

Joe Lombardo
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STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
515 E. Musser Street, Suite 101 | Carson City, Nevada 89701
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MEMORANDUM
HR #16-26

April 13, 2026

TO: DHRM Listserv Recipients

FROM: Bachera Washington, Administrator *Bachera Washington*
Division of Human Resource Management

SUBJECT: NOTICE OF WORKSHOP – Amendments to NAC 284

The regulation changes included with this memorandum are being proposed for permanent adoption. To review the proposed regulatory changes and solicit feedback from interested parties, a workshop will be held on April 29, 2026, at 10:00 a.m. at the Legislative Building, 401 S. Carson St., Room 3137, Carson City, Nevada with videoconferencing available at the Legislative Hearing Rooms Building, 7120 Amigo St., Room 3, Las Vegas, Nevada.

Please circulate and post the attached *Notice of Workshop to Solicit Comments on Proposed Permanent Regulations* along with the text of the proposed regulations.

Attachments



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 WORKSHOP

DATE: April 29, 2026

TIME: 10:00 a.m.

LOCATION: Legislative Building
401 S. Carson Street
Room 3137
Carson City, NV

Legislative Hearing Rooms Building
7120 Amigo Street
Room 3
Las Vegas, NV

The sites will be connected by videoconference. The public is invited to attend at either location.

Meeting materials are available on the Division of Human Resource Management's website at:

[http://hr.nv.gov/Boards/Master Meetings Calendar/](http://hr.nv.gov/Boards/Master_Meetings_Calendar/)

AGENDA

1. Call to Order
2. Review of proposed changes to NAC 284:

<u>NAC #</u>	<u>Regulation Leadline</u>
284.075	"Pay progression date" defined.
NEW	"Service date" defined.
284.132	Temporary classifications.
284.134	Individual reclassification of position to higher level: Status of incumbent.
284.138	Reclassification or reallocation of class or position to higher grade as result of occupational study: Status of incumbent.
284.140	Reclassification of class or position to lower grade: Status of

incumbent.

284.182	Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date.
284.194	Merit pay increase: Granting or withholding; delay because of administrative or clerical error.
284.448	Time not counted toward completion of probationary or trial period.
284.405	Reassignment of employee with disability who is unable to perform essential functions of position with or without reasonable accommodation.
284.524	Reporting for work; workweeks and workdays; periods for meals and rest.
284.614	Layoffs: Procedure.
284.618	Layoffs: Voluntary demotions.
284.726	Access to confidential records.
NEW	Job specification consolidation: Status of incumbent; rate of pay.
NEW	Rate of pay: Effect of job specification consolidation.
284.182	Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date.
284.173	Rate of pay: Effect of demotion.
284.290	Retained rates of pay.
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.
284.554	Sick leave: Authorized use.
284.614	Layoffs: Procedure.
284.656	Contents and delivery of notice of proposed action; employee authorized to seek explanation of reasons for proposed action or procedures for disciplinary actions from agency.

284.6561	Predisciplinary review before proposed dismissal, demotion or suspension; waiver by employee.
284.718	Confidential records.
NEW	Appointment of individual who has successfully completed a State of Nevada SkillBridge internship program.

3. Adjournment

This workshop will be conducted in accordance with the Open Meeting Law (NRS 241.020).

NOTE: Comments by the general public will be taken following a description of the proposed regulation changes. Public comment may be limited to 5 minutes per person at the discretion of the staff member conducting the workshop.

If anyone has questions or wishes to discuss in further detail the items scheduled for this regulation workshop, please contact Roxanne Hardy at (775) 684-0131 or roxannehardy@admin.nv.gov.

Notices have been posted on the Division of Human Resource Management's website at www.hr.nv.gov and at the following locations:

Carson City

EICON Building, 515 E. Musser Street, Suite 101
Nevada State Library and Archives Building, 100 North Stewart Street
Nevada State Capitol Building, 101 North Carson Street
Nevada State Legislature Building, 401 South Carson Street

Las Vegas

Eureka Building, 7251 Amigo Street, Suite 120
Legislative Hearing Rooms Building, 7120 Amigo Street, Room 3

Websites:

LCB Website: www.leg.state.nv.us
Nevada Public Notice website: <http://notice.nv.gov>

NOTE: We are pleased to make reasonable accommodations for individuals with disabilities who wish to participate in the meeting. If special arrangements for the meeting are necessary, please notify Roxanne Hardy at (775) 684-0131 or roxannehardy@admin.nv.gov no later than five working days before the meeting.

**NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED PERMANENT REGULATIONS**

The Division of Human Resource Management, 515 E. Musser Street, Suite 101, Carson City, Nevada, telephone number (775) 684-0131, is proposing the permanent adoption and amendment of regulations pertaining to Chapter 284 of Nevada Administrative Code. A workshop has been set for 10:00 a.m. on April 29, 2026, at the Legislative Building, 401 S. Carson Street, Room 3137, Carson City, Nevada with videoconferencing to the Legislative Hearing Rooms Building, 7120 Amigo Street, Room 3, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following topics that may be addressed in the proposed regulations:

**Meeting materials are available on the Division of Human Resource Management's
website at:**

[http://hr.nv.gov/Boards/Master Meetings Calendar/](http://hr.nv.gov/Boards/Master_Meetings_Calendar/)

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284.6561	Predisciplinary review before proposed dismissal, demotion or suspension; waiver by employee.
284.718	Confidential records.
NEW	Appointment of individual who has successfully completed a State of Nevada SkillBridge internship program.

A copy of all materials relating to the proposal may be obtained by contacting the Division of Human Resource Management at (775) 684-0131 or roxannehardy@admin.nv.gov. A reasonable fee for copying may be charged. The agency's Small Business Impact Statement is attached.

