe that there are three people/parties that are responsible when talking about an auto progression, an automatic advancement. Number one, the employee should have some responsibility in understanding that when they were hired, they were hired into an underfill position, not the budgeted title. They should understand what that means in their offer letter. They should understand that potentially in a year they could be progressed to the next level or the budgeted title. That's the first person that should have some responsibility. The second person that should have some responsibility is the supervisor of that employee. The supervisor should be keeping track of when the employee should be automatically advanced when they receive their eval. And number three, the HR for the department has some responsibility in this. They should also be tracking when the employee would or should be getting an automatic advancement. Then one final comment before I open it up to you. I hate the lead line. I do not like the word automatic advancement. I would love some suggestions as to what we could potentially change that to. Maybe we call it progression to a position. I don't know, but automatic advancement is very misleading.

Annette Altman: Annette Altman for the record. I don't have any suggestions at the moment, but I agree with you. I'm concerned about 1b stating that there needs to be an evaluation on file. Some of our auto progressions are not based on a probationary period. So as soon as they meet the minimum qualifications of the next level, we want to push them up. It's one of the ways that we encourage them to get those things done quicker than a year. This would limit us because we

couldn't promote someone without doing an eval and that might be artificial if we're a month in. So, I'm concerned about it limiting our opportunity to progress people faster. Then that also goes down to the same thing with the military leave. After successful completion of the probationary period, they might be eligible for automatic progression without completing a probationary period. So that would limit, I think based on this language, it would limit us from doing that.

Allison Wall: Good morning, Allison Wall NDOT for the record. I agree with the “automatic” word, and I'll think of a suggestion, but there's nothing automatic about it based on this reg and all the hoops we jump through. We talk a lot about that it is a non-competitive advancement. So, you don't have to compete to advance through the levels. That's when we're training our supervisors. We use language telling them this is not automatic, and it requires all of the parties to be involved. So, maybe something along those lines where you're just not competing to get to the next level in these series. So, I'll think about that and let you know. The other one is NAC 284.4375(4). We have struggled with that, and we've had it go to the EMC, and it be overridden that we do have to retroactive retro the auto progression. We had a case that did go to EMC that the employee was pushing for this and really didn't feel like they had the means or the understanding to figure out how to get this progression to go through. Really it was the supervisor, and we did give them an LOI or a warning or something to say, hey you didn't do your job and ultimately the employees suffered because of it. When we're thinking about headquarters employees, HR is right there, and they can come and talk to us. We have rural offices that have three people and they're living in employee housing we've had extreme turnover in our supervisory staff. We do not have seasoned staff that really understand, and we are not able to explain to the three employees in Blue Jay, Nevada, for example that are living out there saying you have to understand this NAC. We're not able to do that. So, I struggle with putting this in the NAC because there are exceptions where the employee has truly tried. And maybe I don't know that I have the answer for what to do, but I don't think an employee should suffer and not get the pay that they are entitled to because a supervisor didn't do their job. Another suggestion would be in our new system is there a way of tracking this? We don't have anything that that automatically tells us the people that should be progressing today or are eligible and of course there's going to be people that are eligible prior to maybe that year if it's just a common series that each year you progress. But I see problems with this and more EMC or complaints or grievances.

Nicole Peek: I appreciate everyone's comments. I do. I guess I would have to respectfully disagree, Allison, only because in my mind, I think that's a job of HR. We have to number one educate our employees and our supervisors apparently and track these things. I think that's a human resources function in my opinion.

Bachera Washington: This is Bachera Washington. That was going to be my question to Allison. Where does HR fall in that process of there are three people in the rural area and they don't know the NAC but we do. Why wouldn't HR be tracking this to ensure that we do not harm the employee and the language that is actually being added or that's here on number four is consistent with other requirements in other NAC. So, I love this type of dialogue. So, I guess my question would be where is HR's responsibility in this in ensuring that the employee does not get harmed?

Allison Wall: Allison Wall, for the record. Thank you Bachera. Yes, we do have a role in that,

and we have struggled with getting the documents in on time. So even through tracking we can change our internal processes. I guess I'm just sharing and putting on the record that we have had scenarios in the past when we had to request an exception for an untimely eval by the supervisor, and so we can track it. I just think there's other factors involved with the supervisor and the appointing authorities and also the reality that we live every day of getting the documentation from some of our rural offices. And I'm specifically talking about our remote rural offices and there is a lot to track.

