NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the Permanent Adoption of
Regulation Amendment of the Human Resources Commission

The Human Resources Commission will hold a public hearing at 9:00 a.m. on December 11, 2026, at the State Library and Archives Building, Room 110, 100 N. Stewart Street, Carson City, Nevada with videoconferencing to the Eureka Building, Room 2, 7251 Amigo Street, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the permanent adoption of regulation amendment that pertains to Chapter 284 of the Nevada Administrative Code.

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

- This regulation does not have a direct economic effect on any business or the public.
- Enforcement of this regulation will not result in an increased cost.
- To our knowledge, this regulation does not overlap or duplicate any regulation of other State or local governmental agencies.
- This regulation does not establish any new fee or increase an existing fee.

LCB File:	NAC:	Leadline or Description:
R083-26	284.042	"Classification plan" defined.
	284.058	"Eligible person" defined.
	284.076	"Permanent employee" defined.
	284.126	Creation of new class, reclassification of position or reallocation of existing class.
	284.150	Class specifications.
	284.295	Determining type of recruitment.
	284.2975	Designation of class for which applicants for promotion are not normally available.
	284.301	Length of recruitment.
	284.305	Continuous recruitment.
	284.309	Notice of recruitment: Publicized job announcement.
	284.313	Limitation of competition in recruitment; applications.
	284.317	Investigations of applicants; minimum age requirement.
	284.325	Preferences for veterans: Declaration; submission of proof.
	284.353	Allocation of time used by employees for examinations and interviews.
	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.
	284.364	Lists of persons with disabilities who are eligible for

	temporary limited appointments.
284.367	Promotional lists: Use; order of names.
284.370	Integration of subsequent lists.
284.371	Correction of errors in certification.
284.373	Inquiry of availability of eligible person.
284.374	Active lists: Removal and reactivation of names; no requirement or refusal to consider certain persons.
284.3745	Refusal to examine applicant or certify eligible person: Review of action; appeal.
284.386	Reinstatement of former permanent employee.
284.390	Transfers initiated by employees.
284.405	Reassignment of employee with disability who is unable to perform essential functions of position with or without reasonable accommodation.
284.406	Provisional appointments.
284.414	Temporary appointments.
284.434	Seasonal positions.
284.4375	Automatic advancement.
284.444	Application of probationary or trial period.
284.460	Failure of permanent employee who voluntarily transferred to complete trial period: Restoration to former position or other placement; required notifications; exception.
284.462	Placement of promoted employee who fails to attain permanent status or is dismissed for certain causes from position to which employee was promoted; placement of displaced employee.
284.6017	Placement on reemployment list of name of employee with permanent disability.
284.6018	Status following reemployment of person with permanent disability; restoration of name to reemployment list following failure of such person to complete probationary period; rights of employee after expiration of right to reemployment.
284.618	Layoffs: Voluntary demotions.
284.630	Layoffs: Reemployment.
284.632	Layoffs: Calculation of seniority.
284.658	Definitions.
284.662	Providing assistance or representation to employee; discrimination prohibited relating to seeking or filing request for review of grievance or complaint or testifying or providing assistance or representation to another employee; available resources for assistance.
284.718	Confidential records.

	284.726	Access to confidential records.
	284.894	Treatment of applicant who tests positive; treatment of employee who tests positive twice within 5-year period.
	284.028	"Center for assessment" defined.
	284.329	Competitive examinations: Use and administration.
	284.333	Centers for assessment: Selection and training of assessors; administration of examinations.
	284.338	Minimum passing scores; computation of final scores.
	284.341	Review of examinations; disputes regarding results.
	284.345	Correction of errors in rating, scoring or computing results.
	284.349	Retaking examination for same class.
R121-26	284.718	Confidential records.
R123-26	284.614	Layoffs: Procedure.
R155-26	281.305	Written appeal by officer or employee who claims retaliatory action was taken against him or her.
R156-26	NEW	Confidential improper governmental action complaints.

Persons wishing to comment upon the proposed action of the Human Resources Commission may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Department of Administration, Division of Human Resource Management, 515 E. Musser Street, Carson City, Nevada 89701, Attention: Carrie Hughes. Written submissions must be received by the Division of Human Resource Management on or before September 25, 2026. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Human Resources Commission may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted or amended will be on file at the Nevada State Library, Archives and Public Records, 100 N. Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additionally, copies of this notice and the regulations to be adopted or amended will be available at the Division of Human Resource Management, 515 E. Musser Street, Carson City, Nevada, and 7251 Amigo Street, 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. This notice and the text of the proposed regulations are also available in the 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://www.leg.state.nv.us. Copies of this notice and the proposed regulations 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 or amendment of any regulation, the agency, if requested to do so by an interested

person, either before adoption or amendment, or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or amendment, and incorporate therein its reason for overruling the consideration urged against its adoption or amendment.

This notice of hearing has been posted at the following locations:

Carson City
EICON Building, 515 E. Musser Street
Nevada State Library & Archives Building, 100 N. Stewart Street
Nevada State Capitol Building, 101 N. Carson Street
Legislative Counsel Bureau, 401 S. Carson Street

Las Vegas
Eureka Building, 7251 Amigo Street
Legislative Hearing Rooms Building, 7120 Amigo Street

Websites
Legislative Counsel Bureau website: www.leg.state.nv.us
Nevada Public Notice website: http://notice.nv.gov
Division of Human Resource Management website: www.hr.nv.gov

PROPOSED REGULATION OF THE

HUMAN RESOURCES COMMISSION

LCB File No. R083-26

July 14, 2026

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

AUTHORITY: §§ 1-3, NRS 284.065; §§ 4, 5, 7, 30-32, 40, 42, 43 and 45, NRS 284.065 and 284.155; §§ 6, 11 and 12, NRS 284.065, 284.155, 284.205 and 284.295; §§ 8-10, NRS 284.065, 284.155 and 284.205; § 13, NRS 284.065, 284.155, 284.205, 284.250 and 284.260; § 14, NRS 284.065, 284.155 and 284.345; § 15, NRS 284.065, 284.155, 284.205, 284.250, 284.305 and 384.327; §§ 16 and 17, NRS 284.065, 284.155, 284.205, 284.250 and 284.305; § 18, NRS 284.065, 284.155, 284.205, 284.250 and 284.327; §§ 19-22, NRS 284.065, 284.155, 284.205 and 284.250; § 23, NRS 284.065, 284.155, 284.205, 284.250 and 284.295; § 24, NRS 284.065, 284.155 and 284.245; §§ 25 and 36, NRS 284.065, 284.155 and 284.305; § 26, NRS 284.065, 284.155, 284.250 and 284.375; §§ 27 and 35, NRS 284.065, 284.155, 284.250 and 284.305; § 28, NRS 284.065, 284.155 and 284.325; § 29, NRS 284.065, 284.155, 284.325 and 284.345; § 33, NRS 284.065, 284.155 and 284.375; § 34, NRS 284.065, 284.155, 284.290 and 284.300; § 37, NRS 284.065, 284.155 and 284.380; § 38, NRS 284.065, 284.155, 284.250 and 284.380; § 39, NRS 284.065, 284.155, 284.335 and 284.380; § 41, NRS 284.065, 284.155 and 284.384; § 44, NRS 284.065, 284.155, 284.250 and 284.407.

A REGULATION relating to human resources; revising certain terminology; transferring certain duties relating to the recruitment of state employees from the Division of Human Resource Management of the Department of Administration to appointing authorities; revising provisions relating to applications for state employment; removing certain requirements relating to the use of lists of eligible persons; removing certain provisions relating to the use of special temporary appointments by the Nevada System of Higher Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Administrator of the Division of Human Resource Management of the Department of Administration to prepare, maintain and revise a plan for all positions in the classified service based upon similarity of duties and responsibilities, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. (NRS 284.160) Senate Bill No. 431 of the 2023 Legislative Session (S.B. 431) revised the name of this plan from the "classification plan" to "master classification plan." (NRS 284.160, as amended by section 80 of Senate Bill No. 431,

chapter 532, Statutes of Nevada 2023, at page 3565) **Section 1** of this regulation revises the term "classification plan" to "master classification plan" to match the terminology used in existing law. **Section 1** also clarifies that the plan is maintained by the Administrator. **Sections 4-7 and 19** of this regulation make conforming changes so that the master classification plan is properly identified throughout existing regulations. **Section 4** also revises the title of the person in charge of human resources for the Nevada System of Higher Education.

S.B. 431: (1) revised the terminology used to refer to groups of eligible persons used to fill positions in the classified service from "list" to "pool"; and (2) replaced a requirement that such lists must be prepared on the basis of a competitive examination with a requirement that such pools must be prepared on the basis of an evaluation by an appointing authority for the hiring agency. (NRS 284.150, as amended by section 79 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3565) **Sections 2, 4, 9-11, 14, 16, 17, 20, 23, 24, 31, 41-43 and 45** of this regulation eliminate references to examinations and instead provide that evaluations of eligible persons will be conducted, or in certain circumstances waived, to determine if a person is qualified for a position. **Section 40** of this regulation removes references to a repealed section. **Sections 2, 11, 15-23, 25-28, 30, 33-39 and 44** of this regulation replace the term "list" with the term "pool" to conform with the terminology used in existing law. **Section 13** of this regulation revises terminology relating to veterans' preferences to conform with the terminology used in existing law.

Existing law gives the appointing authorities the responsibility for recruiting, evaluating and appointing employees, including the responsibility for establishing the pools of persons who are eligible for appointment and promotion. (NRS 284.240-284.310) **Sections 6, 8, 9, 11, 12, 15-19, 21, 23, 24, 26-29, 35 and 38** of this regulation make conforming changes to transfer certain duties relating to the recruitment, evaluation and appointment of employees from the Division to the appointing authority. **Sections 15, 16, 18, 26, 27 and 38** require appointing authorities to coordinate with the Division concerning certain pools that facilitate hiring between different appointing agencies or hiring of certain persons with disabilities. **Sections 17 and 20** additionally remove certain specific requirements governing the use of pools. **Sections 3, 23 and 32** of this regulation make a conforming change to correct internal reference citations.

Section 11 makes certain technical revisions concerning: (1) the process of applying for employment; and (2) the ownership and maintenance of applications and accompanying documents. **Section 29** removes certain specific provisions regarding the use of special temporary appointments to fill positions within the Nevada System of Higher Education.

Section 1. NAC 284.042 is hereby amended to read as follows:

284.042 ~~["Classification]~~ ***"Master classification*** plan" means a listing ***, which is maintained by the Administrator pursuant to NRS 284.160,*** of all the classes which have been established, the class specifications, and the grade to which each is assigned.

Sec. 2. NAC 284.058 is hereby amended to read as follows:

284.058 "Eligible person" means any person who meets the required minimum qualifications and:

1. Applies, successfully passes all phases of an ~~[examination,]~~ ***evaluation,*** when required, and is placed ~~[on]~~ ***in*** an appropriate ***pool of*** eligible ~~[list;]~~ ***persons;*** or

2. Is eligible to be placed ~~[on]~~ ***in*** a ~~[list]~~ ***pool*** described in paragraphs (a) to (d), inclusive, of subsection 1 of NAC 284.358.

Sec. 3. NAC 284.076 is hereby amended to read as follows:

284.076 "Permanent employee" means an employee who has successfully completed the probationary period for any class he or she has held during continuous classified service. The term does not include a person who:

1. Is reemployed after having been laid off and is serving a new probationary period as required by subsection ~~[8]~~ ***9*** of NAC 284.630; or

2. Is reemployed pursuant to NAC 284.6014 after having sustained a permanent disability and is serving a new probationary period as required by subsection 2 of NAC 284.6018.

Sec. 4. NAC 284.126 is hereby amended to read as follows:

284.126 1. For the purposes of this section:

(a) "Agency human resource officer" means the Director of ~~[Personnel]~~ ***Human Resources*** within the Nevada System of Higher Education or any person holding a position in the classified service with the title of Human Resources Officer.

(b) "Significant change" means a change in the duties and responsibilities assigned to a position in a class that:

(1) Is outside of the scope of the class as described by the class specification;

(2) Is not part of the scope of responsibility of the position; and

(3) Results in the majority of duties and responsibilities being allocated to a different class.

2. If an appointing authority or an employee proposes the creation of a new class, a reclassification of a position to a different class or the reallocation of an existing class based upon a gradual accumulation of duties and responsibilities which results in a significant change and is intended to be permanent, the Division of Human Resource Management or agency human resources officer must be notified on the appropriate form. If the creation, reclassification or reallocation is approved, the Division of Human Resource Management will allocate the position to one of the existing classes in the ***master*** classification plan or to a new, revised or reallocated class as appropriate.