This Notice of Workshop to Solicit Comments on Proposed Permanent Regulations has been sent to all persons on the agency's Listserv and posted at the following locations:

CARSON CITY

EICON Building, 515 E. Musser Street, Suite 101
Nevada State Library and Archives, 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, Suite 120
Legislative Hearing Rooms Building, 7120 Amigo Street

WEBSITES

LCB website: www.leg.state.nv.us

Division of Human Resource Management website: www.hr.nv.gov

Nevada Public Notice website: www.notice.nv.gov

In addition, this Notice of Workshop to Solicit Comments on Proposed Permanent Regulations has been sent to:

ALL NEVADA COUNTY PUBLIC LIBRARIES

NOTE: We are pleased to make reasonable accommodations for individuals with disabilities who wish to participate in the meeting. If special arrangements for the meeting are necessary, please notify Roxanne Hardy at (775) 684-0131 or roxannehardy@admin.nv.gov no later than five working days before the meeting.

Explanation of Proposed Change: The following amendments, proposed by the Division of Human Resource Management, will remove any changes to an employee's pay progression date. The date an employee is hired is the date the employee will receive their merit salary increases unless there is a substandard performance. There are no future actions that will change this date for an employee.

~~[NAC 284.075 "Pay progression date" defined. (NRS 284.065) Except as otherwise provided in this chapter, "pay progression date" means the date on which an employee completes 1 year of employment equivalent to full-time service following the appointment to his or her current grade.]~~

NEW "Service date" defined. "Service date" means the date on which an employee is initially appointed to state service.

NAC 284.132 Temporary classifications. ([NRS 284.065](#), [284.155](#), [284.175](#))

1. An appointing authority, an employee or the Division of Human Resource Management may request a temporary classification which allows the classification of a position for a temporary period of 1 year or less. Each appointment which is designated as temporary must have specific criteria established which justify the grade of the position and the projected date of expiration of the period. A position which no longer meets this criteria will revert back to the class from which it was reclassified. This method of classification is subject to the following conditions:

(a) Temporary classifications must meet the allocation standards and the criteria established for the class before this method may be used. The classification must be approved by the Division of Human Resource Management before the appointment.

(b) An employee who is appointed to a temporary class must sign the payroll document. This signature acknowledges that the employee understands the conditions of the reclassification and its projected date of expiration.

2. If the employee meets the minimum qualifications for the temporary classification, he or she:

(a) Retains his or her status of appointment; and

(b) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.

~~[An incumbent who has reverted to his or her previous class is entitled to the step, pay progression date and status of appointment he or she would have attained if he or she had not been appointed to the temporary class.]~~

~~—3.— The pay progression date of an employee who is promoted pursuant to this section will be determined in accordance with the provisions of [NAC 284.182](#). The rate of pay for the employee will be determined in accordance with the provisions of [NAC 284.172](#) governing an employee's pay on promotion.~~

~~—4.]~~ 3. In case of a layoff, the temporarily assigned employee's class of layoff is his or her former class. The time served in the temporary class is counted for seniority purposes if it was in the same occupational group, as provided in [NRS 284.171](#).

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 10-27-97; R043-99 & R098-99, 9-27-99; R146-01, 1-18-2002; R147-01, 1-22-2002; A by Personnel Comm'n by R133-12, 10-4-2013)

NAC 284.134 Individual reclassification of position to higher level: Status of incumbent. ([NRS 284.065](#), [284.155](#), [284.175](#))

1. An incumbent who meets the minimum qualifications for an individual reclassification as provided in [NAC 284.126](#) may be reclassified to a higher level. If the incumbent's position is reclassified as a result of an individual classification study, the incumbent will continue to serve in the position and:

- (a) Must be promoted;
- (b) Retains his or her status of appointment; and
- (c) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.

~~{2. The pay progression date of an employee who is reclassified pursuant to this section will be determined in accordance with the provisions of [NAC 284.182](#). The rate of pay will be determined in accordance with the provisions of [NAC 284.172](#) governing an employee's pay on promotion.}~~

[Personnel Div., Rule II § F subsecs. 1 & 2, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 10-27-97; R043-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R133-12, 10-4-2013)

NAC 284.138 Reclassification or reallocation of class or position to higher grade as result of occupational study: Status of incumbent. ([NRS 284.065](#), [284.155](#), [284.175](#))

1. Except as otherwise provided in subsections 3 and 4, if a class or a position within a class is reclassified or reallocated to a higher grade as a result of an occupational study, the incumbent will continue to serve in the position and:

- (a) Must be promoted;
- (b) Retains his or her status of appointment;
- ~~{(c) Retains his or her pay progression date; and~~
- ~~{(d)}~~ **and;**
- (c)** Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.

2. The rate of pay for employees who are promoted will be determined in accordance with the provisions of [NAC 284.172](#) governing an employee's pay on promotion.

3. The provisions of subsection 1 do not apply to an incumbent who is filling a position in a class which is at a lower grade than the authorized level of the position unless the class held by the incumbent is reclassified or reallocated to a higher grade.

4. If a position is reclassified to a higher grade in a different occupational group, the employee must meet the minimum qualifications of the higher level position before he or she is promoted. If the employee does not meet the minimum qualifications, he or she must not be promoted, the position will be temporarily reclassified pursuant to [NAC 284.132](#) and the employee may be eligible for a special adjustment to his or her pay as provided in [NAC 284.206](#). If the employee does not meet the minimum qualifications within 1 year after the effective date of the reclassification, the duties must be reassigned and the position must be reclassified accordingly.

