KENNY C. GUINN
Governor

STATE OF NEVADA

JEANNE GREENE
Director

DEPARTMENT OF PERSONNEL
209 E. Musser Street, Room 101
Carson City, Nevada 89701-4204
(775) 684-0150
www.state.nv.us/personnel/

MEMO PERD #37/04
November 2, 2004

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

FROM Jeanne Greene, Director
Department of Personnel

SUBJECT: NOTICE OF WORKSHOP AND HEARING - Amendments to NAC 284

The regulation changes included with this memorandum are being proposed for temporary adoption at the December 17, 2004, Personnel Commission meeting. This meeting will be held at 8:00 a.m. at the Department of Transportation, 123 E. Washington Avenue, Training Room A, Las Vegas, Nevada and via video conference at the Department of Transportation, 1263 S. Stewart Street, Room 302, Carson City, Nevada.

In order to review the proposed changes in the regulations and solicit comments from interested persons, a workshop will be held at 9:00 a.m. on November 19, 2004, at the Department of Transportation, 1263 South Stewart Street, Room 302, Carson City, Nevada and by video conference at the Department of Transportation, District I Office, 123 East Washington Avenue, Training Room B, Las Vegas, Nevada. An informational note precedes the regulations which explains the nature and purpose of the proposed change to the regulations.

Please circulate or post the enclosed *Notice of Workshop to Solicit Comments on Proposed Regulations* and *Notice of Hearing* along with the *text of the proposed regulations*, or otherwise notify your employees.

JG:sq

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NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED TEMPORARY REGULATIONS AND
NOTICE OF HEARING
FOR THE TEMPORARY AMENDMENT OF REGULATIONS OF THE STATE PERSONNEL DEPARTMENT

Workshop Notice: The Department of Personnel, 209 East Musser Street, Carson City, Nevada, telephone number (775) 684-0119, is proposing the temporary adoption and, amendment of regulations pertaining to Chapter 284 of the Nevada Administrative Code.

A workshop has been set for 9:00 a.m. on November 19, 2004, at the Department of Transportation, 1263 S. Stewart Street, Room 302, Carson City, Nevada and via video conference at the Department of Transportation, District I Office, 123 E. Washington Avenue, Training Room B, Las Vegas, Nevada.

Action - Newly proposed rules for temporary amendment	**NAC REGULATION**
Statement of grievance: Contents; time to file.	NAC 284.678
Unlawful discrimination.	NAC 284.696

A copy of all materials relating to the proposed regulations is included with this announcement. Additional copies may be obtained at the workshop or by contacting the Department of Personnel offices at 209 East Musser Street, Room 300, Carson City, Nevada, telephone number (775) 684-0119, or 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada, telephone number (702) 486-2900. A reasonable fee for copying may be charged.

Hearing Notice: The Personnel Commission will hold a public hearing at 8:00 a.m. on December 17, 2004, in Las Vegas at the NDOT Building, 123 East Washington Avenue, Training Room A. A video conference link will also be available at the NDOT Building, 1263 South Stewart Street, Room 301, Carson City, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of temporary regulations. 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.

- 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 temporary regulations precedes the text of each regulation included in the attached document.

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 Shelley Blotter, Department of Personnel, 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204. **Written submissions must be received by the Department of Personnel on or before November 24, 2004.** A copy of this notice and the regulations to be amended will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be amended will be available at the Department of Personnel, 209 East Musser Street, Room 300, Carson City, Nevada, or at the Department of Personnel, 555 East Washington Avenue, 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. The text of each regulation will include the entire text of any section of the Nevada Administrative Code that is proposed for amendment. Copies 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 prior to adoption or within 30 days thereafter, will issue a concise statement of the principle reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The notice of the Workshop and 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
NDOT, Room 302, 1263 South Stewart Street

LAS VEGAS
Grant Sawyer State Office Building
555 East Washington Avenue

NDOT, Training Room A, 123 E. Washington Ave.

ALL STATE AGENCIES
ALL NEVADA COUNTY PUBLIC LIBRARIES

NOTE: ***We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Department of Personnel, in writing, at 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204, or call Rachel Baker at (775) 684-0110, no later than five working days prior to the meeting.***

Section 1. NAC 284. 678 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Employment, Training, and Rehabilitation, allows the appointing authority or his designated representative and the employee to enter into an agreement to extend the time to file a grievance. Both parties must agree to the extension.

NAC 284.678 Statement of grievance: Contents; time to file. (NRS 284.065, 284.155, 284.384)

1. Except as otherwise provided in [~~subsection~~] ***subsections*** 3 ***and 4***, an employee who feels aggrieved and wishes to file a formal grievance must submit his grievance in writing to his immediate supervisor on the official form, or in a letter if the official form is not available, within 20 working days after the date of the origin of the grievance or the date the employee learns of the problem. The parties should make every effort to resolve the grievance through informal discussions within these 20 working days.
2. If the employee submits a letter, it must include:
   (a) His name;
   (b) His most recent date of hire;
   (c) His position;
   (d) His department, division and section;
   (e) His mailing address;
   (f) His business telephone number;
   (g) A statement that he is filing a formal grievance;
   (h) The date, time and place of the event or the date the employee learns of the event leading to the grievance;
   (i) A concise statement of his grievance;
   (j) A detailed description of his grievance, including the names of other persons involved in the event, if any;
   (k) A proposed solution of his grievance;
   (l) His signature; and
   (m) The date he signed the statement.
3. If a grievance relates to a decision of a reviewing officer about a performance evaluation, an employee must file a grievance that identifies the specific points of disagreement, if such specificity is provided, not later than 10 working days after the date the employee receives the decision of the reviewing officer. If the grievance relates to the failure of a reviewing officer to respond to a request for a review within the time required by NAC 284.470, an employee must file a grievance not later than 10 working days after the date on which the time for such a response expired. A grievance filed pursuant to this subsection must be filed with:
   (a) The appointing authority; or
   (b) If the appointing authority is the immediate supervisor of the employee or the reviewing officer, the person who is at the next level of the grievance process.
4. ***If the parties are engaged in informal discussions in an attempt to resolve the matter, the time limit for filing the grievance may be extended by the mutual agreement of the employee and the appointing authority or his designated representative.***

Sec. 2. NAC 284. 696 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, allows an employee to report alleged discrimination directly to the Department of Personnel Sexual Harassment/Discrimination Unit.

Additionally, the wording is changed to clarify that the report of alleged discrimination would result in an investigation of the allegations.

NAC 284.696 Unlawful discrimination. (NRS 284.065, 284.155, 284.384)

1. An employee alleging unlawful discrimination based on any pertinent state or federal law or regulation may:
   (a) Report the alleged discrimination to the Attorney General, the employee's appointing authority, an equal employment opportunity officer, ~~[or]~~ a personnel representative for his department, ***or the Department of Personnel Sexual Harassment/Discrimination Unit*** for ~~[corrective action]~~ ***investigation***;
   (b) Use the procedure for the adjustment of a grievance contained in NAC 284.658 to 284.6957, inclusive; or
   (c) File a complaint with the Nevada Equal Rights Commission pursuant to NRS 613.405.
2. The appointing authority of an employee who has alleged unlawful discrimination shall promptly notify the deputy attorney general or staff counsel assigned to represent the agency of the allegation and the actions which are being undertaken by the agency to address the allegation.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 9-16-92; 11-16-95)