3. The effective date of the classification decision will be the date on which the appropriate form is received by the Division of Human Resource Management or agency human resources officer unless information that substantially affects the decision concerning the creation, reclassification or reallocation is received after this date. In that case, the effective date will be the date on which the appropriate information necessary to make the decision is received. However, the subsequent receipt of an application or ~~[examination score]~~ ***evaluation*** that confirms the qualifications of an incumbent will not have a bearing on the effective date. If the form was prepared but delayed due to an administrative or clerical error, the effective date must be determined by the appointing authority and must be based upon the date on which the form should reasonably have been submitted to the Division of Human Resource Management or agency human resources officer. In no case, however, may a retroactive adjustment because of an administrative or clerical error exceed 6 months after the date of receipt.

4. If an agency makes or anticipates making a significant change in the duties for a position or the agency anticipates a reorganization which will require the reclassification of an existing position, the reallocation of an existing class or the creation of a new class, it shall advise the Budget Division of the Office of Finance or, in the case of the Nevada System of Higher Education, the budget division of the applicable institution. The proposed change may not be required of an employee nor be submitted to the Division of Human Resource Management until funding for it is approved. If the change is approved by the Division of Human Resource Management, the effective date will be determined by the Budget Division.

5. In effecting a reclassification pursuant to subsection 2 or 4, the appointing authority must review and take into consideration the organizational structure and the qualifications of the incumbent before assigning new duties to a position which are intended to be permanent. No position will be reclassified to a higher grade through the individual classification process if the incumbent does not meet the minimum qualifications for the higher level position or is unable to meet such qualifications as an underfill within 1 year after the effective date of the reclassification decision. If an employee does not meet the minimum qualifications to reclassify his or her position or is unable to meet such qualifications as an underfill within 1 year after the effective date of the reclassification decision, the employee is not eligible for promotion, but may be eligible for a special adjustment to his or her pay pursuant to NAC 284.206.

6. The establishment of a new class or reallocation of a class in an occupational study which results in a fiscal cost becomes effective when the funding is provided by the Legislature in the biennial operating budget for this State.

7. From the date on which the Division of Human Resource Management formally announces the beginning of an occupational study until the date on which the occupational study becomes effective:

(a) An existing position in the occupational study that has a significant change may only be reclassified to an existing class.

(b) An existing class in the occupational study must not be reallocated to a different grade.

(c) A new position may be allocated to an existing class or a new class as determined by the Division of Human Resource Management.

8. A position may be reclassified absent significant change in the duties and responsibilities assigned to the position upon a determination by the Division of Human Resource Management that:

(a) The position is incorrectly classified; or

(b) The duties and responsibilities assigned to the position are more consistent with the duties and responsibilities assigned to a position in a different class.

Sec. 5. NAC 284.150 is hereby amended to read as follows:

284.150 1. Class specifications will define a class based on a sound, systematic occupational analysis and evaluation of the position and will contain elements sufficient to distinguish the various classes from one another. The use of a particular expression or illustration as to duties must not be interpreted to exclude others not mentioned but that are of similar kind and relevant to the class.

2. Any option within a class which is included in the class specification will be considered a separate class.

3. In determining the class to which any position will be allocated, the specification will be considered as a whole and in relation to others in the ***master*** classification plan. The duties, responsibilities, qualifications, knowledge, and abilities required for a class will be considered in relation to those for other classes in determining the kinds of positions which a class may include.

4. The qualifications which are required for a particular class are the standards for the evaluation of applications for positions in that class. The Division of Human Resource Management may, after consulting with appointing authorities, interpret these qualifications so that qualifications which are equivalent to those which are specified for the class may be accepted. The interpretation of qualifications which are considered equivalent must not circumvent the principles of selection on the basis of merit.

5. Qualifications which are required to perform the essential functions of a position, such as possession of a valid driver's license, may be required by the appointing authority if:

(a) So indicated for the position at the time of public notice or appointment; or

(b) Written notice of the required qualifications is given to the employee.

➥ Any disagreement concerning the validity of the required qualifications may be submitted for adjustment pursuant to the procedure for the adjustment of grievances set forth in NAC 284.658 to 284.697, inclusive.

Sec. 6. NAC 284.295 is hereby amended to read as follows:

284.295 1. ~~[The Division of Human Resource Management will]~~ ***An appointing authority shall*** determine the type of recruitment based on:

(a) The number of current or anticipated vacancies; ***and***

(b) The anticipated number of applicants**.** ~~[; and~~

~~(c) The recommendations or requests of the appointing authority.]~~

2. Except as otherwise provided in subsection 3, a recruitment must be restricted to one or a combination of these groups in the following order of priority:

(a) Applicants for promotion from within the division where the vacancy exists.

(b) Applicants for promotion from within the department where the vacancy exists.

(c) Applicants for promotion from throughout state service.

(d) Applicants for appointment from open competition.

➥ If a recruitment includes more than one promotional group, any group with a higher priority must be included and receive preference.

3. Recruitment may be open competitive, or limited to or combined with any one or more of the promotional groups listed in subsection 2 if:

(a) The appointing authority ~~[certifies in writing to the Division of Human Resource Management]~~ ***determines*** that, in accordance with the provisions of NAC 284.297, it is in the best interest of the agency to expand the recruitment to allow other groups to compete equally; or

(b) The class is designated in the ***master*** classification plan as:

(1) Entry level because it is not a normal progression from another class; or

(2) A class for which applicants for promotion are not normally available.

4. The provisions of this section do not prohibit ~~[the Division of Human Resource Management or its designee]~~ ***an appointing authority or his or her designee*** from conducting a recruitment in anticipation of a vacancy.

Sec. 7. NAC 284.2975 is hereby amended to read as follows:

284.2975 For the purposes of NAC 284.295, 284.360 and 284.367, a class may be designated in the ***master*** classification plan as a class for which applicants for promotion are not

normally available if the class has historically had less than five applicants for promotion available from within the state service.

Sec. 8. NAC 284.301 is hereby amended to read as follows:

284.301 1. The ~~[Division of Human Resource Management will, after appropriate consideration of a requesting agency's views,]~~ ***appointing authority shall*** determine the length of the recruitment based upon, but not limited to, the number of vacancies and the size and geographic distribution of the anticipated pool of applicants.

2. The ~~[Division of Human Resource Management]~~ ***appointing authority*** may postpone, cancel or extend any recruitment by giving appropriate notice thereof.

Sec. 9. NAC 284.305 is hereby amended to read as follows:

284.305 1. The ~~[Division of Human Resource Management]~~ ***appointing authority*** may conduct recruitments ~~[and administer examinations]~~ ***on a continuous basis*** in order to provide the names of eligible persons **.** ~~[on a continuous basis.]~~

2. An applicant achieves eligibility for certification from the date on which he or she successfully completes the ~~[examination.~~

~~3. The names of eligible persons who took the same or a comparable examination on different dates will be certified on the same list.]~~ ***evaluation process.***

Sec. 10. NAC 284.309 is hereby amended to read as follows:

284.309 1. Notice of each recruitment will be given in the form of a publicized job announcement. Dissemination of the publicized job announcement may be limited to the appropriate agencies and employees when the recruitment is strictly promotional.

2. A publicized job announcement will include the title, pay or grade, recruitment period and location. The announcement may also include, or on promotional recruitments will include, information relating to:

(a) The special conditions of employment, if applicable;

(b) The duties and responsibilities of the class or position;

(c) The minimum qualifications; and

(d) The ~~[type of examination,]~~ ***evaluation process, including without, limitation,*** relative weights assigned to the parts thereof and the subjects to be covered,

➥ and other related matters.

Sec. 11. NAC 284.313 is hereby amended to read as follows:

284.313 1. Except as otherwise provided in this subsection, competition in a recruitment is limited to applicants who meet the minimum qualifications and other criteria or conditions for the class or position as specified in the publicized job announcement. The publicized job announcement may provide for the consideration of applicants who do not currently meet those minimum qualifications but who will do so by the time their names are placed ~~[on an]~~ ***in a pool of*** eligible ~~[list.]~~ ***persons.***

2. It is the responsibility of an applicant to apply for any recruitment for which he or she is interested. Future vacancies may be filled from the results of appropriate prior recruitments.

3. Each applicant must submit an application as specified in the publicized job announcement. The application must be received ~~[not later than 5 p.m.]~~ on ***or before*** the closing date **.** ~~[, as determined by the Division of Human Resource Management.]~~

4. The incomplete or improper completion of an application that affects the ability ~~[of the Division of Human Resource Management]~~ to determine the qualifications of the applicant ~~[,~~

~~including the failure to designate the locations where the applicant will work and other criteria or conditions, is cause for the rejection~~] ***may lead to disqualification*** of the applicant.

5. ~~[If a recruitment produces a sufficient number of applicants, the Division of Human Resource Management~~] ***The appointing authority*** may ~~[, as an additional phase of the process of examination, approve the obtaining of~~] ***request*** supplemental information from each applicant ~~[to assess his or her qualifications~~] if the publicized job announcement includes notice that such supplemental information may be required. ~~[Only those applicants who are considered the most qualified, based on this assessment, may continue in the competition.~~]

6. Except as otherwise provided in subsection 8, competition in a promotional recruitment is limited to current state employees who:

(a) Have served at least 6 months of continuous full-time equivalent service in a probationary, special disabled, emergency, provisional or permanent status, or any combination of these, in the classified service.

(b) Are working in the division, department or state service which is specified in the publicized job announcement.

7. An employee who competes in a promotional recruitment may be at a higher grade, the same grade or a lower grade than the grade of the class for which the recruitment is being conducted. Depending on the grade of the employee, an appointment resulting from a promotional recruitment may be a voluntary demotion, a lateral transfer or a promotion.

8. A former incumbent of a seasonal position who was separated from state service with the status of a permanent employee may apply for a promotional recruitment up to 1 year after the day of separation even though he or she is not currently employed. The prior appointment must

have been in the division, department or state service which is specified in the publicized job announcement.

9. ~~[Applications and accompanying documents are the property of the]~~ ***The*** Division of Human Resource Management ~~[.]~~ ***shall maintain applications and accompanying documents.***

Sec. 12. NAC 284.317 is hereby amended to read as follows:

284.317 1. To determine whether an applicant meets the minimum qualifications established for the class or position and other necessary criteria, the ~~[Division of Human Resource Management]~~ ***appointing authority*** may require evidence of United States citizenship, alien status, discharge under honorable circumstances from the Armed Forces of the United States, possession of valid licenses for various purposes, educational transcripts or other evidence of identification and qualification. Except as otherwise provided in NAC 284.325 with respect to a request for a veteran's preference, any required information which is not received by the time of certification will be cause for the Administrator to decline to certify the applicant.

2. A reasonable minimum age requirement may be established for any position that involves public safety, supervision or care of wards of the State of Nevada, hazardous working conditions or other unusual circumstances. If such a minimum age requirement is established, it must be specified in the approved class specification or the publicized job announcement and an applicant shall, upon request, submit appropriate proof of age to the ~~[Division of Human Resource Management.]~~ ***appointing authority.***

3. The ~~[Division of Human Resource Management or]~~ employing agency may investigate an applicant's character, past employment, education, experience and, as allowed by specific statute, criminal background.

Sec. 13. NAC 284.325 is hereby amended to read as follows:

284.325 An applicant must declare his or her intention to request veterans' preference ~~[points]~~ pursuant to NRS 284.260 at the time of application. Proof of eligibility for preference as a veteran must be submitted at the time of application.

Sec. 14. NAC 284.353 is hereby amended to read as follows:

284.353 ~~[1.]~~ Upon giving reasonable notice to his or her immediate supervisor, ~~[a qualified]~~ ***an*** employee must be permitted to take an appropriate amount of released time to participate in any ~~[examination given by the Division of Human Resource Management or its designated representative during work hours. Such time is equivalent to time which is worked.~~

~~2. The time spent participating in an examination which exceeds the normal workday or workweek does not qualify for overtime.~~

~~3. For the purpose of this section, an]~~ employment interview for a position in the classified service, unclassified service or nonclassified service of the State of Nevada ***.*** ~~[is considered to be part of the examination process.]~~

Sec. 15. NAC 284.358 is hereby amended to read as follows:

284.358 1. The types of ~~[lists]~~ ***pools*** of eligible persons and, unless otherwise provided in this chapter or chapter 284 of NRS, the required priority for their use are as follows:

(a) Reemployment ~~[lists.]~~ ***pools.***

(b) Reassignment ~~[lists.]~~ ***pools.***

(c) ~~[Lists]~~ ***Pools*** of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327.

(d) ~~[Transfer lists, at the option of the appointing authority.]~~ ***Pools of persons who are entitled to transfer within the classified service pursuant to NRS 284.3775.***

(e) Divisional promotional ~~[lists.]~~ ***pools of eligible persons.***

(f) Departmental promotional ~~[lists.]~~ ***pools of eligible persons.***

(g) Statewide promotional ~~[lists.]~~ ***pools of eligible persons.***

(h) ~~[Lists]~~ ***Pools*** of persons determined to be eligible from open competitive recruitments.

(i) ~~[Lists]~~ ***Pools*** of eligible persons of comparable classes.