[Personnel Div., Rule II § F subsec. 4, eff. 8-11-73; A 10-6-78]—(NAC A by Dep't of Personnel, 10-26-84; 8-1-91; 12-26-91; 9-16-92; 10-27-97; R043-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R133-12, 10-4-2013)

NAC 284.140 Reclassification of class or position to lower grade: Status of incumbent. (NRS 284.065, 284.155, 284.175)

1. If a class or position is reclassified to a lower grade, the incumbent's title and grade must be changed to the new class. He or she will retain his or her status of appointment ~~[and pay progression date]~~. The rate of pay will be determined by the provisions of NAC 284.290 governing an employee's pay on retained rates or, if the employee does not meet these requirements, by the provisions of NAC 284.173 governing an employee's pay on demotion.

2. The employee is eligible for reappointment to the same or a similar class from which he or she was reclassified.

3. The employee is entitled to reemployment rights to his or her former class and option in his or her department for 1 year after the date of notification of the reclassification to the lower grade if the employee and the agency provide the necessary information regarding the employee's seniority on the prescribed form.

4. If the employee is receiving a retained rate of pay and declines the first opening which is offered for his or her previous class in his or her department and location, the employee forfeits his or her reemployment rights to the former class and must be immediately reclassified to the lower grade and the provisions of this chapter governing the pay of an employee on demotion apply.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by R043-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R133-12, 10-4-2013)

NAC 284.182 ~~[Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date.] Restoration of service date. (NRS 284.065, 284.155, 284.175, 284.290, 284.300)~~

~~1. An employee receives a new pay progression date if he or she is:~~

~~— (a) Promoted to a position that results in an increase of two grades or more; or~~

~~— (b) Reinstated.~~

~~2. An employee who is:~~

~~— (a) Promoted to a position that results in an increase of one grade;~~

~~— (b) In a position that is reclassified to a higher class as a result of an individual classification study or an occupational study;~~

~~— (c) Transferred to a position without receiving an increase in grade;~~

~~— (d) Reappointed to a position at a grade that he or she formerly held;~~

~~— (e) Reemployed and has remained continuously employed; or~~

~~— (f) Demoted;~~

~~↪ retains the pay progression date held before the action described in paragraphs (a) to (f), inclusive, occurred.~~

~~3.]~~ **1.** If a person who is eligible for military reemployment is reemployed, he or she retains the ~~[pay progression date]~~ **service date** held when separated from this State for his or her service in the military.

~~4. If an employee was promoted but is being restored to his or her former position or class pursuant to the provisions of NAC 284.462, the date of appointment and pay progression date of the former position must be restored. If, pursuant to subparagraph (1) of paragraph (c) of subsection 2 of NAC 284.462, the employee is placed in a position in a class equal to or lower than the class of the position held by the employee immediately before the promotion, the pay progression date of the former position must be restored.~~

~~—5.1~~ 2. Except as otherwise provided in this subsection and subsection 6, an employee's ~~{pay progression date}~~ **service date** must be adjusted ~~†~~:

~~—{(a) To equal 1 year of full-time equivalent service for an employee who changes from full-time employment to part-time employment or from part-time employment to full-time employment; or~~

~~—(b) On~~ **on** a day-for-day basis for the amount of time the employee:

~~{(1)}~~ (a) Was separated from state service if the employee is reemployed within 1 year after the date on which he or she was laid off or received a seasonal separation.

~~{(2)}~~ (b) Was separated from state service if the employee is a person with a permanent disability arising from a work-related injury or occupational disease who is reemployed within 1 year after the date on which he or she sustained the permanent disability as determined pursuant to [NAC 284.6013](#).

~~{(3) Was on leave without pay, or on catastrophic leave, if the employee is:~~

~~—(I) A nonexempt employee and the leave without pay or catastrophic leave was in excess of 240 hours; or~~

~~—(II) An exempt classified employee and the leave without pay or catastrophic leave was in excess of 30 working days,~~

~~→ in a year, except for leave without pay for a work-related injury or illness pursuant to [NRS 281.390](#) or on a military leave of absence pursuant to [NRS 284.359](#) or a leave of absence without pay during a fiscal emergency pursuant to [NAC 284.580](#). 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. As used in this subparagraph, “year” means a period equal to 12 months of full-time equivalent service measured backward from the employee’s pay progression date.~~

~~—6. If the number of total hours of leave without pay or catastrophic leave of a nonexempt employee that exceed 240 hours is less than 1 day of full-time equivalent service for the pay class designation of the employee, an adjustment will not be made for those hours.~~

~~—7. If an employee is on leave without pay, or on catastrophic leave, on his or her pay progression date, any adjustment to his or her pay progression date will be made after he or she returns to work.~~

[Personnel Div., Rule III part § G, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; 8-28-85; 5-27-86; 8-22-86; 4-19-88; 7-21-89; 10-18-89; 3-27-92; 7-6-92; 9-16-92; 11-16-95; 3-1-96; 10-27-97; R043-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm’n by R182-03, 1-27-2004; R022-05, 10-31-2005; R142-05, 12-29-2005; R102-15, 12-21-2015, eff. 1-1-2016)

NAC 284.194 Merit pay increase: Granting or withholding; delay because of administrative or clerical error. ([NRS 284.065](#), [284.155](#), [284.175](#), [284.335](#))

1. An employee whose last rating of performance was standard or better and who has not attained the top step of his or her grade must receive a merit pay increase of one step on his or her ~~{pay progression date}~~ **service date**. Unless the employee receives a subsequent rating of performance that is substandard, an employee will receive a merit pay increase of one step for each additional year of employment equivalent to full-time service until he or she reaches the top step of the grade.

2. An employee whose last rating of performance was substandard is not eligible for a merit pay increase until his or her overall performance improves to standard or better. If a subsequent report on performance is not filed with the Administrator within the 90-day period required by

subsection 4 of [NRS 284.340](#), the employee's performance will be deemed standard and he or she will be entitled to the merit pay increase effective on the date on which the subsequent report on performance was due. The date on which a report on performance is received by the Administrator or an employee of the Division of Human Resource Management is the date on which the report is filed.

