



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for the Adoption, Amendment and Repeal
Of
Regulations of the Commission on Peace Officer
Standards and Training**

PUBLIC COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training (“Commission”) will be holding a Public Comment Hearing at **10:00 a.m. on Tuesday, July 19, 2022, at the POST Administrative Building, Classroom #2, 5587 Wa Pai Shone Ave., Carson City, NV 89701.** The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and purpose of the proposed regulations.

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)

This regulation (1) revises the definition of “executive level position” to mean a position held by a peace officer in which the peace officer is the chief executive of an agency or is acknowledged and affirmed by the chief executive of an agency to be in the direct line and immediately available and authorized to act as the chief executive of the agency during the absence of the chief executive; and (2) defines “chief executive” to mean a person who is in charge of an entire agency.

2. For a temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.

This is a permanent regulation.

3. For a proposed regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2020 and clicking the link: www.leg.state.nv.us/Register/2020Register/R052-22P.pdf, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at <https://post.nv.gov>.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:

(a) Both adverse and beneficial effects; and

(1) Adverse effects: None

(2) Beneficial effects: This definition is tied to the eligibility of the Executive certificate. In clarifying and specifying which positions are considered executive level, it can be utilized by agencies to aid in negotiations when hiring or promoting and used when determining salaries and compensation.

(b) Both immediate and long-term effects:

(1) The immediate effects: None

(2) The long-term effects: None

5. The methods used by the agency in determining the impact on a small business.

The Commission on POST has reviewed the text of the proposed regulations. Because the regulation amends Nevada Administrative Code Chapter 289, dealing with certification provisions of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

6. The estimated cost to the agency for enforcement of the proposed regulation.

None

7. A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required by federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provision.

There are no federal regulations that regulate the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not involve or establish fees.

11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A

Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on June 29, 2022.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.

This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wai Pai Shone Avenue, Carson City, 89701, 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://leg.state.nv.us>, the POST web site at <http://post.nv.gov> and the State of Nevada Department of Administration website at <https://notice.nv.gov>.

Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall 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

The Notice of Intent to Act Upon Regulations and the proposed regulation have been sent to all criminal justice agencies on the Commission on POST Listserv list and posted at the following locations:

**Commission on POST Administrative Office
Carson City, NV 89701**

<http://post.nv.gov>

<http://notice.nv.gov>

<http://leg.state.nv.us>

NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on POST, in writing, at 5587 Wai Pai Shone Avenue, Carson City, Nevada 89701, or call Chief Kathy Floyd at (775) 687-7678, Extension 3335, no later than five working days prior to the meeting.

**SEE ATTACHED COPIES OF THE PROPOSED
REGULATIONS**

**PROPOSED REGULATION OF THE PEACE OFFICERS’
STANDARDS AND TRAINING COMMISSION**

LCB File No. R052-22

May 20, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; revising the minimum requirements for a peace officer to obtain an executive certificate; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Peace Officers’ Standards and Training Commission to adopt regulations establishing minimum standards for the certification and training of peace officers. (NRS 289.510) Existing regulations provide that the Commission will grant an executive certificate to a peace officer upon submission of proof that the peace officer, among other requirements, has at least 1 year of experience in an executive level position and a current assignment in an executive level position. (NAC 289.270) For the purpose of determining whether a peace officer satisfies this requirement for an executive certificate, existing regulations define “executive level position” to mean a position held by a peace officer in which the peace officer supervises two or more persons who hold management level positions and is in charge of an entire agency or a major division or bureau within an agency. (NAC 289.047) This regulation: (1) revises the definition of “executive level position” to mean a position held by a peace officer in which the peace officer is the chief executive of an agency or is acknowledged and affirmed by the chief executive of an agency to be in the direct line and immediately available and authorized to act as the chief executive of the agency during the absence of the chief executive; and (2) defines “chief executive” to mean a person who is in charge of an entire agency.

Section 1. NAC 289.047 is hereby amended to read as follows:

289.047 **1.** “Executive level position” means a position held by a peace officer in which the peace officer ~~[supervises two or more persons who hold management level positions and]~~ is :

(a) *The chief executive of an agency; or*

(b) Is acknowledged and affirmed by the chief executive of an agency to be in the direct line and immediately available and authorized to act as the chief executive of an agency during the absence of the chief executive.

2. *As used in this section, “chief executive” means a person who is in charge of an entire agency . ~~for a major division or bureau within an agency.~~*