2. The names ~~[on]~~ ***in*** each ~~[list]~~ ***pool*** must be used as prescribed in NAC 284.361.

3. Before filling a vacancy, an appointing authority shall contact the Division of Human Resource Management by telephone or electronic mail to determine if eligible persons are available for appointment through the ~~[lists]~~ ***pools*** referred to in paragraphs (a), (b) and (c) of subsection 1 ***of other appointing authorities*** before using any ~~[list]~~ ***pool*** referred to in paragraphs (d) to (i), inclusive, of subsection 1.

4. The open and promotional ~~[lists]~~ ***pools of eligible persons*** referred to in paragraphs (e) to (i), inclusive, of subsection 1 must be ~~[:~~

~~(a) Based on the type of recruitment prescribed by the Division of Human Resource Management; and~~

~~(b) Described]~~ ***described*** in the publicized job announcement. ~~[~~

~~➥]~~ The establishment of any other type of ~~[list]~~ ***pool*** from the initial recruitment must be in accordance with NAC 284.367.

Sec. 16. NAC 284.360 is hereby amended to read as follows:

284.360 1. After being contacted by an appointing authority pursuant to subsection 3 of NAC 284.358 regarding the availability of eligible candidates in a specific class, the Division of Human Resource Management must verify the availability of ~~[a]~~ ***any*** reemployment ~~[list]~~ ***pools*** for that class ~~[.]~~ ***from other appointing authorities.*** If a reemployment ~~[list]~~ ***pool*** is available, the Division of Human Resource Management must ~~[certify and]~~ provide the reemployment ~~[list]~~

pool to the ***requesting*** appointing authority. Eligible persons who appear ~~[on]~~ ***in*** reemployment ~~[lists]~~ ***pools*** are ranked in order of seniority. Except as otherwise provided in subsection 2 of NAC 284.6017, placement ~~[on]~~ ***in*** a reemployment ~~[list]~~ ***pool*** must be determined using the criteria governing the determination of seniority for layoff pursuant to NAC 284.632.

2. If there is no reemployment ~~[list]~~ ***pool*** available, the Division of Human Resource Management must ~~[certify and]~~ provide to the appointing authority any available reassignment ~~[lists]~~ ***pools*** pursuant to NAC 284.405.

3. If there are no reassignment ~~[lists]~~ ***pools*** available, the Division of Human Resource Management must ~~[certify and]~~ provide to the appointing authority ***the names of*** any available ~~[lists of]~~ persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327.

4. If there are no available ~~[lists of]~~ persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327, the Division of Human Resource Management must ~~[certify and]~~ provide to the appointing authority any available ~~[transfer lists]~~ ***pools*** of employees who are entitled to transfer to a position pursuant to NRS 284.3775.

5. ~~[If no list described in subsection 1, 2 or 3 is available, the Division of Human Resource Management must, upon request of the appointing authority and in accordance with subsections 6 and 7:~~

~~(a) Certify the names of eligible persons on ranked or unranked lists described in paragraphs (e) to (i), inclusive, of subsection 1 of NAC 284.358; or~~

~~(b) Waive the list.~~

~~6. The names of eligible persons on ranked lists must appear in the order of the total rating which they earned in the examination, including preferences for veterans and residents.~~

~~7. The Division of Human Resource Management may certify a list of eligible persons who are not ranked, or~~] ***An appointing authority*** may waive the ~~[list,]~~ ***competitive evaluation*** for:

(a) A class that is grade 20 or below; ***or***

(b) ~~[A class designated in the classification plan as entry level;~~

~~(c) A class designated in the classification plan as a class for which applicants for promotion are not normally available; or~~

~~(d)~~] A class determined to be appropriate by the Administrator.

~~[8.]~~ ***6.*** Only an eligible person who has indicated the willingness to accept the location of the vacancy and the other conditions of employment may be certified.

Sec. 17. NAC 284.361 is hereby amended to read as follows:

284.361 When using ~~[lists]~~ ***pools*** of ***eligible*** persons ~~[who are eligible]~~ and considering eligible persons who have been certified ~~[,]~~ ***in certain pools,*** the following conditions apply:

1. When a reemployment ~~[list]~~ ***pool*** is certified, persons who are available for appointment and who are certified ~~[on]~~ ***in*** reemployment ~~[lists,]~~ ***pools,*** other than seasonal reemployment ~~[lists,]~~ ***pools,*** must be hired in the order in which they appear unless the appointing authority, upon submitting written justification, obtains the written concurrence of the Governor to deviate from the order of priority or to hire from another ~~[list.]~~ ***pool of eligible persons.*** The appointing authority must make the written justification available for examination by affected persons or their designated representatives.

2. The ~~[Division of Human Resource Management]~~ ***appointing authority*** shall integrate the name of a person who is eligible for reassignment pursuant to subsection 3 or 5 of NAC 284.405 with the names of employees who are placed ~~[on]~~ ***in*** a reassignment ~~[list]~~ ***pool*** pursuant to

subsection 4 or 6 of NAC 284.405 . ~~[whenever there is a reassignment list certified to the agency that employed the person in his or her regular position.]~~

3. A person must accept or refuse an offer of employment:

(a) If the offer of employment is sent by mail to the person, within 6 calendar days after the postmarked date appearing on the envelope in which the offer was mailed; or

(b) If the offer is an oral offer of employment, within 3 business days after the oral offer has been made.

4. The appointing authority may request selective certification for a particular position if the normal method of certification does not provide candidates qualified to perform the duties of the position satisfactorily. Where selective certification is necessary, the appointing authority shall furnish in writing the special requirements peculiar to the position and his or her reasons therefor. ~~[If the facts and reasons justify such a method of selection, the Division of Human Resource Management may certify the highest ranking eligible persons who possess the special qualifications.]~~

5. ~~[Certification]~~ ***Pools*** of ~~[only]~~ eligible persons who are ***all*** the same sex must not be made unless there is clear evidence that the duties assigned could be performed efficiently only by the sex specified.

6. ~~[When using ranked lists other than those for reemployment, the appointing authority shall attempt to communicate, as provided in NAC 284.373, with at least 5 persons in the first 10 ranks to determine their availability and qualifications. The names on each type of list must be considered before names from the next succeeding list. If there are fewer than 10 ranks with persons who are available for appointment on a given list and the appointing authority requests a full complement of 10 ranks, the name or names at the top of the next succeeding list must be~~

~~combined with those on the preceding list to establish 10 eligible ranks with persons who are available for appointment. Except as otherwise provided in subsection 8, all competitive appointments from ranked lists must be made from the persons who:~~

~~(a) Are in a rank of persons who received the 10 highest scores on the examination; and~~

~~(b) Are available for appointment.~~

~~7. If the list is unranked or waived, the~~] ***The*** appointing authority shall attempt to communicate, as provided in NAC 284.373, with at least five eligible persons he or she deems most qualified based upon a review of their respective qualifications as they relate to the position or class, or with all of the eligible persons if there are five or less ~~[. Except as otherwise provided in subsection 1, any eligible person who is certified from an unranked or waived list may be appointed.~~

~~8. If persons from fewer than five ranks of eligible persons are willing to accept appointment:~~

~~(a) The appointing authority may make an appointment from among those remaining available eligible persons.~~

~~(b) Certification and appointment may be made from other appropriate lists, including lists of higher grades as determined by the Division of Human Resource Management. The names from other lists must follow those which have been certified, if any, from the original lists.~~

~~(c) A new recruitment may be conducted.~~

~~(d) A provisional appointment may be made only if the requirements of NAC 284.406 are met.~~] ***in the pool of eligible persons.***

Sec. 18. NAC 284.364 is hereby amended to read as follows:

284.364 1. Pursuant to NRS 284.327, the Rehabilitation Division of the Department of Employment, Training and Rehabilitation may provide to the Division of Human Resource Management the names of persons with disabilities certified by the Rehabilitation Division who are eligible for temporary limited appointments of 700 hours' duration. Upon receipt from the Rehabilitation Division of the job applications and job recommendations, the Division of Human Resource Management must evaluate the information against the job requirements and minimum qualifications of the recommended classes. ~~[Through]~~ ***An appointing authority shall request from the Division of Human Resource Management, and the Division shall provide through*** noncompetitive means, the names of qualified persons ~~[must be placed on a list]~~ ***for placement in a pool*** of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327 ***.*** ~~[and certified to the requesting agency for consideration.]~~ ***The Division of Human Resource Management shall notify the Rehabilitation Division of the request for qualified persons by an appointing authority.***

2. If the ~~[list]~~ ***pool*** includes more than one qualified person, the appointing authority must appoint the most qualified person based upon a review of the respective qualifications of each person as the qualifications relate to the position or class and the ability of each person to perform the essential functions of the position.

~~[2.]~~ ***3.*** A current probationary or permanent state employee who occupies a permanent full-time position is not eligible for the provisions of this section unless his or her disability jeopardizes his or her continued employment in his or her present position and placement ~~[on]~~ ***in*** the ~~[list]~~ ***pool*** does not merely circumvent the provisions of this chapter governing promotion or transfer.

Sec. 19. NAC 284.367 is hereby amended to read as follows:

284.367 1. If a promotional ~~[list]~~ ***pool*** of eligible persons is used to fill a vacancy after the initial recruitment:

(a) The recruitment which created the ~~[list]~~ ***pool*** must have been open to employees of the appointing authority which requests the ~~[list;]~~ ***pool;*** and

(b) The order of names must be changed to reflect the priority prescribed by NAC 284.358.

2. Certification may be made from the names highest ~~[on]~~ ***in*** the ~~[list]~~ ***pool*** after promotional or promotional and open ~~[lists]~~ ***pools*** for the class are combined if either of the following occurs:

(a) The appointing authority ~~[certifies in writing to the Division of Human Resource Management that,]~~ ***determines,*** in accordance with the provisions of NAC 284.297, it is in the best interest of the agency to expand the certification to allow eligible persons from other groups to be considered on the basis of merit.

(b) One or more promotional ~~[lists]~~ ***pools*** exist for a class which otherwise qualifies for open competition because the class is designated in the ***master*** classification plan as entry level or as a class which normally has a lack of promotional candidates.

➥ If ~~[lists]~~ ***pools*** are combined, the names on the ~~[list]~~ ***pool*** must be in order of merit.

3. ~~[At the request of an]~~ ***An*** appointing authority ~~[,]~~ ***may establish*** one or more promotional ~~[lists must be established]~~ ***pools*** from an existing open competitive ~~[list]~~ ***pool*** and certified for a vacancy.

4. A list of eligible persons established from a recruitment in which the order of priority was changed must not be ~~[certified]~~ ***used*** in that order for a new vacancy unless the appointing authority complies with the provisions of paragraph (a) of subsection 2. These names will be used to establish one or more ~~[lists]~~ ***pools*** as may be appropriate.

Sec. 20. NAC 284.370 is hereby amended to read as follows:

284.370 ~~[1.]~~ The names of eligible persons ~~[on current lists]~~ ***in a pool*** may be integrated onto subsequent ~~[lists]~~ ***pools*** for the same class if there has been no ~~[material]~~ change in the ***minimum*** qualification requirements. ~~[If the list is a ranked list, the names of eligible persons will be integrated according to the final scores of those eligible persons.~~

~~2. As used in this section, "material change" includes, without limitation, a change in the minimum qualifications for the class or the subject matter, scope or weights of various phases of the examination.]~~

Sec. 21. NAC 284.371 is hereby amended to read as follows:

284.371 If ~~[the Division of Human Resource Management]~~ ***an appointing authority*** finds that an error occurred which resulted in a failure to properly certify a name to ~~[an agency, the Division of Human Resource Management will]~~ ***a pool of eligible persons, the appointing authority shall*** take appropriate action to correct the error. The correction ~~[will]~~ ***does*** not invalidate any appointment which was previously made from the certification ***.*** ~~[unless the Administrator or Commission determines, pursuant to subsection 2 of NAC 284.345, that the appointment should be invalidated because the error was intentional.]~~

Sec. 22. NAC 284.373 is hereby amended to read as follows:

284.373 1. While an eligible person may be contacted to determine his or her availability, no attempt may be made to obtain a waiver in order to alter the ~~[ranking of any person on the list.]~~ ***pool of eligible persons.***

2. An eligible person must respond to an inquiry of availability within:

(a) Six days after an inquiry by mail has been postmarked;

(b) Two days after an inquiry by electronic mail has been sent;

(c) Twenty-four hours after a written inquiry is hand-delivered;

(d) Twenty-four hours after an oral inquiry has been made if the oral inquiry was made during a conversation with the eligible person; or

(e) If an oral inquiry by telephone was attempted and a voicemail or other similar kind of electronic message was left, 2 days after that message was left.