3. If a merit pay increase is withheld as provided in subsection 2 because a rating of performance was substandard, the employee's ~~pay progression date~~ *service date* must not be affected.

4. If a merit pay increase is delayed solely because of an administrative or clerical error, the increase must be made effective on the date on which the increase was properly due.

[Personnel Div., Rule III part § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 10-18-89; 11-16-95; R031-98, 4-17-98; R043-99, 9-27-99; R147-01, 1-22-2002)

NAC 284.448 Time not counted toward completion of probationary or trial period. ([NRS 281.145](#), [284.065](#), [284.155](#), [284.290](#), [284.345](#)) The following types of leave or temporary status do not count toward the completion of any probationary period or trial period:

1. Authorized military leave for active service, as set forth in subsection 10 of [NAC 284.444](#).
2. Authorized military leave for training beyond the 15 paid working days authorized by [NRS 281.145](#) during a 12-month period, as prescribed in [NAC 284.5875](#).
3. Except as otherwise provided in [NAC 284.580](#), any leave without pay and catastrophic leave, combined, in excess of 240 hours or, in the case of an exempt classified employee, 30 working days, in a year if the regular work schedule of the employee is 80 hours or less biweekly. If the regular work schedule of an employee is more than 80 hours biweekly, the employee must be allotted additional leave without pay and catastrophic leave in proportion to the number of hours his or her regular work schedule exceeds 80 hours biweekly. As used in this subsection, "year" means a period equal to 12 months of full-time equivalent service measured backward from the employee's ~~pay progression date~~ *service date if serving a probationary period or, if serving a trial period, from the employee's date of most recent promotion*.

4. Time which is served in a temporary position pursuant to [NAC 284.414](#).

5. Any hours worked which exceed 40 in a week.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 5-27-86; 3-27-92; 9-16-92; 11-16-95; 3-1-96; R147-01, 1-22-2002; A by Personnel Comm'n by R182-03, 1-27-2004; R141-07, 1-30-2008; R039-15, 10-27-2015; R163-18, 1-30-2019; R068-19, 6-8-2020)

Explanation of Proposed Change: The following amendments, proposed by the Division of Human Resource Management (Division), change the Department of Health and Human Services to the Department of Human Services based on the 83rd Session of the Nevada Legislature. Additionally, the proposed amendment to NAC 284.614 will require The director of a department to look for another position within the department to eliminate rather than laying off an employee or work with the Division to look for a position statewide to reallocate an employee who would otherwise be laid off.

NAC 284.405 Reassignment of employee with disability who is unable to perform essential functions of position with or without reasonable accommodation. (NRS 284.065, 284.155, 284.305)

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 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 notify the Division of Human Resource Management. For at least 30 days after receipt of the notification, the Division of Human Resource Management shall place the employee on reassignment lists for 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 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 notify the Division of Human Resource Management. For at least 30 days after receipt of the notification, the Division of Human Resource Management shall place the employee on reassignment lists for 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 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, including, without limitation, the lists, other than reemployment lists, 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 on which his or her name was included in accordance with this section and the Division of Human Resource Management determines 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~~ *Human Services*; 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 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.

(Added to NAC by Personnel Comm'n by R097-16, eff. 11-2-2016; A by R015-19, 12-30-2019)

NAC 284.524 Reporting for work; workweeks and workdays; periods for meals and rest. (NRS 284.065, 284.155, 284.345)

1. An employee shall report for a work shift on time and ready to perform the duties and tasks assigned to his or her position. *For purposes of determining whether an employee is in compliance with the requirement that an employee report for a work shift on time, the work shift of an employee who is not working remotely begins when the employee arrives at the entrance to the physical location at which the employee performs his or her duties or responsibilities. An employee who reports for a work shift early is not entitled to receive overtime unless the overtime is approved in accordance with subsection 10 of NRS 284.180 and NAC 284.242.*

2. Except as otherwise provided in this subsection, the workweek for state employees is 40 hours. A workweek of a different number of hours may be established to meet the needs of state agencies in compliance with the provisions of NRS 281.100, 281.110 and 284.180.

3. The workday for a state employee who is not working remotely begins at the time specified in subsection 1 and includes, without limitation, the time it takes the employee to:

(a) Travel to and from the entrance to the physical location at which the employee performs his or her duties or responsibilities and to a location designated by his or her employer as his or her assigned workstation within that location;

(b) Conduct a mandatory pre- or post-shift briefing between arriving and departing staff; and

(c) Perform any other activities required by an appointing authority.

4. The workday for a full-time state employee who works a standard or nonstandard work schedule consists of two work periods separated by a 1/2- to 1-hour meal period. Insofar as practicable, the meal period must occur in the middle of the work shift. A rest period of 15 minutes must be granted for each 4-hour period of work and, except as otherwise provided in NAC 284.5242 and insofar as practicable, must occur in the middle of the period of work.

5. Except as otherwise provided in subsections 6 and 7, an appointing authority shall provide a meal period and rest period to an employee who has an innovative work schedule during each workday as follows:

(a) A 1/2- to 1-hour meal period must be provided during each period of work that exceeds 6 hours. Insofar as practicable, the meal period must occur in the middle of the work shift.

(b) A rest period of 15 minutes must be provided for each 4-hour period of work and, except as otherwise provided in NAC 284.5242 and insofar as practicable, must occur in the middle of the period of work.

6. The requirement to relieve an employee for a 1/2- to 1-hour meal period does not apply to an employee who receives a paid meal period.