Annette Altman: Annette Altman, for the record. I hadn't thought about the points that Allison is bringing up on number four. I do agree. Again, this is just something that would limit us from being able to fix an issue that occurs. Yes, HR has a responsibility to track this. Supervisors do, employees do. But as we know, those things fail occasionally. I totally agree. Putting something like this in and just limiting that ability to go back and fix it to the most appropriate time. I don't see a benefit to us or the employee, and I don't see how it would impact DHRM because it ultimately is our budgets that are impacted when we go back further.

Lisa Alfred: Lisa Alfred DCFS for the record. I agree with what they both have just said. Sometimes we have people out on military leave for more than six months. So, then we would be penalizing them as well with the six-month restriction. I understand the budget is affected. Also, back to NAC 284.4375(b), what about people like clerical trainees where we auto progress the next day. This would require them to have an evaluation on file. We have a lot of things that we end up doing an auto progression the next day on. Especially those clerical trainees and I would really hate to penalize a person that we brought in off the street as a clerical trainee, as those pay grades are already pretty low.

Nicole Peek: Thanks for all your comments. I really do appreciate it because it helps us to figure out what the best way is to revise these regulations. Going back to subsection 1B advance to and then the next position or whatever it is we're calling it. What I mean is give me all your suggestions.

Annette Altman: Annette Altman for the record my suggestion would be to leave it as satisfactory performance. Ultimately, it's the appointing authorities' decision to endorse the auto progression based on all things considered. So, requiring an eval doesn't help us.

Allison Wall: Allison Wall, for the record., I agree with what Annette is saying and that was my other comment was about next day auto progressions. I wasn't sure if this was for the exact same thing or just moving through a series. And if it is for the next day, that satisfactory performance would be through the memo versus the eval. I know that at least at NDOT, we would continue to require the eval as we do today, so if you're in say the highway maintenance worker series, we do require an eval in order to get to the next level. So, we wouldn't be taking that away, but I understand what they're saying. It looks like it would take away our ability to do the next day autoprogession, which when we run two lists together, we run the underfill and the regular level. A lot of some people only apply for the underfill, not understanding the process, but they actually qualify for the higher level. So, we want to be able to continue those next day auto progs. What Annette said is to broaden the pool. I'm going to think more on my number four response.

Gennie Hudson: Genevie Hudson DCNR. As long as DHRM is not going to require to see an evaluation, that would be helpful. And that the appointing authority can just say that they're good

to go in obtaining endorsement piece of it. Also, in that obtaining endorsement piece, we have had issues in the past where the agencies didn't have the budget to have the advancement, or whatever word we're using, completed as well. I don't know if that piece falls into there. And sometimes that's out of even our agency's control because the GFO has changed the budget when they see a position was previously underfilled and then that person left the position and they've gone and changed the budget to be at the budget of the underfill title instead of the actual budgeted title. That's been a problem as well. As long as that falls into obtaining that endorsement piece. Then I had questions on the new language in NAC 284.4375(3). If we do keep number four's language with the six months, is that six months going to be limited with the number three language for the military personnel if for some reason theirs is longer than six months back? Would that then limit theirs? And I also agree that the six-month limitation in number four is also not reasonable when it comes to applicability in all of the situations that may occur. And we also don't like the term "automatic."

Nicole Peek: Nicole Peek for record. Gennie, would an addition to subsection 4 stating something along the lines of 'except as provided in subsection 3', 6 months something along those lines?

Gennie Hudson: Genevieve Hudson. I think so, yes, or maybe even in number four like absent extenuating circumstances or some other kind of caveat in number four to allow us to potentially go back farther than six months with an explanation or some sort of justification.

Unidentified Speaker: Can I ask a question first? Can I ask a question first, please? Gen, you mentioned budget and let me throw this scenario out. So, it's time for underfill advancement and there's no money in the budget at that time. January one, no budget. October that year, there's money in the budget. Are we going back to January to now or are we going to do six months back from the date that DHRM received the paperwork or are we going to go by the date of the paperwork?