3. An exception to a time limit may be granted by the originating agency.

Sec. 23. NAC 284.374 is hereby amended to read as follows:

284.374 1. The names of eligible persons may be removed from ~~[the active lists]~~ ***a pool of eligible persons*** for any of the following causes:

(a) Appointment after certification to fill a full-time permanent position ***;*** ~~[in the class for which the examination was given;]~~

(b) Expiration of the term of eligibility;

(c) Separation of a person who is eligible for promotion from the state service;

(d) Failure by an eligible person to respond within the required time to an inquiry of availability;

(e) A statement by the eligible person that he or she is not willing to accept any type of appointment from the ~~[eligible list;]~~ ***pool of eligible persons;***

(f) Any of the causes listed in NRS 284.240 pursuant to which the ~~[Administrator]~~ ***appointing authority*** may refuse to ~~[examine]~~ ***evaluate*** an applicant or, after ~~[examination,]~~ ***evaluation,*** may refuse to certify an eligible person; or

(g) If the eligible person is an employee who has been laid off and placed on the statewide reemployment ~~[list,]~~ ***pool,*** reemployment pursuant to subsection ~~[7]~~ ***8*** of NAC 284.630.

2. An appointing authority need not consider an eligible person more than one time from a recruitment. Consideration of an applicant for other than full-time permanent positions must not be counted for the purposes of this subsection.

3. An appointing authority need not consider an otherwise eligible person who cannot perform the essential functions of the position with or without reasonable accommodation.

4. An appointing authority may refuse to consider an eligible person who has been subject to a suspension, demotion or termination as a result of an upheld or uncontested disciplinary action in the preceding 12 months. The 12-month period begins on the effective date of the uncontested action or, if it is contested, on the date the hearing officer or any reviewing court issues a final decision upholding a suspension, demotion or termination. If an employee is removed from consideration pursuant to this subsection, the appointing authority must notify the employee of that fact in writing before interviewing the next candidate or making its selection. The employee has 3 working days after being notified that he or she has been removed from consideration pursuant to this subsection to notify the appointing authority of any discrepancy in the information in his or her record of employment which led to the removal of the employee from consideration. The appointing authority may not make its selection:

(a) If the employee does not notify the appointing authority of a discrepancy, until after the end of the period pursuant to which the employee may notify the appointing authority of a discrepancy; or

(b) If the employee notifies the appointing authority of a discrepancy, until after the appointing authority determines whether the removal of the employee from consideration pursuant to this subsection was appropriate.

5. An appointing authority shall refuse to consider an eligible person whose appointment to a position will violate NRS 281.210, NAC 284.375 or a policy approved by the Commission pursuant to NAC 284.375.

6. An eligible person whose name has been removed from ~~[an active list]~~ ***a pool of eligible persons*** may request that his or her name be reactivated by stating his or her reasons for the request. If the ~~[Division of Human Resource Management]~~ ***appointing authority*** determines that the reasons are justified, and the term of eligibility for the person has not otherwise expired, his or her name may be reactivated.

Sec. 24. NAC 284.3745 is hereby amended to read as follows:

284.3745 1. ~~[An applicant affected by a refusal to examine the applicant or an eligible person affected by a refusal to certify the eligible person may request a review of the action by the supervisor of recruitment of the Division of Human Resource Management not later than 30 calendar days after the applicant or eligible person receives notification of the refusal to examine or the refusal to certify, as applicable.]~~ ***After an appointing agency completes its evaluation of an applicant and determines that the applicant does not meet the minimum qualifications for a position, the applicant may request a review of the determination by the appointing authority not later than 30 calendar days after the applicant receives notification that he or she did not meet the minimum qualifications.***

2. The ~~[supervisor of recruitment of the Division of Human Resource Management,]~~ ***appointing authority*** shall conduct the review and return it to the applicant ~~[or eligible person]~~ within 10 calendar days after receipt of the request for review. If the applicant ~~[or eligible person]~~ is not satisfied with the review by the ~~[supervisor of recruitment of the Division of Human Resource Management,]~~ ***appointing authority,*** the applicant or eligible person may

request that the ~~[Administrator]~~ ***appointing authority*** provide, in accordance with NRS 284.245, a statement of the reasons for the ~~[refusal to examine or the refusal to certify, as applicable.]~~ ***determination that the applicant did not meet the minimum qualifications.*** Such a request must be made within 30 calendar days after receipt of the response by the supervisor of recruitment.

3. An applicant ~~[or eligible person]~~ may, within 30 calendar days after receipt of the statement of the ~~[Administrator]~~ ***appointing authority*** provided pursuant to subsection 2, appeal the decision to the Commission. The appeal must:

(a) Be in writing;

(b) Be addressed to the Administrator;

(c) Address the points outlined in the statement issued pursuant to subsection 2 regarding the ~~[refusal to examine or certify the applicant or eligible person;]~~ ***determination that the applicant did not meet the minimum qualifications;*** and

(d) Indicate the points in the statement with which the applicant ~~[or eligible person]~~ disagrees and express the reasons for the disagreement.

Sec. 25. NAC 284.386 is hereby amended to read as follows:

284.386 1. An appointing authority may reinstate a former permanent employee following his or her termination from state employment, including, without limitation, a former permanent employee who was laid off and is entitled to have his or her name appear ~~[on]~~ ***in*** a reemployment ~~[list]~~ ***pool*** pursuant to NAC 284.630, if the former permanent employee was separated without prejudice. A separation without prejudice must be determined by the appointing authority using the standards contained in NRS 284.240.

2. The grade of the class to which a person is reinstated may only exceed the current grade of the class he or she formerly held or a comparable class if that class has been reallocated.

3. Except as otherwise provided in subsection 2, a person may not be reinstated to underfill a position allocated at grade 30 or higher if that position is allocated at a higher grade than the position the person formerly held.

4. A reinstatement to a similar class requires the approval by the Division of Human Resource Management before the appointing authority may make a commitment to reinstate.

5. It is the responsibility of a person seeking reinstatement to make his or her interest known by providing a new application to the appointing authority.

6. The person must meet the current minimum qualifications for the class for which the reinstatement is sought.

Sec. 26. NAC 284.390 is hereby amended to read as follows:

284.390 1. An employee may request a transfer from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority if the positions are in the same class or a comparable class.

2. An employee who wishes a transfer to a position in the same class must:

(a) Make his or her interest known to the hiring agency; or

(b) Submit a request ~~[for a transfer]~~ to the Division of Human Resource Management to have his or her name ~~[placed on a transfer list for]~~ ***provided to the appointing authority for inclusion in the applicable pool for transfer to*** a position in the same class.

3. For a transfer to a position in a comparable class:

(a) The employee must submit an application to the hiring agency; and

(b) The Division of Human Resource Management must approve the request for a transfer.

4. An employee may not transfer through noncompetitive means to underfill a position allocated at grade 30 or higher if that position is allocated at a higher grade than the position the employee currently occupies.

Sec. 27. NAC 284.405 is hereby amended to read as follows:

284.405 1. The Division of Human Resource Management shall assist an appointing authority with the reassignment of an employee with a disability who is unable to perform the essential functions of his or her position with or without reasonable accommodation by identifying any vacant or soon to be vacant positions for which the employee meets the minimum qualifications. Those vacant or soon to be vacant positions may include positions that are outside of the geographical location of the employee. A refusal by the employee of an offer of a position that is outside of the geographical location of the employee will not affect the employee's reassignment rights pursuant to this section.

2. Before an appointing authority commences the reassignment of an employee pursuant to this section, the appointing authority shall notify the employee in writing that the employee will continue to be referred to positions pursuant to this section until the reassignment rights of the employee are exhausted in accordance with subsection 11.

3. The appointing authority of the employee shall, through the interactive process, determine if a vacant or soon to be vacant position at the employee's current grade exists within the employee's agency. If such a position is identified and the employee meets the minimum qualifications, as determined by the ~~[Division of Human Resource Management]~~ ***appointing authority*** pursuant to NAC 284.317, and is able to perform the essential functions of the position with or without reasonable accommodation, the appointing authority shall offer the employee the

position unless the appointing authority demonstrates that such an appointment would cause an undue hardship to the appointing authority.

4. If the appointing authority of the employee is not able to reassign the employee pursuant to subsection 3, the appointing authority of the employee shall ***place the employee in its reassignment pool and*** notify the Division of Human Resource Management ~~[.]~~ ***of the appointing authority's reassignment pool and the employees in the reassignment pool.*** For at least 30 days after receipt of the notification, the Division of Human Resource Management shall place the ~~[employee on]~~ reassignment ~~[lists for]~~ ***pool of the appointing authority in a group with any other reassignment pools from other appointing authorities. The group of reassignment pools will be used for filling*** any vacant or soon to be vacant positions ~~[being filled]~~ at the grade of the current position of the employee if the employee meets the minimum qualifications for the positions and has expressed an interest in those positions. If such a position is determined to be available and it is determined through the interactive process that the employee is able to perform the essential functions of the position with or without reasonable accommodation, the employee must be offered the position unless it is demonstrated that such an appointment would cause an undue hardship.

5. If reassignment is not available pursuant to subsection 3 or 4, the appointing authority of the employee shall, through the interactive process, determine if a vacant or soon to be vacant position below the grade of the current position of the employee exists within the employee's agency. If such a position is identified and the employee meets the minimum qualifications, as determined by the ~~[Division of Human Resource Management]~~ ***appointing authority*** pursuant to NAC 284.317, and is able to perform the essential functions of the position with or without reasonable accommodation, the appointing authority shall:

(a) Consider the employee for any such positions in the order of the grade of the positions beginning with the grade closest to the grade of the current position of the employee if multiple positions with different grades are determined to be available within the employee's agency; and

(b) Offer the employee such a position unless the appointing authority demonstrates that such an appointment would cause an undue hardship to the appointing authority.

6. If reassignment is not available pursuant to subsection 3, 4 or 5, the appointing authority of the employee shall ***place the employee in its reassignment pool and*** notify the Division of Human Resource Management ~~[.]~~ ***of the appointing authority's reassignment pool and the employees in the reassignment pool.*** For at least 30 days after receipt of the notification, the Division of Human Resource Management shall place the ~~[employee on]~~ reassignment ~~[lists for]~~ ***pool of the appointing authority in a group with any other reassignment pools from other appointing authorities. The group of reassignment pools will be used to help appointing agencies fill*** vacant or soon to be vacant positions being filled at or below the grade of the current position of the employee if the employee meets the minimum qualifications for the positions and has expressed an interest in those positions. If such a position is determined to be available and it is determined through the interactive process that the employee is able to perform the essential functions of the position with or without reasonable accommodation, the employee must be offered the position unless it is demonstrated that such an appointment would cause an undue hardship.

7. The appointing authority of an employee to whom subsection 1 applies may offer the employee a position in the employee's agency below the grade of the current position of the employee if:

(a) A vacant or soon to be vacant position at the grade of the current position of the employee is not identified within the employee's agency;

(b) The employee meets the minimum qualifications of the position as determined by the ~~[Division of Human Resource Management]~~ ***appointing authority*** pursuant to NAC 284.317; and

(c) It is determined that the employee is able to perform the essential functions of the position with or without reasonable accommodation unless it is demonstrated that such an appointment would cause an undue hardship.

➥ If the employee accepts the position offered pursuant to this subsection, the employee may continue to exercise his or her reassignment rights pursuant to subsections 1 to 6, inclusive, and subsections 8 to 13, inclusive, for a period of 60 days following the appointment.

8. An employee may not be reassigned to underfill a vacant or soon to be vacant position allocated at grade 30 or higher if that position is allocated at a higher grade than the position the employee currently occupies.

9. After the reassignment of an employee is made pursuant to this section, the status of appointment of the employee will be determined in accordance with NAC 284.444.

10. The reassignment of an employee which is made pursuant to this section will take precedence over all other types of appointments and use of ~~[lists,]~~ ***pools,*** including, without limitation, the ~~[lists,]~~ ***pools,*** other than reemployment ~~[lists,]~~ ***pools,*** set forth in NAC 284.358.

11. Except as otherwise provided in subsection 7, reassignment rights pursuant to this section are exhausted when an employee:

(a) Accepts a reassignment at or below the grade of the current position of the employee;

(b) Accepts a position through a competitive or noncompetitive appointment;

(c) Notifies the appointing authority in writing that he or she no longer wishes to seek reassignment;

(d) Has not been appointed from any of the ~~[lists]~~ ***pools*** on which his or her name was included in accordance with this section and the ***appointing authority and*** Division of Human Resource Management ~~[determines]~~ ***determine*** that there are no other positions available;

(e) Refuses a position within his or her geographical location that is at or below the grade of the current position of the employee; or

(f) Accepts reemployment pursuant to NAC 284.6014.

12. The provisions of this section do not prohibit an employee from accepting another position through a competitive or noncompetitive appointment.

13. As used in this section:

(a) "Agency" includes:

(1) A department as defined in NAC 284.055;

(2) Any other entity of the Executive Branch of State Government which employs persons in the classified service, including, without limitation, the office of an elected officer;

(3) A division of the Department of ~~[Health and]~~ Human Services ~~[;]~~ ***or Nevada Health Authority;*** and

(4) Any division or institution of the Nevada System of Higher Education.