7. The requirement for a rest period does not apply to an employee who works:

(a) Directly with the inmates at a correctional institution.

(b) For the ~~Division of Public and Behavioral Health of the Department of Health and Human Services~~ **Department of Human Services** and who:

(1) Maintains or monitors the equipment in a heat plant which operates 24 hours a day; and

(2) Works a straight 8-hour work shift.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-20-90; 8-1-91; 11-12-93; R031-98, 4-17-98; R098-99, 9-27-99; A by Personnel Comm'n by R068-03, 10-30-2003; R145-05, 12-29-2005; R033-17, 10-31-2017; **R141-22, 6-20-2024**)

NAC 284.614 Layoffs: Procedure. (NRS 284.065, 284.155, 284.380)

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~~ **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:***

(1) Determine if vacant positions exist within the department that could be eliminated before laying off the employee; or

(2) If no vacant position exists within the department, coordinate with the Division of Human Resource Management for possible reallocation to other positions in the State before issuing a layoff.

(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.

~~[(e)]~~ (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.

~~[(e)]~~ (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~~ **Human Services** and the Nevada System of Higher Education shall be deemed to be departments.

[Personnel Div., Rule XIII § B subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 8-28-85; 8-22-86; 7-21-89; 8-1-91; 3-27-92; 9-16-92; 11-16-95; 10-27-97; R031-98, 4-17-98; R043-99, 9-27-99; R146-01, 1-18-2002; R147-01, 1-22-2002; A by Personnel Comm'n by R096-03, 10-30-2003; R143-05, 12-29-2005)

NAC 284.618 Layoffs: Voluntary demotions. (NRS 284.065, 284.155, 284.175, 284.380)

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~~ **Human Services** 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 reemployment lists.
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.

[Personnel Div., Rule XIII § B subsec. 2, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 7-21-89; 8-1-91; R146-01, 1-18-2002; A by Personnel Comm'n by R096-03, 10-30-2003; R143-05, 12-29-2005; R034-17, 12-19-2017, eff. 1-1-2018; R121-17, 6-26-2018)

NAC 284.726 Access to confidential records. (NRS 284.065, 284.155, 284.335, 284.4066, 284.4068, 284.407, 284.4082)

1. Except as otherwise provided in this subsection and subsections 2 and 11, access to materials for an examination 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) to (j), 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 Services of the Department of ~~Health and Human Services~~ **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.

[Personnel Div., Rule XVI part § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 9-30-88; 7-21-89; 8-14-90; 7-6-92; 3-23-94; R042-99, 9-27-99; R082-00, 8-2-2000; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm'n by R068-03, 10-30-2003; R024-05, 10-31-2005; R141-07, 1-30-2008; R065-09, 10-27-2009, R059-10, 10-15-2010; R137-12 & R045-13, 10-23-2013; R044-15, 12-21-2015; R175-18, 1-30-2019; R018-19 & R124-19, 6-8-2020; R016-21 & R017-21, 9-28-2022)

Explanation of Proposed Change: The following amendments, proposed by the Division of Human Resource Management, outline the effects of a job specification consolidation on incumbents and addresses the rate of pay the employee, as well as the pay progression date of the individual.

NEW Job specification consolidation: Status of incumbent; rate of pay.

1. If a job title is abolished as a result of a job specification consolidation, the incumbent will be placed in the job title set forth in the job specification consolidation plan and:

- (a) Retains his or her status of appointment; and***
- (b) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new job title.***

2. The pay progression date of an employee affected by this section will be determined in accordance with the provisions of NAC 284.182. The rate of pay will be determined by the provisions of NAC 284.290 governing an employee's pay on retained rates or, if the employee does not meet these requirements, by the provisions of **NEW REGULATION BELOW** governing an employee's pay on job classification consolidation.

3. Any change in job title as a result of a job specification consolidation may not be appealed by the affected employee.

NEW Rate of pay: Effect of job specification consolidation. Except as otherwise provided in **NEW REGULATION ABOVE**, upon a change in job title and grade as a result of a job specification consolidation, an employee must be paid at the rate that is equivalent or closest to his or her current rate of pay within the job specification.

NAC 284.182 Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date. (NRS 284.065, 284.155, 284.175, 284.290, 284.300)

1. An employee receives a new pay progression date if he or she is:
 - (a) Promoted to a position that results in an increase of two grades or more; or
 - (b) Reinstated.
 2. An employee who is:
 - (a) Promoted to a position that results in an increase of one grade;
 - (b) In a position that is reclassified to a higher class as a result of an individual classification study or an occupational study;
 - (c) ***Placed in a new job title as a result of a job specification consolidation;***
 - (d) Transferred to a position without receiving an increase in grade;
 - ~~1(d)~~ (e) Reappointed to a position at a grade that he or she formerly held;
 - ~~1(e)~~ (f) Reemployed and has remained continuously employed; or
 - ~~1(f)~~ (g) Demoted,
- retains the pay progression date held before the action described in paragraphs (a) to (f), inclusive, occurred.

3. If a person who is eligible for military reemployment is reemployed, he or she retains the pay progression date held when separated from this State for his or her service in the military.

4. If an employee was promoted but is being restored to his or her former position or class pursuant to the provisions of NAC 284.462, the date of appointment and pay progression date of

the former position must be restored. If, pursuant to subparagraph (1) of paragraph (c) of subsection 2 of NAC 284.462, the employee is placed in a position in a class equal to or lower than the class of the position held by the employee immediately before the promotion, the pay progression date of the former position must be restored.

5. Except as otherwise provided in this subsection and subsection 6, an employee's pay progression date must be adjusted:

(a) To equal 1 year of full-time equivalent service for an employee who changes from full-time employment to part-time employment or from part-time employment to full-time employment; or

(b) On a day-for-day basis for the amount of time the employee:

(1) Was separated from state service if the employee is reemployed within 1 year after the date on which he or she was laid off or received a seasonal separation.