Gennie Hudson: Genevieve Hudson, the ones that I've done for that have been based on when the budget is available. They didn't necessarily go back further than when we found out that there was budget available. If we put in the request for October and there's no budget, then January comes around and there is budget, then it's effective January and does not go back to October because there was no budget from October to January. Those are the ones that I've processed in the past. So, however that falls out there.

Unidentified Speaker: And do you typically define that in the memo?

Gennie Hudson: I've always explained as these advancements require three things the employees. They are meet and the minimum qualifications, the agency i.e. the supervisor appointing authority being ready to progress the person to the next title because they believe that person can perform. So that kind of falls into this evaluation and the obtaining endorsement. And then also number three being the budget and so thus running that progression request by the fiscal staff within the agency to ensure that the budget truly is there. Because of those situations where we don't have the money and so that has that's the way that I explain this in our agency, that those three things must be met in order for us to even send a request to DHRM to even have the MQs reviewed.

Michael Baltz: Michael Baltz with DETR for the record. To follow up with what was said about

the same day or the next day advancement, there is also a concern. We do that for a few of our positions that are difficult to recruit, predominantly vocational rehabilitation technicians and counselors. If we had to wait for at least an evaluation period, even if we did one a month into it and did another, that still would hamper us hiring some positions. So, we do have concern about that.

Corrine Cosentino: Corrine Cosentino, for the record. First, I'd like to say Gennie, I don't agree with automatic either because it's definitely not automatic when we met internally, I asked to have that removed but I was told because that's in the title of the NAC we can't remove the automatic. So, I agree it's definitely not automatic. I also agree with the feedback on the next day auto prog. It could impact the auto prog. I worked at NDOT, so I know how difficult it is because I worked in Elko and even being an HR representative in Elko getting rural supervisors who are out on the road and very busy and far away from you. I could see that evaluation being very difficult. So, I also agree with leaving the language at satisfactory performance to avoid putting more hardship on the agencies.

Allison Wall: Allison Wall for the record. Thank you, Corey, for that. In thinking of suggestions for addressing NAC 284.4375(4), because I do respect the need for deadlines and not just going back indefinitely. Maybe something we could do is if this does go through, work together to get a form because we started looking at this after we had a couple of exceptions and saying, how are we going to train our employees to understand? And so maybe we could work and get some support from DHRM to have a form where at orientation or when an employee moves into this series, we wanted to have them sign something to say you do have a responsibility in this. Have the supervisor sign that they have a responsibility in this. If the eval wasn't required it would give HR the ability to override that appointing authority or at least take it through their chain of command because if we cannot get that supervisor to write the eval we would be able to say to the employee that if you've asked your supervisor and notified them that your auto prog is ready and they don't act, empower the employee to contact HR. I mean, they can now, but some of them don't. So, really having them sign off and agree to it could be helpful. So, maybe that's a suggestion that if this does go through, if we can have a statewide form that helps us train our employees and supervisors is just an idea. That's what we were trying to get through to avoid these requests for long-term retros.

Annette Altman: Annette Altman, for the record, as much as I respect Allison, I don't want another statewide form, we have a very clean process in place for ours. They are notified at orientation. There is a form they have to put out to solicit the auto progression. And I'm just going to have to be redundant, I absolutely would like to see the requirement for the evaluation removed. I don't see how it's advantageous to any of the parties in play. It's our responsibility as the appointing authority, the employer, to ensure these things are met. We don't need a requirement to say, "Oh, on top of what you have to do, you have to have an eval in place." Like she said, we struggle with supervisors doing evals to begin with and the employee should not be hindered because we're dealing with performance issues on a supervisor not doing their evals. So, I would just really love to see it go back to satisfactory performance and let us define it.

Monique Williamson: Monique Williamson, for the record. My understanding is we are hopeful that NEOGOV will address some of the concerns regarding the advancement component because if there are automatic reminders or alerts or things of that nature that will be sent out, then that

should help folks stay on track and again hopefully minimize some of those issues.

Logan Kuhlman: Logan Kuhlman, Nevada Health Authority. For the record, I don't see any value in NAC 284.4375(1)(a) through (c). To me, underfilling is a way that we recruit, not a way that we hold performance. That's what a probationary period is for. So, I would, I would propose removing (1)(a) through (1)(c) totally.