(b) "Geographical location" has the meaning ascribed to it in NAC 284.612.

(c) "Soon to be vacant" means a position in which:

(1) The Division of Human Resource Management is aware will have an imminent vacancy;

(2) A ~~[list has not been certified]~~ ***pool has not been established*** for the position; and

(3) The employee will be able and available to fill the position within 30 days after the position becomes open.

(d) "Undue hardship" has the meaning ascribed to it in 29 C.F.R. § 1630.2.

Sec. 28. NAC 284.406 is hereby amended to read as follows:

284.406 1. An appointing authority may make a provisional appointment pursuant to NRS 284.310 if there are fewer than five ~~[ranks of]~~ eligible persons available for appointment to the position.

2. The ~~[Division of Human Resource Management will]~~ ***appointing authority shall*** begin the recruitment within 30 days after the effective date of the provisional appointment.

3. A provisional appointment may not continue for longer than 30 days after a ~~[list]~~ ***pool*** of five or more ~~[ranks of]~~ eligible persons who are available for appointment has been ~~[certified.]~~ ***prepared by the appointing authority.***

Sec. 29. NAC 284.414 is hereby amended to read as follows:

284.414 1. A temporary appointment must not exceed 6 months in any 12-month period unless the appointment is authorized:

(a) As a replacement for an employee who is:

(1) Receiving benefits for temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS; or

(2) On a leave of absence for active military service pursuant to NRS 281.145.

(b) To allow an employee to perform duties below the journey level while he or she is studying or training for advancement to an entry level professional class.

➥ The appointing authority shall indicate ***to the employee*** the probable duration of employment ~~[on its request for certification. Upon receipt of this request, the Division of Human Resource~~

~~Management will certify the names of eligible persons from the appropriate eligible list who have noted that they will accept employment for the duration of the employment indicated.]~~ ***before making the appointment.***

2. Service under a temporary appointment immediately preceding appointment to a permanent position must be credited towards annual leave and merit pay increases. Sick leave may be earned for each month of service pursuant to NRS 284.355.

~~[3. A special temporary appointment to a position within the Nevada System of Higher Education may not be used to fill regularly budgeted positions. Such appointments may be made without regard to the rules on certification or appointment and may be made on forms and under procedures prescribed by the Nevada System of Higher Education and approved by the Division of Human Resource Management. Time served under a special temporary appointment pursuant to this subsection may be credited towards annual leave, sick leave or merit pay increases if the temporary appointment is immediately followed by a probationary or a permanent appointment.]~~

Sec. 30. NAC 284.434 is hereby amended to read as follows:

284.434 1. An appointment to a seasonal position may not exceed 9 months of full-time equivalent service in any 12-month period. A separation from a seasonal position which is a result of the lack of money or the lack of work must be made in accordance with NAC 284.608.

2. Persons eligible for seasonal reemployment must be offered employment in the order that they appear ~~[on]~~ ***in*** the seasonal reemployment ~~[list]~~ ***pool*** before another type of ~~[list]~~ ***pool*** of eligible persons may be used.

3. Reemployment rights extending 1 year from the date of a seasonal employee's date of separation:

(a) Must be granted if the employee has attained permanent status; or

(b) May be granted, at the discretion of the appointing authority, if the employee has not attained permanent status,

➥ if the employee's last rating of performance was standard or better.

4. For the purposes of this section, a person's right to reemployment is limited to a seasonal position in the same class, option and department in which he or she last worked, except that an appointing authority may:

(a) Reemploy a former employee who held a seasonal position in another department if he or she is otherwise eligible.

(b) Reemploy a former employee who held a seasonal position in a comparable class if he or she is otherwise eligible and the Division of Human Resource Management approves.

5. To be eligible for reemployment, the former employee must:

(a) Notify the agency, in writing, stating the locations where he or she seeks reemployment; and

(b) Be available for the entire term of employment.

6. Seasonal reemployment ~~[lists]~~ ***pools*** must be maintained by the employing department, taking into account the provisions in subsection 1 of NAC 284.360 and subsections 3, 4 and 5 of this section.

7. An incumbent in a permanent position may request a seasonal position. By the voluntary acceptance of a seasonal position, an employee gives up any right to return to his or her former permanent position but, if eligible, may be reappointed.

Sec. 31. NAC 284.4375 is hereby amended to read as follows:

284.4375 1. For the purposes of this section, "automatic advancement" or "automatically advanced" means the progression of an employee to the authorized grade of the position, but not

exceeding the journey level. Automatic advancement occurs without recruitment and may occur without ~~[examination.]~~ ***evaluation.*** It is based upon the employee's:

(a) Meeting minimum qualifications;

(b) Satisfactory performance; and

(c) Endorsement by his or her appointing authority.

2. In determining the status of an employee who has been automatically advanced:

(a) The provisions in NAC 284.172, governing an employee's pay on promotion, apply.

(b) If the employee had attained permanent status in the class from which he or she was automatically advanced, the employee retains that status in the new class.

(c) If the employee had not attained permanent status in the class from which he or she was automatically advanced, the employee must remain in probationary status in the new class until he or she has worked in that class for a period equal to the remaining portion of the probationary period that is required for the new class.

3. An employee returning from a military leave of absence pursuant to NRS 284.359 to a position that provides for automatic advancement must successfully complete the probationary period for the position before receiving automatic advancement. 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 a military leave of absence.

Sec. 32. NAC 284.444 is hereby amended to read as follows:

284.444 1. A probationary employee who transfers:

(a) Within the same class must serve the remaining portion of the probationary period.

(b) From one class to another class must serve a new probationary period.

2. A permanent employee must serve a trial period if he or she voluntarily transfers:

(a) Within the same class; or

(b) From one class to another class and such classes are comparable classes,

➥ unless the trial period is waived in writing by the appointing authority. If the appointing authority waives the trial period, the employee is entitled to the status of appointment held at the time he or she transferred.

3. Promotion to a vacant position requires a new probationary period or trial period. A promotion that results from a reclassification is governed by NAC 284.134 and 284.138.

4. Except as otherwise provided in subsection 11:

(a) No probationary period will be required if a permanent employee is demoted.

(b) A new probationary period will be required if a probationary employee is demoted.

5. An employee who is reinstated must serve a new probationary period unless it is waived in writing by the appointing authority. If an appointing authority waives the probationary period, the status of the appointment of the employee is permanent.

6. A probationary employee who is reappointed must serve a new probationary period.

7. A permanent employee who is reappointed to a class:

(a) At a higher grade level must serve a trial period unless it is waived in writing by the appointing authority.

(b) At the same grade level or a lower grade level is not required to serve a trial period.

8. An employee who is laid off, but who is reemployed within 1 year, must serve a new probationary period if reemployed in a different class or in a different department than that from which he or she was laid off, and the employee is subject to the provisions of subsection ~~[8]~~ ***9*** of NAC 284.630.

9. A person with a permanent disability arising from a work-related injury or occupational disease who is reemployed in a different class or option than his or her regular position must serve a new probationary period as required by NAC 284.6018.

10. A person who is on a military leave of absence pursuant to NRS 284.359 is entitled to return to the status of appointment held at the time he or she commenced the military leave of absence. If the employee did not complete the probationary period, he or she will only be required to complete the remaining portion thereof. Upon successful completion of the probationary period, permanent status must be granted to the employee as of the date on which permanent status would have been granted if the employee had not taken a military leave of absence.

11. An employee who is restored to his or her former position or class pursuant to NAC 284.462 following a promotional appointment must serve the portion of the trial period which was remaining at the time of the promotion. No probationary period is required if, pursuant to subparagraph (1) of paragraph (c) of subsection 2 of NAC 284.462, an employee is placed in a position in a class equal to or lower than the class held by the employee immediately before the promotion.

12. An employee who transfers from the unclassified or nonclassified service to the classified service must serve a new probationary period, unless the new probationary period is waived in writing by the appointing authority. Except for those unclassified employees who transfer pursuant to subsection 2 of NAC 284.398 or for those employees for whom the appointing authority has waived the new probationary period pursuant to this subsection, the status of a permanent employee may not be attained until the satisfactory completion of the probationary period.

Sec. 33. NAC 284.460 is hereby amended to read as follows:

284.460 1. If a permanent employee voluntarily transfers and the permanent employee fails to complete his or her trial period in the position to which he or she voluntarily transferred or voluntarily chooses to revert to his or her previous position, the permanent employee must, in the following order, be:

(a) Restored to the position from which the employee voluntarily transferred, if that position is vacant;

(b) If the position from which the employee voluntarily transferred is not vacant, appointed to another position in the agency from which the employee voluntarily transferred:

(1) For which a vacancy exists; and

(2) Which is in the same class as the position held by the employee immediately before he or she voluntarily transferred;

(c) If the position from which the employee voluntarily transferred is not vacant and a position described in paragraph (b) does not exist, appointed to a position in the agency from which the employee voluntarily transferred:

(1) For which a vacancy exists;

(2) Within a comparable class to the class of the position held by the employee immediately before he or she voluntarily transferred; and

(3) For which the employee meets the minimum qualifications;

(d) If the position from which the employee voluntarily transferred is not vacant and a position described in paragraph (b) or (c) does not exist, appointed to a position in the agency from which the employee voluntarily transferred:

(1) For which a vacancy exists;

(2) Within a class lower than the class of the position held by the employee immediately before he or she voluntarily transferred; and

(3) For which the employee meets the minimum qualifications; or

(e) If the position from which the employee voluntarily transferred is not vacant and a position described in paragraph (b), (c) or (d) does not exist, placed ~~[on]~~ ***in*** the reemployment ~~[list]~~ ***pool*** for other classes:

(1) Which are equal to or lower than the class of the position held by the employee immediately before he or she voluntarily transferred; and

(2) For which the employee meets the minimum qualifications.

2. If an employee fails to complete the trial period and is restored to his or her former position or otherwise placed pursuant to subsection 1, the appointing authority which takes such action must give written notice to the agency from which the employee voluntarily transferred at least 30 calendar days before the effective date of the action. The agency which is taking the action is liable for the payment of the employee during this 30-day period unless the agency receiving the employee agrees to accept the employee before the expiration of that period. An employee does not gain permanent status if notice of the action has been provided to the employee and filed with the Division of Human Resource Management on or before the last day of his or her trial period, even though the action takes place after the last day of the trial period.

3. If an employee voluntarily chooses to revert to his or her previous position and is restored to his or her former position or otherwise placed pursuant to subsection 1, the employee must notify the agency to which the employee voluntarily transferred. The agency to which the employee voluntarily transferred must then give written notice to the agency from which the employee voluntarily transferred at least 30 calendar days before the effective date of the action.

The agency which is taking the action is liable for the payment of the employee during this 30-day period unless the agency receiving the employee agrees to accept the employee before the expiration of that period. An employee does not gain permanent status if notice of the action has been filed with the Division of Human Resource Management on or before the last day of his or her trial period, even though the action takes place after the last day of the trial period.

4. The provisions of this section do not apply to an employee described in NAC 284.462.

5. As used in this section, "voluntarily transfer" means any movement into a vacant position in the same class or a comparable class by a permanent employee, including, without limitation, transfers governed by NAC 284.390.

Sec. 34. NAC 284.462 is hereby amended to read as follows:

284.462 1. For the purposes of this section only, "promotion" means any movement into a vacant position which has a higher grade than the position previously occupied by a classified employee who has completed an initial probationary period.

2. An employee who is promoted and fails to attain permanent status in the position to which he or she was promoted or who is dismissed for a cause other than misconduct or delinquency on his or her part from the position to which he or she was promoted, either during the probationary period for that position or at its conclusion, must, in the following order, be:

(a) Restored to the position from which the employee was promoted, unless that position is held by an employee with greater seniority;

(b) If the position from which the employee was promoted is held by an employee with greater seniority, appointed to another position in the agency from which the employee was promoted:

(1) For which a vacancy exists; and

(2) Which is in the same class as the position held by the employee immediately before the promotion; or

(c) If the position from which the employee was promoted is held by an employee with greater seniority and a position described in paragraph (b) does not exist:

(1) Appointed to a position in the agency from which the employee was promoted:

(I) For which a vacancy exists;

(II) Within a class equal to or lower than the class of the position held by the employee immediately before the promotion; and

(III) For which the employee meets the minimum qualifications; or

(2) Placed ~~[on]~~ ***in*** the reemployment ~~[list]~~ ***pool*** for other classes for which the employee meets the minimum qualifications.

3. If an employee fails to attain permanent status and is restored to his or her former position or otherwise placed pursuant to subsection 2, the appointing authority which takes such action must give written notice to the agency from which the employee was promoted at least 30 calendar days before the effective date of the action. The agency which is taking the action is liable for the payment of the employee during this 30-day period unless the agency receiving the employee agrees to accept the employee before the expiration of that period. An employee does not gain permanent status if notice of the action has been provided to the employee and filed with the Division of Human Resource Management on or before the last day of his or her trial period, even though the action takes place after the last day of the trial period.