(2) Was separated from state service if the employee is a person with a permanent disability arising from a work-related injury or occupational disease who is reemployed within 1 year after the date on which he or she sustained the permanent disability as determined pursuant to NAC 284.6013.

(3) Was on leave without pay, or on catastrophic leave, if the employee is:

(I) A nonexempt employee and the leave without pay or catastrophic leave was in excess of 240 hours; or

(II) An exempt classified employee and the leave without pay or catastrophic leave was in excess of 30 working days,

↳ in a year, except for leave without pay for a work-related injury or illness pursuant to NRS 281.390 or on a military leave of absence pursuant to NRS 284.359 or a leave of absence without pay during a fiscal emergency pursuant to NAC 284.580. 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. As used in this subparagraph, "year" means a period equal to 12 months of full-time equivalent service measured backward from the employee's pay progression date.

6. If the number of total hours of leave without pay or catastrophic leave of a nonexempt employee that exceed 240 hours is less than 1 day of full-time equivalent service for the pay class designation of the employee, an adjustment will not be made for those hours.

7. If an employee is on leave without pay, or on catastrophic leave, on his or her pay progression date, any adjustment to his or her pay progression date will be made after he or she returns to work.

[Personnel Div., Rule III part § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 8-22-86; 4-19-88; 7-21-89; 10-18-89; 3-27-92; 7-6-92; 9-16-92; 11-16-95; 3-1-96; 10-27-97; R043-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R182-03, 1-27-2004; R022-05, 10-31-2005; R142-05, 12-29-2005; R102-15, 12-21-2015, eff. 1-1-2016)

Explanation of Proposed Change: These amendments, proposed by the Division of Human Resource Management, reduces the time an employee may retain their rate from 2 years to 1 year. The amendment to NAC 284.290 addresses rate of pay upon notification of a job specification consolidation.

NAC 284.173 Rate of pay: Effect of demotion. (NRS 284.065, 284.155, 284.175) Except as otherwise provided in paragraph (b) of subsection 1 of NAC 284.618, an employee who is demoted must be paid at a step within the grade of the class to which he or she was demoted as follows:

1. Except as otherwise provided in subsections 2 to 5, inclusive, if the employee has attained permanent status in the class from which he or she was demoted and the demotion is instituted at the employee's request or is acceptable to the employee, the appointing authority shall pay him or her at a step in the grade of the class to which he or she was demoted which is equal to or less than his or her base rate of pay in the position from which he or she was demoted, but not greater than the highest step of the class to which he or she was demoted.

2. An exception to subsection 1 may be granted by the appointing authority to pay an employee at a rate that does not fall within the grade of the class to which he or she is demoted if the appointing authority determines that the demotion is in the best interest of the employee and the State of Nevada. If such an exception is granted:

(a) The employee's base rate of pay will be limited to three grade levels above the grade of the class to which he or she is demoted or his or her base rate of pay in the position from which he or she was demoted, whichever is less.

(b) The employee's base rate of pay in the position to which he or she was demoted will be frozen until it falls within the grade of the class to which he or she was demoted or for a maximum of ~~2 years~~ **1 year** after the date of demotion, making the employee ineligible for any merit pay increases, cost of living adjustments or adjustments for a class of employees that has been approved by the Legislature.

(c) If the employee's frozen base rate of pay does not fall within the grade of the class to which he or she was demoted within the ~~2-year~~ **1-year** period, his or her base rate of pay will be adjusted to the highest step within the grade of the class to which he or she was demoted.

3. If an employee accepts a promotion and is demoted before attaining permanent status in the class, he or she must be paid at a step in the grade of the class to which he or she was demoted which is equivalent to the base rate of pay to which he or she would have been entitled had he or she not been promoted.

4. If the demotion is instituted by the appointing authority for disciplinary reasons and is not covered by subsection 2, the appointing authority shall determine the step in the grade of the class to which the employee was demoted at which the employee will be paid.

5. If an employee is demoted during his or her probationary period in state service, the appointing authority may pay the demoted employee at any step in the grade of the class to which the employee was demoted that is not greater than his or her base rate of pay before the demotion.

(Added to NAC by Personnel Comm'n by R133-12, eff. 10-4-2013; A by R008-14, 6-23-2014)

NAC 284.290 Retained rates of pay. (NRS 284.065, 284.155, 284.175)

1. An employee who is reclassified downward is entitled to a retained rate of pay if:

(a) The employee has been in the same class for the equivalent of 6 months or more of full-time employment immediately preceding the downward reclassification; and

(b) The reclassification is the result of a reorganization or other legitimate reason over which the employee has no control.

2. If an employee is entitled to a retained rate of pay pursuant to this section, the employee's base rate of pay remains unaffected for ~~{2-years}~~ *1 year* after the effective date of the downward reclassification. At the end of the ~~{2-year}~~ *1-year* period, the employee's base rate of pay will be frozen until it falls within the range of the grade to which he or she was reclassified or for a maximum of ~~{2-years}~~ *1 year*, making the employee ineligible for any merit pay increases, cost of living adjustments or adjustments for a class of employees that have been approved by the Legislature. If the employee's frozen base rate of pay does not fall within the range of the grade to which he or she was reclassified within the ~~{2-year}~~ *1-year* period, his or her base rate of pay will be adjusted to the highest step within the lower grade to which he or she was reclassified.

3. If the employee voluntarily accepts another position within the time period prescribed in subsection 2, he or she may no longer retain his or her base rate of pay.

4. The employee is entitled to reemployment rights to his or her former class and option in his or her department for 1 year after the date of notification of the reclassification as provided in NAC 284.140.

