



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
209 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 684-0122

MEMORANDUM

HR#48-20

August 19, 2020

TO: DHRM Listserv Recipients

FROM: Peter Long, Administrator *Peter Long*
Division of Human Resource Management

SUBJECT: RULES FOR STATE PERSONNEL ADMINISTRATION

The Division of Human Resource Management has republished the [*Rules for State Personnel Administration*](#), which includes the recent codification of Chapter 284 of the Nevada Revised Statutes (NRS) after the 2019 Legislative Session, as well as the recent codification of Chapter 284 of the Nevada Administrative Code (NAC).

NAC revisions that were approved and in effect but not yet codified are in bold and italic font. The following is a summary of the changes:

Filling Vacancies in Employment

Reassignment of Employee with Disability

Amendments to NAC **284.405** require the appointing authority to notify an employee in writing of his or her reassignment rights to ensure the employee will not unknowingly forfeit his or her reassignment rights prior to referral to the Division of Human Resource Management for possible statewide reassignment. NAC **284.361** was amended to make conforming changes.

Probationary Periods

Length of Probationary Period; Time Not Counted Toward Completion of Probationary Period; Adjustment of Probationary Period

Amendments to NAC **284.442**, **284.448** and **284.450** incorporate “trial period” so provisions of “probationary period” will also apply to an employee who is promoted or voluntarily transfers.

Application of Probationary Period

NAC 284.444 was amended to allow an appointing authority to waive a trial period in writing for a permanent employee who voluntarily transfers. Other amendments clarify how probationary periods or trial periods are applied to promotions to a vacant position, demotions, and transfers to classified service from unclassified or nonclassified positions.

Training & Education

Training of Supervisors and Managers

NAC 284.498 currently requires supervisors and managers to attend training classes in equal employment opportunity, interviewing and hiring, alcohol and drug testing, progressive disciplinary procedures and handling grievances. Amendments now also require training in unlawful discrimination and sexual harassment, the American Disabilities Act, the development of essential functions and the Family and Medical Leave Act.

Attendance and Leaves

Civil Leave

The amendment to NAC 284.586 clarifies that a request for civil leave with pay must be submitted prior to the day the leave is to be taken for early voting or the day of the election.

Administrative Leave

Due to the COVID-19 pandemic, an emergency regulation was adopted on March 15, 2020, to allow an appointing authority to provide administrative leave if related to health and safety if a state of emergency or declaration of disaster has been proclaimed. A new subsection has been added to NAC 284.589 to replace the emergency regulation.

Additional amendments to NAC 284.589 better indicate under which circumstances administrative leave is mandatory or permissive which includes administrative leave that may be granted to veteran employees to attend veteran- and military-related events sponsored by the State Legislature. The amendments also remove the requirement for an employee to be available by telephone or to report to work or another location when on administrative leave to donate blood or when attending benefits orientation or education sessions. Currently, administrative leave is provided when serving as a member of a board or committee created by statute. The amendment also provides administrative leave for any time spent by committee or board members reviewing materials submitted for meetings.

Personnel Records

Access to Confidential Records

To ease the sharing of information between agencies, NAC 284.726 contains two new subsections listing individuals to whom information can be released related to sexual harassment and discrimination investigations conducted by the Division of Human Resource Management, and requiring an appointing authority to release to the Division of Human Resource Management any confidential records requested in the course of a sexual harassment or discrimination investigation. An additional amendment was made to to comply with an existing statute that allows an employee, or his or her representative, to inspect or receive any document concerning an internal investigation of the employee upon verification that an appeal has been requested by the employee concerning his or her dismissal, demotion or suspension.

Use of Alcohol and Drugs

Duties of Employee Referred to Employee Assistance Program (EAP)

The amendment to NAC 284.892 allows the EAP to provide an employee's agency with the documented status update required for the employee as part of a mandatory referral due to a positive alcohol and/or drug test. The amendment also allows an employee to be subject to disciplinary steps if it is determined that the failure to submit the required documentation was the fault of the employee.

Return to Work of Employee Who Tests Positive

NAC 284.893 has been amended to allow the EAP to provide documentation that an employee is able to return to work and perform the essential functions of the employee's position.

Please Note: It is necessary to use the [Rules for State Personnel Administration](#) publication as a reference to NAC 284 because the Law Library on the Nevada Legislature's website does not reflect all regulations that have been approved and are currently in effect.

Please ensure that everyone on your distribution list receives a copy. If you have any questions, please contact Denise Woo-Seymour at dseymour@admin.nv.gov or (775) 684-0149.

PL:dws/cl