Bachera Washington: Bachera Washington, for the record. Can I ask a question please? The next day advancement is beneficial. Why are we just not putting them in the position on the first day? I'll just use the administrative assistant trainee. It's an easier, quicker process to get them in and once they're in then we can auto prog when they meet the MQs. It's just another way to fill the positions and as we know that's the push, right?

Allison Wall: Allison Wall, for the record, the other reason that we do that is because sometimes people apply for the lower level not realizing that they qualify for the higher level. So, when we run two consecutive recruitments, one for analyst one and analyst two, we have to bring them in off the list that they were on and then we can auto prog them the next day.

Bachera Washington: Nicole would say, if you want to hire them at the position that you're budgeted for on day one, if they're not on that list, then you have to do the underfill route versus possibly a memo with justification. Regarding a memo with justification and as to how that candidate meets the minimum qualifications for the position that is budgeted for so that we don't have to do the extra step of the next day advancement. That might be a second deeper conversation.

Nicole Peek: But that's probably not for this workshop, maybe. All right. Are there any other comments? Should we move on? I can't keep up with all your notes. All right. Nicole Peek. Moving on to NAC 284.096. We are updating this language to read, 'reinstatement means an appointment of a former permanent employee to a class with a grade at or below the grade of the class previously held'. So, we're removing the word non-competitive. Hopefully this should be an easy one and everyone agrees because there are many times as an example when we run a recruitment, we don't realize that a person who applies to that recruitment was a former state employee. So, to benefit the employee we give them the ability to do a reinstatement.

Annette Altman: Annette Altman, for the record. I do agree with the changes, and it's never been an issue. Regarding the non-competitive, we just bring them in differently whether they competed or not.

Allison Wall: Allison Wall, for the record, NDOT. We agree with this and NDOT has had issues being contested about this reg and this would help us out.

Lisa Alfred: Lisa Alfred, DCFS for the record. My concern would be does this eliminate the ability to do it through non-competitive means?

Nicole Peek: Okay. Nicole Peek, it does not. It's any type of appointment. We did also remove where it said similar class because it's hard to define what a similar class is. So, it's any class basically that they qualify for at or below the grade that they formerly held. Wow, you guys made that one too easy. Should we move on? All right, moving on to NAC 284.171. This one also is regarding reinstatement, rate of pay. Again, just clarifying our current practice. We literally just

added that one word in there, current base rate of pay. An example of this would be Correctional Officers. They were given a two-pay grade increase in the 2023 legislative session from a grade 34 to a grade 36. So, if an employee who was a Correctional Officer wants to be reinstated, but when they left state service it was a grade 34, this now allows us to bring them back at a grade 36. This is what we do anyway. This is current practice. This allows them to be reinstated at their current grade of 36 rather than having to come back at the grade 34, which is what they left at. Okay. I think there's only one more. Well, for me. Last but not least, NAC 284.386, reinstatement of a former permanent employee. One more time, we're going to just try and clarify our current practice. So, subsection 4 used to say a reinstatement to a similar class required approval by the by the Division of Human Resource Management. We want to remove that because we believe that all reinstatements should be approved by DHRM. And the reason why is because there are certain parameters/requirements that must be met for reinstatement. Number one, it says it in the lead line. It has to be a former permanent employee. And unfortunately, we receive reinstatement requests all the time for employees that were not permanent in their previous state service. So, we feel that it's important for us to have that second set of eyes and make the verification. The second requirement is that the permanent employee was separated without prejudice. So that's not really easy language. That's LCB language. Meaning they can't be, as an example, dismissed from probation and then be able to be reinstated. DHRM needs to have our eyes on that and make sure that we're not reinstating someone that should not be reinstated because they were separated with prejudice. And then of course we have to ensure that they meet the minimum qualifications.

Annette Altman: Annette Altman, for the record. I have a question. Isn't that just semantics? We could still rehire them. I mean, a reinstatement. Really the only advantage to a reinstatement is we can bring them back at what they were paid at prior. So, if they never became permanent, they were probationary. Odds are they're a step one anyways.