5. *The employee is entitled to their current rate of pay for 1 year after the date of notification of a job specification consolidation.*

6. This section does not apply to an employee who is occupying a position which is temporarily reclassified to a higher class and is later restored to the former class pursuant to NAC 284.132.

[Personnel Div., Rule III § O, eff. 8-11-73; renumbered as § P, 9-6-74; A 10-6-78]—(NAC A by Dep't of Personnel, 10-26-84; 9-17-87; 7-1-94; 3-1-96; R098-99, 9-27-99; R147-01, 1-22-2002)

Explanation of Proposed Change: The following amendment, proposed by the Division of Human Resource Management, removes positions designated as entry level in the master classification plan because this designation no longer exists.

NAC 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. (NRS 284.065, 284.155, 284.250, 284.305)

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 reemployment list for that class. If a reemployment list is available, the Division of Human Resource Management must certify and provide the reemployment list to the appointing authority. Eligible persons who appear on reemployment lists are ranked in order of seniority. Except as otherwise provided in subsection 2 of NAC 284.6017, placement on a reemployment list 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 available, the Division of Human Resource Management must certify and provide to the appointing authority any available reassignment lists pursuant to NAC 284.405.

3. If there are no reassignment lists available, the Division of Human Resource Management must certify and provide to the appointing authority 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 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 may waive the list, for:

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

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

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

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

8. 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.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004; R024-05, 10-31-2005; R034-17, 12-19-2017, eff. 1-1-2018; R121-17, 6-26-2018; R164-18, 1-30-2019)

Explanation of Proposed Change: The following amendment, proposed by the Division of Human Resource Management, to allow an employee who is entitled to receive paid family leave pursuant to NRS 284.356 may use his or her accrued sick leave for any purpose set forth in subsection 1 of NRS 284.356. Currently, an employee whose sick leave balance is 40 hours or higher has no ability to reduce their sick leave balance to the level needed to utilize paid family leave for certain types of military related leave (e.g., For a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee). This regulation will allow an employee who would be otherwise eligible for paid family leave (i.e., meets all of the criteria with the exception of their sick leave balance being 40 hours or higher) to utilize their sick leave to reduce their balance to the level that paid family leave may be utilized.”

NAC 284.554 Sick leave: Authorized use. (NRS 284.065, 284.155, 284.345, 284.355, 608.0198)

1. An employee is entitled to use sick leave if the employee:
 - (a) Is unable to perform the duties of his or her position because he or she is sick, injured or physically incapacitated due to a medical condition;
 - (b) Is physically incapacitated due to pregnancy or childbirth and is therefore unable to perform the duties of the employee’s position;
 - (c) Is quarantined;
 - (d) Is receiving required medical, psychological, optometric or dental service or examination;
 - (e) Is receiving counseling through an employee assistance program for a condition which would otherwise qualify pursuant to the provisions of this section;
 - (f) Has an illness, death or other authorized medical need in his or her immediate family and he or she complies with the requirements of NAC 284.558 or 284.562; ~~for~~
 - (g) *Is entitled to receive paid family leave pursuant to NRS 284.356; or*
 - (h) Meets the requirements set forth in subsection 2.
2. An appointing authority shall approve a request for sick leave of an employee who is a victim of an act which constitutes domestic violence or sexual assault or whose family or household member is a victim of an act which constitutes domestic violence or sexual assault, and the employee is not the alleged perpetrator if:
 - (a) The employee has been employed in public service for at least 90 days;
 - (b) The employee has accrued the amount of sick leave necessary to cover the time requested;and
 - (c) The combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence or sexual assault occurred.

[Personnel Div., Rule VII § D part subsec. 6, eff. 8-11-73; A 2-5-82]—(NAC A by Dep’t of Personnel, 10-26-84; 4-20-90; 11-16-95; A by Personnel Comm’n by R141-07, 1-30-2008; R037-17, 10-31-2017, eff. 1-1-2018; R165-24, 11-15-2024)

Explanation of Proposed Change: The following amendments, proposed by the Division of Human Resource Management, changes the Department of Health and Human Services to Department of Human Services

NAC 284.614 Layoffs: Procedure. (NRS 284.065, 284.155, 284.380)

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~~ *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:*

(1) Determine if vacant positions exist within the department that could be eliminated before laying off the employee; or

(2) If no vacant position exists within the department, coordinate with the Division of Human Resource Management for possible reallocation to other positions in the State before issuing a layoff.

(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.

~~(e)~~ (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.

~~(e)~~ (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~~ *Human Services* and the Nevada System of Higher Education shall be deemed to be departments.

[Personnel Div., Rule XIII § B subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 8-28-85; 8-22-86; 7-21-89; 8-1-91; 3-27-92; 9-16-92; 11-16-95; 10-27-97; R031-98, 4-17-98; R043-99, 9-27-99; R146-01, 1-18-2002; R147-01, 1-22-2002; A by Personnel Comm'n by R096-03, 10-30-2003; R143-05, 12-29-2005)

Explanation of Proposed Change: The following amendment, proposed by the Division of Human Resource Management, will now allow an appointing authority to utilize e-mail as a delivery method for a notice of proposed disciplinary action. Additionally, the delivery of any finding or recommendation, as well as the delivery of the appointing authority's decision regarding the proposed disciplinary action, may now be delivered by e-mail. Delivering such documents and information via social media remains prohibited.

NAC 284.656 Contents and delivery of notice of proposed action; employee authorized to seek explanation of reasons for proposed action or procedures for disciplinary actions from agency. (NRS 284.065, 284.155, 284.383, 284.385, 284.390) Except as otherwise provided in NAC 284.6563, if an appointing authority proposes that a permanent employee be dismissed, suspended or demoted, the following procedure for providing notice of the proposed action must be followed:

1. The employee must be given at least 10 working days' written notice of the proposed action on the form provided by the Division of Human Resource Management.