4. If an employee is restored to the position from which he or she was promoted and displaces an employee with less seniority pursuant to paragraph (a) of subsection 2, the displaced

employee must be placed, in the following order, unless the displaced employee waives his or her rights to be placed pursuant to this subsection:

(a) In a vacant position in the agency with which the displaced employee is employed in the same class;

(b) In a vacant position in the agency with which the displaced employee is employed in a comparable class for which the employee meets the minimum qualifications;

(c) In a vacant position in the agency with which the displaced employee is employed in a class with a lower grade that is closest to the grade most recently held by the employee for which the employee meets the minimum qualifications; or

(d) If a vacant position is not available for the employee pursuant to paragraph (a), (b) or (c) and the employee has attained permanent status with the State, the employee must be placed ~~[on]~~ ***in*** the reemployment ~~[list]~~ ***pool*** for other classes for which the employee meets the minimum qualifications.

5. A demotion from probationary status in a higher class to the former lower level class may not be appealed.

6. For the purposes of calculating an employee's seniority for paragraph (a) of subsection 2:

(a) Except as otherwise provided in this section, the total number of years of continuous full-time equivalent service up to the effective date of the rejection from probationary status must be included.

(b) Except as otherwise provided in subsection 7, the sum of the calculation made pursuant to paragraph (a) or, if applicable, subsection 10 must be reduced by the following periods if those periods occurred during the 36 months immediately preceding the date of the notification of rejection from probationary status:

(1) For a nonexempt employee, any combination of leave without pay and catastrophic leave in excess of 240 hours in the period preceding the date of the notification of rejection from probationary status equal to 12 months of full-time equivalent service;

(2) For an exempt classified employee, any combination of leave without pay and catastrophic leave in excess of 30 working days in the period preceding the date of the notification of rejection from probationary status equal to 12 months of full-time equivalent service; and

(3) Any time covered by a report on performance which rated the employee below standard, excluding evaluations received within 75 calendar days before the notification of rejection from probationary status.

7. For the purposes of the reduction in the calculation of seniority required by paragraph (b) of subsection 6:

(a) The reduction may not include:

(1) A leave of absence without pay during a fiscal emergency of the State or an agency pursuant to NAC 284.580;

(2) A leave of absence without pay for a work-related injury or illness pursuant to NRS 281.390; or

(3) A military leave of absence pursuant to NRS 284.359.

(b) As set forth in subparagraphs (1) and (2) of paragraph (b) of subsection 6, an employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his or her pay class designation.

8. For the purposes of calculating an employee's seniority for paragraph (a) of subsection 2, if seniority is otherwise equal, seniority must be determined in the following order:

(a) Total time within the occupational group;

(b) Total time within the department; and

(c) By lot.

9. For the purposes of calculating seniority for reemployment, if seniority is otherwise equal, seniority must be determined by lot.

10. A department may request from the Commission approval to calculate the number of years of continuous full-time equivalent service of an employee of the department by doubling the time spent by the employee in his or her present occupational group as categorized by NRS 284.171 and adding that amount to the time spent by the employee in all former occupational groups up to the date of rejection from probationary status. If the Commission approves the request of the department to calculate the number of years of service pursuant to this section, the department shall use this method to calculate the number of years of service:

(a) Only to determine whether an employee will be restored to the position from which the employee was promoted and not for the placement of an employee ~~[on]~~ ***in*** a reemployment ~~[list;]~~ ***pool;*** and

(b) Until the department seeks from and is granted approval by the Commission to revert to the method of calculating the number of years of service set forth in paragraph (a) of subsection 6.

Sec. 35. NAC 284.6017 is hereby amended to read as follows:

284.6017 1. The name of a person who is eligible for reemployment pursuant to NAC 284.6014 will be placed ~~[on]~~ ***in*** a reemployment ~~[list]~~ ***pool*** in the order of seniority and, if applicable, will be integrated with the names of employees who are placed ~~[on]~~ ***in*** a

reemployment ~~[list]~~ ***pool*** pursuant to NAC 284.630 **.** ~~[, whenever there is a list certified to the department that employed the person in his or her regular position.]~~

2. The ~~[Division of Human Resource Management]~~ ***appointing authority*** will use the same criteria for determining seniority for placement ~~[on]~~ ***in*** a reemployment ~~[list]~~ ***pool*** pursuant to subsection 1 as that used for determining the seniority for a layoff, except that the length of employment for determining seniority must be counted up to the date that the person sustained his or her permanent disability.

Sec. 36. NAC 284.6018 is hereby amended to read as follows:

284.6018 1. An employee who is separated from state service and is reemployed pursuant to NAC 284.6014 in the same department, class and option as his or her regular position will have his or her permanent status restored immediately upon reemployment.

2. An employee who is reemployed pursuant to NAC 284.6014 in a class or option that is different from the class or option of his or her regular position must serve a new probationary period. If the employee does not complete the probationary period and is otherwise eligible for reemployment, his or her name must be restored to the appropriate reemployment ~~[list]~~ ***pool*** for any remaining part of the year following the date on which he or she sustained his or her permanent disability.

3. When the right to reemployment expires, the person affected retains the right to reinstatement or reappointment pursuant to NAC 284.386 or 284.404, respectively.

Sec. 37. NAC 284.618 is hereby amended to read as follows:

284.618 1. In lieu of being laid off, a permanent employee may choose to be voluntarily demoted to a vacant position or displace an employee within the department and geographical location where employed to one of the next lower classes:

(a) Within his or her current class series and option; or

(b) Within the class series and option from which he or she was appointed to his or her current position during current continuous service if he or she cannot be demoted pursuant to paragraph (a).

➥ For the purposes of this subsection, divisions of the Department of ~~[Health and]~~ Human Services ***, the Nevada Health Authority*** and the Nevada System of Higher Education shall be deemed to be departments.

2. No employee in a higher class may displace an employee in a lower class who has more seniority. If an employee chooses to displace another, he or she must displace the member of the next lower class who has the least seniority. If that member has more seniority, the displacing employee must descend further in the class series.

3. The employees displaced reestablish the layoff class.

4. An employee may choose to displace another only if he or she meets the minimum qualifications for the class, option and position. For the purposes of this subsection, qualifications for a position may be different from those of the class and option only when selective certification is required pursuant to subsection 4 of NAC 284.361.

5. Full-time, part-time and seasonal employees must be treated separately and can only displace like employees.

6. Displacement is always a movement to a class at a lower grade.

7. A current employee who elects to displace another employee has priority over former employees already ~~[on]~~ ***in*** reemployment ~~[lists.]~~ ***pools.***

8. The pay of the employee who is taking a voluntary demotion cannot exceed the highest step for the class to which the employee is being demoted. If the current pay falls within the

lower rate range, no reduction in pay may occur unless money is not available as certified by the Chief of the Budget Division or, in the case of an agency which is not supported from the State General Fund, as certified by the administrator of that agency.

Sec. 38. NAC 284.630 is hereby amended to read as follows:

284.630 1. Names of permanent employees who have received a layoff notice will be placed ~~[on the statewide]~~ ***in a*** reemployment ~~[list]~~ ***pool of the appointing authority*** for the class and option of the position involved in the layoff, in order of seniority.

2. Names of permanent employees who have received a layoff notice will also be placed ~~[on the statewide]~~ ***in a*** reemployment ~~[list]~~ ***pool of the appointing authority*** for other classes for which they qualify at or below the grade of the class held at the time of layoff, in order of seniority but behind those identified in subsection 1.

3. ***Each appointing authority shall notify the Division of Human Resource Management of the appointing authority's reemployment pool and the employees in the reemployment pool. The Division of Human Resource Management shall create a group of reemployment pools of the appointing authorities.***

4. The employee shall provide an employment application and a list of classes and options he or she is seeking for reemployment to the Division of Human Resource Management within 30 days after his or her layoff date. The agency shall provide the seniority calculations to the Division of Human Resource Management.

~~[4.]~~ ***5.*** Names of permanent employees who have received a layoff notice will be integrated with names of employees who are eligible for reemployment pursuant to NAC 284.6014.

~~[5.]~~ ***6.*** Part-time employees are not entitled to be reemployed in full-time positions, and full-time employees are not entitled to be reemployed in part-time positions.

~~[6.]~~ ***7.*** Seniority must be projected and counted up to the layoff date, or transfer date if the provisions of subsection 4 of NAC 284.394 apply. Seniority determines ranking ~~[on]~~ ***in*** all reemployment ~~[lists]~~ ***pools*** and will not be recalculated unless the employee is affected by a subsequent layoff.

~~[7.]~~ ***8.*** Each person ~~[on]~~ ***in*** the ~~[list]~~ ***pool*** retains reemployment eligibility for 1 year after the layoff date. Except as otherwise provided in this section, reemployment rights are exhausted when a person accepts or declines an offer of employment in the class or a comparable class with the same grade in the department and geographical location of the layoff. Any exception to this provision must be approved by the Division of Human Resource Management. When a person accepts a position at a grade lower than that held at the time of layoff, his or her name will be removed from all reemployment ~~[lists]~~ ***pools*** that are equal to or below the grade accepted.

~~[8.]~~ ***9.*** A permanent employee who has been laid off and is being reemployed in the department, class and option from which he or she was laid off must have his or her permanent status restored. A permanent employee who is reemployed in a different class or in a different department must serve a new probationary period. If the employee does not complete the probationary period, his or her name must be restored to the appropriate reemployment ~~[list]~~ ***pool*** for any remaining part of the year following the layoff date. When the right to reemployment expires, the person affected retains the right to reinstatement or reappointment pursuant to NAC 284.386 or 284.404.

Sec. 39. NAC 284.632 is hereby amended to read as follows:

284.632 1. For the purposes of calculating an employee's seniority for NAC 284.614, 284.618 and 284.630:

(a) Except as otherwise provided in this section, the total number of years of continuous full-time equivalent service up to the effective date of the layoff must be included.

(b) Except as otherwise provided in subsection 2, the sum of the calculation made pursuant to paragraph (a) or, if applicable, subsection 5 must be reduced by the following periods if those periods occurred during the 36 months immediately preceding the date of the notification of layoff:

(1) For a nonexempt employee, any combination of leave without pay and catastrophic leave in excess of 240 hours in the period preceding the date of the notification of layoff equal to 12 months of full-time equivalent service;

(2) For an exempt classified employee or exempt unclassified employee, any combination of leave without pay and catastrophic leave in excess of 30 working days in the period preceding the date of the notification of layoff equal to 12 months of full-time equivalent service; and

(3) Any time covered by a report on performance which rated the employee below standard, excluding evaluations received within 75 calendar days before the notification of layoff.

2. For the purposes of the reduction in the calculation of seniority required by paragraph (b) of subsection 1:

(a) The reduction may not include:

(1) A leave of absence without pay during a fiscal emergency of the State or an agency pursuant to NAC 284.580;

(2) A leave of absence without pay for a work-related injury or illness pursuant to NRS 281.390; or

(3) A military leave of absence pursuant to NRS 284.359.

(b) As set forth in subparagraphs (1) and (2) of paragraph (b) of subsection 1, an employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his or her pay class designation.

3. For the purposes of calculating seniority for layoff, if seniority is otherwise equal, seniority must be determined in the following order:

(a) Total time within the occupational group;

(b) Total time within the department; and

(c) By lot.

4. For the purposes of calculating seniority for reemployment, if seniority is otherwise equal, seniority must be determined by lot.

5. A department may request from the Commission approval to calculate the number of years of continuous full-time equivalent service of an employee of the department by doubling the time spent by the employee in his or her present occupational group as categorized by NRS 284.171 and adding that amount to the time spent by the employee in all former occupational groups up to the date of layoff. If the Commission approves the request of the department to calculate the number of years of service pursuant to this section, the department shall use this method to calculate the number of years of service:

(a) Only to determine which employees will receive a layoff notice and not for the placement of those employees ~~[on]~~ ***in*** the reemployment ~~[list;]~~ ***pool;*** and

(b) Until the department seeks from and is granted approval by the Commission to revert to the method of calculating the number of years of service set forth in paragraph (a) of subsection 1.

Sec. 40. NAC 284.658 is hereby amended to read as follows:

284.658 As used in NAC ~~[284.341 and]~~ 284.658 to 284.697, inclusive, unless the context otherwise requires:

1. "Complaint" means a written complaint filed by an employee pursuant to NRS 281.755. The term does not include a complaint filed pursuant to paragraph (c) of subsection 1 of NAC 284.696.

2. "Grievance" means an act, omission or occurrence which a permanent classified employee feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement or a contested report on performance. The act, omission or occurrence must be established with factual information including, but not limited to, the date, time and place of the act, omission or occurrence and the names of other persons involved. For the purposes of NAC ~~[284.341 and]~~ 284.658 to 284.697, inclusive, the term "grievance" does not include any grievance for which a hearing is provided by federal law or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390.

