



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
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MEMORANDUM
HR#79-16

November 8, 2016

TO: DHRM Listserv Recipients

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

SUBJECT: Revision #5, *Rules for State Personnel Administration*

The Personnel Commission recently adopted several permanent regulation changes, which have now been approved by the Legislative Commission. The effective date of these changes is November 2, 2016. Due to these changes, the [Rules for State Personnel Administration](#) has been updated on our website. Replacement pages for [Revision #5](#) are also available on our website. In addition, a new form related to the internal administrative investigation process has been created, which is described below.

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

The following is a summary of the substantive changes.

Classification

The amendment to NAC 284.152 brings the regulation into alignment with NRS 284.165 by changing the time frame for a classification appeal from 20 working days to 30 calendars days.

Filling Vacancies in Employment

A new section has been added to NAC 284 to create procedures for appealing the Administrator's refusal to examine or certify an applicant pursuant to NRS 284.245. The new regulation also describes the information necessary to be submitted regarding the appellant's rationale for his or her disagreement with the Administrator's decision not to

examine an applicant, or, after examination, certify an eligible person.

Attendance and Leaves

Three new sections have been added to NAC 284 providing the interpretation of “child” and “parent,” and the definition of “in loco parentis.” These changes align the terms as used in NAC 284 with those used in the administration of Family and Medical Leave (FMLA).

The changes to NAC 284.52315 and 284.5237 will define “child” and “parent” in a manner that is consistent with the interpretation of “son or daughter” by the Wage and Hour Division of the United States Department of Labor.

Disciplinary Procedures

A new section has been added to NAC 284 to describe the process for an appointing authority to request an extension of time to notify an employee of his or her determination following an internal administrative investigation. The agency’s appointing authority must request an extension of this time by submitting the newly created [*Agency Request to Extend Internal Administrative Investigation*](#) (HR-40) form to the Administrator on or before the 90th day after the employee was provided notice of an internal administrative investigation. If an additional extension is necessary, an appointing authority must submit the request in writing to the Administrator, for submission to the Governor on or before the expiration date of the initial extension.

Senate Bill 62 of the 2015 Legislative Session amended NRS 284.385 by removing the requirement for the delivery in-person or by mail of notice to an employee of his or her dismissal, demotion, or suspension. If an employee is not available to deliver such notice in-person, NAC 284.6561 now allows for delivery services other than just the U.S. Postal Service. The amendment allows for alternative courier services to be used, such as FedEx and UPS, as long as the carrier provides proof that the notice was sent and that it was delivered. The notice must not be given by electronic mail, the use of social media or other electronic means.

Reassignment Regulations

The group of regulation changes related to the reassignment process have been included in this revision of the *Rules for State Personnel Administration*. Senate Bill 62 of the 2015 Legislative Session allows the Personnel Commission to adopt regulations for the non-competitive appointment of an employee with a disability. The changes will bring NAC 284 into closer alignment with the federal American’s with Disabilities Act. A separate communication will be forthcoming that will explain this new process in detail.

Updated pages with the corresponding sections of the rulebook are listed in the chart below:

SECTION	PAGE NO.
Table of Contents	i – xii
General Provisions	A7 – A12
Classification	B7 – B8
Compensation	C3 – C26
Filling Vacancies in Employment	D17 – D36

Attendance and Leaves	I1 – I38
Separations from Service	K5 – K10
Disciplinary Procedures	L7 – L12
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Please ensure that everyone on your distribution list receives a copy. If you have any questions, please contact Michelle Garton at mgarton@admin.nv.gov or (775) 684-0136.

PL:mg