Nicole Peek: Nicole Peek, that's exactly right. That is the reason for reinstatement because you can come back with the pay that you held previously. If it was a step 10, you get a step 10. If you if you left because it was a disciplinary separation, you don't get to be reinstated. You don't get the benefit of those 10 steps. So, we hire someone back that previously was at a step 10 in a position.

Annette Altman: You've got to go through the step of sending it to you to say, "Hey, can we bring this person back?" The system clearly shows that. It just seems like an unnecessary step, but I'm not going to fight you on it.

Nicole Peek: I appreciate that. Most people are doing it anyway. I mean, whether you know it or not, most of your staff is already doing this. But this is the proposal. So, you guys, feel free to weigh in.

Michelle Garton: This is Michelle Garton for the record. I think too Nicole having that second set of eyes is just another way to ensure that it is done correctly. So, where there maybe the issue something wrong happened at that time shows up years down the road, months down the road and then needs a big correction to it. DHRM review just to make sure that it's appropriate and correct.

Gennie Hudson: Genevieve Hudson for the record. DCNR doesn't really have a problem with this because we have to go through DHRM to check the priority list anyway so we may as well just have you do all of this in one shot get it all done. Usually that's what happens for us anyway.

Nicole Peek: Nicole Peek 100% correct. I mean, it's one email, right? We have to send the email for the priority list. So, I'll just add the next sentence on there.

Annette Altman: Annette Altman, for the record. It's one email for this topic.

Michelle Garton: Okay, thanks everybody for all your comments and lively discussions. It is very much appreciated. Moving on, we will go to the last couple of regulations here and we have Nora Johnson to present them. Welcome.

284.589 Administrative leave with pay.

Nora Johnson: Good morning again. Nora Johnson for the record. Because the Division of Human Resource Management received a question asking if leave designated in NAC 284.589 subsection 8 could be used to attend an appeal hearing related to the termination of a service-connected disability, DHRM is proposing this amendment to expand provisions for an employee who is a veteran during the first 12 months of employment for administrative leave with pay for that purpose. While previous changes to subsection 8 have not yet been codified in regulation, it will be codified together after it has been submitted back to the Legislative Council Bureau's Legal Division and approved by the Legislative Commission. Codification doesn't happen very frequently, but when it does, all changes to this and any other regulation will be reflected. Thank you.

Michelle Garton: Thank you. Any comments in Carson City on this one? Anybody coming forward in Las Vegas? I don't see anyone at the table. All right.

Corrine Cosentino: None from Vegas.

Michelle Garton: Very good. All right. Then we'll move on to the last regulation on the agenda.

NEW Substantiating medical leave evidence; exception.

Nora Johnson: This is a newly proposed regulation based on questions regarding paid family leave. The proposed new regulation is intended to put into regulation the authority for agencies to request medical documentation that substantiates the need for any leave related to incapacity due to physical, mental, or emotional disorders or for a qualifying family member's incapacity due to physical, mental, or emotional disorder, except for annual leave or compensatory time. And this authority is not otherwise addressed in NAC 284.

Michelle Garton: All right. Thank you. Any discussion?

Gennie Hudson: Genevieve Hudson. Okay. So, in the explanation it talks about except for annual leave or compensatory time but I didn't see that in the new language. So, it doesn't necessarily clarify the type of leave that this is a requirement for. So that is not going to be helpful moving forward if it's not clarified because then we may potentially come back and try to ask for that documentation when an employee tells us because you know they always tell us that they're using annual leave or comp time for illness purposes.

Michelle Garton: Any other comments on this one? All right, thank you everyone so much. In

closing, I just want to remind everybody that there are comment cards in the rooms and you can email me any written comment that will be included as we move forward. And anything that is approved by Bachera to move forward, we'll send it to the Legislative Council Bureau for pre-adoption review. I know some of you came in the door on this side. If you could kindly sign in on your way out on this side over here, that's where we have that set up. Also, potential regulation changes discussed today would like go to the HR Commission, hopefully in September, or there may be some things that take a little longer than that and may go in December. But if there's no other comments, thank you so much again and we'll adjourn this during this workshop. Thank you.

III. Adjournment

Michelle Garton adjourned the July 11, 2025, workshop at approximately 10:15 am..