Sec. 41. NAC 284.662 is hereby amended to read as follows:

284.662 1. An employee filing for a review of a grievance or complaint may be assisted or represented by any person of his or her choosing, if the person agrees to act in this capacity, at any step of the procedure except the initial informal discussion with his or her immediate supervisor.

2. If the assistant is a state employee, he or she may only assist on his or her own time.

3. An employee may not be discriminated against in recruitment, ~~[examination,]~~ ***evaluation,*** appointment, training, promotion, retention, classification or any other human resources action

for informally seeking or formally filing a request to have his or her grievance or complaint reviewed, testifying on behalf of another employee, helping another employee prepare a grievance or complaint or acting as a representative of any employee requesting a review of a grievance or complaint.

4. To assist in resolving an employee's grievance or complaint, the resources and consultation available from the Division of Human Resource Management and the human resources offices of the agency must be made available to all parties.

Sec. 42. NAC 284.718 is hereby amended to read as follows:

284.718 Except as otherwise provided in NRS 284.4086:

1. The following types of information, which are maintained by the Division of Human Resource Management or the agency, are confidential:

(a) Information relating to salaries paid in other than governmental employment which is furnished on the condition that the source remain confidential;

(b) Any document which is used in negotiations with employees or their representatives which has not been made public by mutual agreement;

(c) ~~[The rating and remarks concerning an applicant by the individual members of the board or assessors of a center for assessment;~~

~~(d)]~~ Any recording or document which is used in the process of interviewing an applicant, including, without limitation, a document containing interview questions, evaluation tools used for rating applicants and any notes concerning an applicant that were taken by a person as part of the process of rating an applicant;

~~[(e)]~~ ***(d)*** Materials used ~~[in examinations, including suggested answers for oral examinations;]~~ ***during evaluations;***

~~[(f)]~~ ***(e)*** Records and files maintained by an employee assistance program offered by the State of Nevada;

~~[(g)]~~ ***(f)*** Reports by employers, appointing authorities or law enforcement officials concerning the hiring, promotion or background of applicants, eligible persons or employees;

~~[(h)]~~ ***(g)*** The class title and agency of an employee whose name is excluded from the official roster, as provided in subsection 3 of NAC 284.714, when an inquiry concerning the employee is received;

~~[(i)]~~ ***(h)*** Any information contained on a person's application or relating to his or her status as an eligible person; and

~~[(j)]~~ ***(i)*** Information in the record of employment of a current or former employee which relates to:

(1) The employee's performance;

(2) The employee's conduct, including any disciplinary actions taken against the employee;

(3) The employee's usage or balance of his or her annual leave and sick leave;

(4) The employee's race, ethnic identity or affiliation, sex, sexual orientation, gender identity or expression, genetic information, disability or date of birth;

(5) The employee's personal telephone number;

(6) The employee's social security number;

(7) Any grievance filed by the employee pursuant to NAC 284.678, any response to the grievance and any other documents related to the grievance, unless a hearing is held to determine the disposition of the grievance pursuant to NAC 284.6955;

(8) Any complaint filed by the employee pursuant to NRS 281.755, any response to the complaint and any other document related to the complaint, unless a hearing is held to determine the disposition of the complaint pursuant to NAC 284.6955;

(9) Any request made pursuant to NAC 284.5243 and any response to the request;

(10) The health, medical condition or disability of the employee or a member of his or her immediate family; or

(11) Any claim for workers' compensation made by the employee and any documentation relating to the claim.

2. If the employee has requested that his or her home address be listed as confidential, the employee's record of employment must be so designated and list his or her mailing address.

3. The name of any beneficiary of an employee contained in the payroll document must not be released to anyone unless:

(a) The employee dies; or

(b) The employee signs a release.

4. Any records in the possession of the Committee on Catastrophic Leave created pursuant to NRS 284.3627 that reveal the health, medical condition or disability of a current or former employee or a member of his or her immediate family are confidential.

5. Any notes, records, recordings or findings of an investigation relating to sex- or gender-based harassment or discrimination, or both, and any findings of such an investigation are confidential.

6. Any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct are confidential.

7. Any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct are confidential.

8. Any notes, records, recordings, findings or other information obtained from an internal administrative investigation conducted pursuant to NRS 284.387 are confidential.

Sec. 43. NAC 284.726 is hereby amended to read as follows:

284.726 1. Except as otherwise provided in this subsection and subsections 2 and 11, access to materials for an ~~[examination]~~ ***evaluation*** and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his or her designated representative. If the name of the applicant is not disclosed and the information is used for the purposes of subparagraph (2) of paragraph (a) of subsection 1 of NAC 284.204, information relating to the education and experience of an applicant may be made available to any affected applicant, employee or the designated representative of either.

2. Except as otherwise provided in subsection 11 and NRS 284.4068, access to information concerning the results of an applicant's screening test which indicate the presence of a controlled substance is limited to an appointing authority or his or her designated representative and the Administrator or his or her designated representative.

3. Except as otherwise provided in subsections 11 and 12, access to an employee's record of employment containing any of the items listed in paragraphs ~~[(g)]~~ ***(f)*** to ~~[(j),]~~ ***(i),*** inclusive, of subsection 1 of NAC 284.718 is limited to:

(a) The employee.

(b) The employee's representative when a signed authorization from the employee is presented or is in his or her record of employment.

(c) An appointing authority or his or her designated representative.

(d) Persons who are authorized pursuant to any state or federal law or an order of a court.

(e) The State Board of Examiners if the Board is considering a claim against the State of Nevada filed pursuant to chapter 41 of NRS which involves the employee.

(f) Persons who are involved in processing records for the transaction of business within and between state agencies.

(g) Persons who are involved in processing records for the transaction of business that is authorized by the employee.

4. The portion of an employee's record of employment that concerns the health, medical condition or disability of the employee or a member of his or her immediate family must be kept in a locked cabinet, separate from any other portion of the employee's record of employment.

5. Except as otherwise provided in subsection 11, access to any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct is limited to:

(a) The employee.

(b) The Administrator or a designated representative of the Administrator.

(c) The appointing authority or a designated representative of the agency with which the employee is employed.

(d) Persons who are authorized pursuant to any state or federal law or an order of a court.

(e) The Governor or a designated representative of the Governor.

6. Except as otherwise provided in subsections 11 and 12 and NRS 284.4086, access to any notes, records, recordings or findings of an investigation conducted by the Division of Human Resource Management relating to sex- or gender-based harassment or discrimination, or both, and any findings of such an investigation that are provided to an appointing authority is limited to:

(a) An appointing authority.

(b) A designated representative of the agency with which the employee is employed.

(c) Persons who are authorized pursuant to any state or federal law or an order of a court.

(d) The Governor or a designated representative of the Governor.

7. Except as otherwise provided in subsections 11 and 12 and NRS 284.4086, access to any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct is limited to:

(a) The employee.

(b) The appointing authority or a designated representative of the agency with which the employee is employed.

(c) Persons who are authorized pursuant to any state or federal law or an order of a court.

(d) The Governor or a designated representative of the Governor.

8. Except as otherwise provided in subsections 11 and 12 and NRS 284.4086, access to any notes, records, recordings, findings or other information obtained from an internal administrative investigation conducted pursuant to NRS 284.387 is limited to:

(a) The employee who is the subject of the internal administrative investigation and who requests a hearing pursuant to NRS 284.390.

(b) The appointing authority or a designated representative of the agency by which the employee who is the subject of the internal administrative investigation is employed.

(c) Persons who are authorized pursuant to any state or federal law or an order of a court.

(d) The Governor or a designated representative of the Governor.

9. Except as otherwise provided by specific statute, records maintained by an employee assistance program offered by the State of Nevada must not be released without written permission signed by the employee to whom the records pertain.

10. Upon request, the Division of Human Resource Management will provide the home address of any employee maintained by the Division of Human Resource Management in the employee's record of employment to the Division of ~~[Welfare and Supportive]~~ ***Social*** Services of the Department of ~~[Health and]~~ Human Services, the Department of Employment, Training and Rehabilitation and the Internal Revenue Service.

11. The Administrator or the appointing authority, or a designated representative, shall authorize the release of any confidential records under his or her control which are requested by the Employee-Management Committee, a hearings officer, the Commission, the Committee on Catastrophic Leave created pursuant to NRS 284.3627, the Nevada Equal Rights Commission, the United States Equal Employment Opportunity Commission or a court.

12. The appointing authority or a designated representative of the agency with which the employee is employed shall authorize the release of any confidential records under his or her control which are requested by the Division of Human Resource Management for the purpose of conducting an investigation regarding suspected harassment or discrimination, including, without limitation, suspected sex- or gender-based harassment or discrimination.

Sec. 44. NAC 284.894 is hereby amended to read as follows:

284.894 1. An applicant who tests positive for the use of a controlled substance must not be considered by an appointing authority for employment in any position which requires such testing and must be removed from all ~~[lists]~~ ***pools*** of eligible persons established from a recruitment that requires such testing until:

(a) One year after the time of the positive test; or

(b) The applicant provides evidence that he or she has successfully completed a rehabilitation program for a substance use disorder.

2. An employee who tests positive for the use of a controlled substance or alcohol for the second time within a 5-year period is subject to disciplinary action by the appointing authority and may be terminated at the discretion of the appointing authority.

Sec. 45. NAC 284.028, 284.329, 284.333, 284.338, 284.341, 284.345 and 284.349 are hereby repealed.

TEXT OF REPEALED SECTIONS

284.028 "Center for assessment" defined. "Center for assessment" means a method of examination based upon an assessment and rating process which uses a series of oral, written and performance exercises.

284.329 Competitive examinations: Use and administration.

1. Except as otherwise provided in this chapter and chapter 284 of NRS, an appointment to or within the classified service must be made through the use of competitive examinations.

2. Examinations may be:

(a) Structured or unstructured;

(b) Scored or unscored;

(c) Written or oral;

(d) In the form of a demonstration of skill or technical knowledge;

(e) An evaluation of training and experience; or

(f) Any combination of paragraphs (a) to (e), inclusive.

3. Examinations which measure an applicant's capacity, manual skill and physical fitness may be used if such capacity, skill or fitness is related to the job.

4. Examination materials, including questions and scratch paper, are the property of the Division of Human Resource Management.

5. The administration of an examination may be modified for the purpose of more fairly testing the abilities of a qualified person with a disability if the modification does not alter the reliability and validity of the examination.

6. If a grievance is filed concerning an examination in accordance with NAC 284.658 to 284.6957, inclusive, the Administrator will not fill any vacancy from the list established by the examination unless the Administrator determines that there is an urgent and compelling need to fill that vacancy.

284.333 Centers for assessment: Selection and training of assessors; administration of examinations.

1. Assessors of a center for assessment must be selected:

(a) From at least two different departments; or

(b) From a combination of departments or other public or private employers.

2. Each assessor must be trained in the method of examination used by the center for assessment before he or she examines an applicant.

3. Oral, written and performance exercises administered by a center for assessment must:

(a) Be administered under standardized conditions;

(b) Be related to the performance of the job;

(c) Be evaluated by more than one assessor; and

(d) Measure the skills, knowledge and other attributes of a person which are important to his or her successful performance of the job.

284.338 Minimum passing scores; computation of final scores. (NRS 284.065, 284.155, 284.205, 284.250)

1. The passing score for placement on an eligible list will be determined by the Division of Human Resource Management based on a consideration of the difficulty of the test, the quality of the competition and the needs of the service.

2. The final earned score will be determined by computing the score on each phase of the examination according to the relative weights which are assigned.

3. Unless otherwise specified in the publicized job announcement, a competitor must pass each phase of the examination to proceed to the next phase of the examination. Each competitor must obtain a final passing score exclusive of preferences for residents or veterans.

284.341 Review of examinations; disputes regarding results.

1. Except as otherwise provided in this section, within 10 working days after the date of the postmark on a notification of a grade pertaining to an examination, a candidate or a representative to whom the candidate has provided written authorization may review the results of the candidate's examination as follows:

(a) If the examination was written, the Division of Human Resource Management will review with the candidate or his or her representative the cover sheet of the examination taken by the candidate which lists both the areas of subject matter included in the written examination and the number of correct and incorrect responses in those areas.

(b) If the examination was a rating of training and experience, the Division of Human Resource Management will review with the candidate or his or her representative the scores received on each phase of the rating plan.

(c) If the examination was oral, the Division of Human Resource Management will review with the candidate or his or her representative the taped record of the candidate's oral examination. The candidate or his or her representative may also review general areas of the oral examination in which the candidate gave incorrect answers, the oral questions and the procedures or methods of examination.

(d) If the examination was conducted by a center for assessment, the Division of Human Resource Management will review with the candidate or his or her representative the final scores or the summary evaluation, or both.

2. Items which are reviewed by the Division of Human Resource Management and found to be incorrect must be revised or eliminated.

3. A candidate or his or her representative may not review the correct answers to questions answered incorrectly on an examination, regardless of its type, if the examination is copyrighted, standardized, on loan from another jurisdiction, used for more than one class or used on a continuous basis.

4. In the case of an oral examination, answers suggested as a guideline and board members' remarks and consensus ratings are confidential and may not be reviewed by the applicant or his or her representative.

5. In the case of an examination conducted by a center for assessment, oral, written and performance exercises, assessors' remarks and individual ratings are confidential and may not be reviewed by the applicant or his or her representative.

6. If the candidate disagrees with and wishes to dispute the results of his or her examination, he or she must submit a written request for review by the Division of Human Resource Management within 10 working days after receiving the results. Such a request must include the specific areas of dispute. If a candidate is not satisfied with the decision of the Division of Human Resource Management and he or she is a permanent state employee, the candidate may file a statement of grievance pursuant to NAC 284.678 to appeal that decision to the Committee.

284.345 Correction of errors in rating, scoring or computing results.

1. If the Division of Human Resource Management finds that any error occurred in rating, scoring or computing the results of an examination, the Division of Human Resource Management will make the appropriate correction on the eligible list.

2. If the Administrator or the Committee determines that the error was intentional, an appointment previously made from the eligible list may be invalidated.

284.349 Retaking examination for same class. (NRS 284.065, 284.155, 284.205)

1. An applicant may retake an examination for the same class after 60 days have elapsed from the date of the previous examination if:

(a) The Division of Human Resource Management is recruiting for the class which was the subject of the previous examination; and

(b) The applicant meets the conditions of the recruitment.

2. An applicant may retake an examination for the same class before 60 days have elapsed from the date of the previous examination if the Division of Human Resource Management is recruiting for the class which was the subject of the previous examination, the applicant meets the conditions of the recruitment and:

(a) The applicant has demonstrated that he or she has gained additional qualifications which indicate that he or she may be able to improve his or her score on the training and experience portion of the examination; or

(b) The examination is a measure of the applicant's manual skill or physical agility.

3. When an applicant retakes an examination for the same class, the score of the most recent examination will determine eligibility and will replace the score of the previous examination.

PROPOSED REGULATION OF

THE HUMAN RESOURCES COMMISSION

LCB File No. R121-26

June 8, 2026

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

AUTHORITY: § 1, NRS 284.065, 284.155 and 284.355.

A REGULATION relating to human resources; revising provisions relating to confidential personnel records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Human Resources Commission in the Division of Human Resource Management of the Department of Administration to adopt regulations necessary to carry out the provisions of law relating to the State Human Resources System. (NRS 284.065) Existing regulations provide that certain types of information relating to the record of employment of a current or former employee which are maintained by the Division or the personnel office of an agency are confidential, including, without limitation, the employee's: (1) usage or balance of his or her annual leave; (2) usage or balance of his or her sick leave; (3) personal telephone number; and (4) social security number. (NAC 284.718) This regulation additionally makes the following types of information in the record of employment of a current or former employee confidential: (1) the employee's usage or balance of his or her paid family leave; and (2) the employee's driver's license number.

Section 1. NAC 284.718 is hereby amended to read as follows:

284.718 Except as otherwise provided in NRS 284.4086:

1. The following types of information, which are maintained by the Division of Human Resource Management or the agency, are confidential:

(a) Information relating to salaries paid in other than governmental employment which is furnished on the condition that the source remain confidential;

(b) Any document which is used in negotiations with employees or their representatives which has not been made public by mutual agreement;

(c) The rating and remarks concerning an applicant by the individual members of the board or assessors of a center for assessment;

(d) Any recording or document which is used in the process of interviewing an applicant, including, without limitation, a document containing interview questions, evaluation tools used for rating applicants and any notes concerning an applicant that were taken by a person as part of the process of rating an applicant;

(e) Materials used in examinations, including suggested answers for oral examinations;

(f) Records and files maintained by an employee assistance program offered by the State of Nevada;

(g) Reports by employers, appointing authorities or law enforcement officials concerning the hiring, promotion or background of applicants, eligible persons or employees;

(h) The class title and agency of an employee whose name is excluded from the official roster, as provided in subsection 3 of NAC 284.714, when an inquiry concerning the employee is received;

(i) Any information contained on a person's application or relating to his or her status as an eligible person; and

(j) Information in the record of employment of a current or former employee which relates to:

(1) The employee's performance;

(2) The employee's conduct, including any disciplinary actions taken against the employee;

(3) The employee's usage or balance of his or her annual leave ***,*** ~~[and]~~ sick leave ~~[;]~~ ***and paid family leave;***

(4) The employee's race, ethnic identity or affiliation, sex, sexual orientation, gender identity or expression, genetic information, disability or date of birth;

(5) The employee's personal telephone number;

(6) The employee's social security number;

(7) ***The employee's driver's license number;***

(8) Any grievance filed by the employee pursuant to NAC 284.678, any response to the grievance and any other documents related to the grievance, unless a hearing is held to determine the disposition of the grievance pursuant to NAC 284.6955;

~~[(8)]~~ ***(9)*** Any complaint filed by the employee pursuant to NRS 281.755, any response to the complaint and any other document related to the complaint, unless a hearing is held to determine the disposition of the complaint pursuant to NAC 284.6955;

~~[(9)]~~ ***(10)*** Any request made pursuant to NAC 284.5243 and any response to the request;

~~[(10)]~~ ***(11)*** The health, medical condition or disability of the employee or a member of his or her immediate family; or

~~[(11)]~~ ***(12)*** Any claim for workers' compensation made by the employee and any documentation relating to the claim.

2. If the employee has requested that his or her home address be listed as confidential, the employee's record of employment must be so designated and list his or her mailing address.

3. The name of any beneficiary of an employee contained in the payroll document must not be released to anyone unless:

(a) The employee dies; or

(b) The employee signs a release.

4. Any records in the possession of the Committee on Catastrophic Leave created pursuant to NRS 284.3627 that reveal the health, medical condition or disability of a current or former employee or a member of his or her immediate family are confidential.

5. Any notes, records, recordings or findings of an investigation relating to sex- or gender-based harassment or discrimination, or both, and any findings of such an investigation are confidential.

6. Any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct are confidential.

7. Any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct are confidential.

8. Any notes, records, recordings, findings or other information obtained from an internal administrative investigation conducted pursuant to NRS 284.387 are confidential.

PROPOSED REGULATION OF THE

HUMAN RESOURCES COMMISSION

LCB File No. R123-26

June 25, 2026

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

AUTHORITY: § 1, NRS 284.065, 284.155 and 284.380.

A REGULATION relating to human resources; requiring the director of a department to take certain actions before laying off a classified employee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Human Resources Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations to carry out the provisions of existing law governing the State Human Resources System. (NRS 284.065) Existing law authorizes an appointing authority, in accordance with regulations, to lay off an employee in the classified service whenever the appointing authority deems it necessary by reason of shortage of work or money or of the abolition of a position or of other material changes in duties or organization. (NRS 284.380) Existing regulations require the director of a department to take certain actions if it becomes necessary for a classified employee to be laid off. (NAC 284.614)

This regulation requires the director of a department, before laying off a classified employee, to determine whether a vacant position exists within the department that could be eliminated so as to render the laying off of the employee unnecessary. If the director determines that no such vacant position exists, this regulation requires the director to coordinate with the Division of Human Resource Management for possible reallocation of the employee to another position in the State.

Section 1. NAC 284.614 is hereby amended to read as follows:

284.614 1. Except as otherwise provided in NAC 284.425, if it becomes necessary for a classified employee to be laid off because of a shortage of work or money, the abolition of a position, or some other material change in duties or organization:

(a) The director of the department shall determine in what geographical location, class series, class and option the reductions in staff will have the least detrimental effect on the operations of the department and shall specify layoffs accordingly. In the Department of ~~[Health and]~~ Human Services and the Nevada System of Higher Education, the administrator of a division may be designated to make these determinations with the approval of the director of the department.

(b) ***The director of the department shall, before laying off the employee:***

(1) Determine whether a vacant position exists within the department that could be eliminated so as to render the laying off of the employee unnecessary; and

(2) If the director determines that no vacant position described in subparagraph (1) exists, coordinate with the Division of Human Resource Management for possible reallocation of the employee to another position in the State.

(c) Within the department, geographical location, class series, class and option selected, all employees of the department who are not permanent must be separated from service before any permanent employees in the following order:

(1) Emergency employees.

(2) Temporary employees.

(3) Provisional employees.

(4) Probationary employees.

~~[(c)]~~ ***(d)*** If additional reductions are necessary, permanent employees must be laid off on the basis of seniority pursuant to NAC 284.632.

~~[(d)]~~ ***(e)*** In the department, geographical location, class series, class and option where layoffs are to take place, those employees with the least seniority must be laid off, transferred as set forth in subsection 2 or voluntarily demoted as set forth in NAC 284.618.

~~[(c)]~~ *(f)* An appointing authority may consider limiting layoffs to employees in full-time or part-time positions. Similar considerations may be given to and limitations placed on positions requiring selective certification pursuant to NAC 284.361.

2. If a permanent employee must be laid off for one of the reasons set forth in subsection 1, the appointing authority shall notify the employee that he or she may choose to:

(a) Transfer within his or her department, class and option into the position of the employee in his or her department, class and option with the least seniority;

(b) Be voluntarily demoted as set forth in NAC 284.618; or

(c) Exercise his or her reemployment rights as set forth in NAC 284.630.

3. Within 3 working days after an employee has been notified of his or her choices pursuant to subsection 2, he or she must designate in writing to the appointing authority the choice he or she will exercise.

4. For the purposes of this section, divisions of the Department of ~~[Health and]~~ Human Services and the Nevada System of Higher Education shall be deemed to be departments.

PROPOSED REGULATION OF THE

HUMAN RESOURCES COMMISSION

LCB File No. R155-26

July 23, 2026

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

AUTHORITY: § 1, NRS 281.641.

A REGULATION relating to the Human Resources Commission; revising certain provisions relating to reprisal or retaliatory actions to conform with existing law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a state officer or employee to file a written appeal not later than 60 working days after an alleged violation of existing law relating to the use of official authority or influence in certain circumstances or an alleged reprisal or retaliatory action taken against him or her occurs. (NRS 281.631, 281.641) Existing regulations require that such a written appeal must be filed within 10 workdays such an alleged violation or action, which conflicts with existing law. (NAC 281.305) **Section 1** of this regulation revises such existing regulations to conform with existing law.

Section 1. NAC 281.305 is hereby amended to read as follows:

281.305 1. A state officer or employee who claims a reprisal or retaliatory action was taken against him or her for disclosing information concerning improper governmental action may file a written appeal pursuant to NRS 281.641 with a hearing officer of the Human Resources Commission. The appeal must be:

(a) Filed [~~within 10 workdays~~] ***not later than 60 working days*** after the date the alleged reprisal or retaliatory action took place.

(b) Submitted on a form provided by the Division of Human Resource Management of the Department of Administration.

2. The hearing officer may reject a form that is incomplete or otherwise deficient as insufficient to commence the appeal.

PROPOSED REGULATION OF THE

HUMAN RESOURCES COMMISSION

LCB File No. R156-26

July 7, 2026

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

AUTHORITY: § 1, NRS 284.065.

A REGULATION relating to public records; establishing that the Division of Human Resource Management of the Department of Administration is not the custodian of record for certain information provided to the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Human Resources Commission to adopt regulations to carry out the provisions of existing law governing the State Human Resources System. (NRS 284.065) Existing law also encourages state officers and employees and local governmental officers and employees to disclose improper governmental action and establishes protections for persons who make such disclosures. (NRS 281.611-281.671) **Section 1** of this regulation provides that the Division of Human Resource Management of the Department of Administration is not the custodian of record for any notes, records, recordings or other information provided to the Division solely for the purpose of requesting assistance in determining where to file a complaint of improper governmental action.

Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Division of Human Resource Management is not the custodian of record for any notes, records, recordings or other information provided to the Division solely for the purpose of requesting the assistance of the Division in determining where to file a complaint of improper governmental action.

2. As used in this section, "improper governmental action" has the meaning ascribed to it in NRS 281.611.

Joe Lombardo
Governor

Joy Grimmer
Director

Mandy Hagler
Deputy Director

Bachera Washington
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management

515 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | http://hr.nv.gov | Fax: (775) 687-9085

Regulation Small Business Impact Statement

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 284. Additionally, NRS 284.013 provides limitations to which employees of the Executive Branch are covered by NRS 284. NRS 284.065 authorizes the Human Resources Commission to adopt regulations to carry out the provisions of this chapter.

Due to the limitations of the Nevada State Constitution and NRS 284, the Division of Human Resource Management staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. This regulation only impacts employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

A concerted effort was made to determine any economic burden. The Department has relied on the expert knowledge of Department staff. The regulation solely addresses pay for government employees so the impact is solely on government employees and agencies and no small business will be affected.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business and that the information contained in this statement was prepared properly and is accurate.

Bachera Washington
Bachera Washington, Administrator

August 26, 2026
Date