2. The notice may be given ~~in person or by~~ :

(a) In person;

(b) By means of any delivery service that provides a written or electronic record of the date the notice was sent and the date the notice was received. If the notice is sent by means of a delivery service, the notice must be sent to the employee's last known address. The notice must not be ~~given by electronic mail, the use of social media or other electronic means.~~ *issued by social media.* If the notice is returned without having been received by the employee, the employee's date of receipt shall be deemed to be the sixth day after the date the notice was sent ~~to~~ ; or

(c) By email. If the notice is sent to an employee's personal email, the notice must also be sent pursuant to paragraph (b) of this section, and by regular mail.

3. The notice must:

(a) Specify the proposed date on which the action is effective.

(b) Inform the employee that a predisciplinary review has been scheduled on his or her behalf in the manner prescribed in NAC 284.6561 and specify the date, time and place of the predisciplinary review.

(c) Specify the charges, the reasons for them and the cause of action contained in NAC 284.646 or 284.650 on which the proposed action is based.

4. The notice of the proposed action must be signed by the appointing authority or his or her designated representative before the notice is given to the employee.

5. Upon its receipt, the employee must be asked to sign the notice. If he or she refuses to sign the notice, the refusal must be noted on the notice. The employee's signature is not an admission by him or her of any of the allegations set forth in the notice.

6. If the employee does not understand the reasons for the proposed action or the procedures related to disciplinary actions, including, without limitation, the right to notice, a predisciplinary review and a hearing on the appeal, the employee may seek an explanation from the appointing authority or another person in the agency familiar with the procedure.

7. As used in this section, "social media" includes, without limitation, any electronic service or account or electronic content, including, without limitation, any video, photograph, blog, video

blog, podcast, instant message, text message, ~~electronic mail program or service,~~ online service or Internet website profile.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 7-21-89; 8-1-91; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 11-12-93; 11-16-95; 11-16-95; A by Personnel Comm'n by R063-09, 11-25-2009; R042-15, 12-21-2015, eff. 1-1-2016; R150-17, 6-26-2018; R125-21, 9-28-2022)

NAC 284.6561 Predisciplinary review before proposed dismissal, demotion or suspension; waiver by employee. (NRS 284.065, 284.155, 284.383, 284.385, 284.390) Except as otherwise provided in NAC 284.6563, if an appointing authority proposes that a permanent employee be dismissed, suspended or demoted, the following procedure for a predisciplinary review before the proposed action must be followed:

1. A predisciplinary review must be scheduled on the employee's behalf unless waived in writing by the employee pursuant to subsection 2. The predisciplinary review must be scheduled to take place not earlier than 7 working days after the written notice of the proposed action is delivered or deemed received pursuant to subsection 2 of NAC 284.656. The predisciplinary review must not be scheduled on a day which is not a regular working day for the employee. If the appointing authority or his or her designated representative and the employee agree, the date of the predisciplinary review may be changed.

2. The employee may waive the right to a predisciplinary review before the proposed action in writing. If the employee makes such a waiver, the employee may not be dismissed, suspended or demoted before the proposed effective date. The waiver does not waive the employee's right to a hearing after the action is taken.

3. The appointing authority or his or her designated representative shall conduct the predisciplinary review. The designated representative must be a person with the authority to recommend a final decision to the appointing authority. The appointing authority shall render the final decision.

4. At any time after receiving the notice and before the predisciplinary review, the employee may examine all materials that are to be used by the person conducting the predisciplinary review. The employee is entitled to administrative leave with pay as provided in NAC 284.589 to prepare for a predisciplinary review or hearing regarding his or her suspension, demotion or dismissal.

5. This process is an informal proceeding between the two parties, the appointing authority and his or her designated representative and the employee, who meet together to discuss the proposed action. The employee will be given an opportunity to rebut the allegations against the employee and provide mitigating information. Witnesses are not allowed to attend, but each party may be accompanied by a person of his or her choice.

6. The employee may respond both orally and in writing to the appointing authority or his or her designated representative at the predisciplinary review.

7. The employee must be:

(a) Given a copy of the finding or recommendation, if any, resulting from the predisciplinary review; and

(b) Notified in writing of the appointing authority's decision regarding the proposed action and the reasons therefor on or before the effective date of the action. The effective date of the action is the first day the disciplinary action takes effect.

8. The notice given pursuant to subsection 7 may be given in ~~person or by means of any delivery service that provides a written or electronic record of the date the notice was sent and the date the notice was received. If the notice is sent by means of a delivery service, the notice must~~

~~be sent to the employee's last known address. The notice must not be given by electronic mail, the use of social media or other electronic means. If the notice is returned without having been received by the employee, the employee's date of receipt shall be deemed to be the sixth day after the date the notice was sent. As used in this subsection, "social media" has the meaning ascribed to it in subsection 7 of NAC 284.656.~~ *the manner prescribed in subsection 2 of NAC 284.656.*

(Added to NAC by Personnel Comm'n by R063-09, eff. 11-25-2009; A by R011-11, 10-26-2011; R076-16, 11-2-2016; R150-17, 6-26-2018; R125-21, 9-28-2022)

Explanation of Proposed Change: The following amendments, proposed by the Division of Human Resource Management, will add paid family usage or balance, as well as driver's license number to the list of confidential information to an employee's or former employee's record of employment that will be released.

NAC 284.718 Confidential records. (NRS 284.065, 284.155, 284.355, 284.407, 284.4082, 284.4086)
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;~~ *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.

[Personnel Div., Rule XVI part § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 7-21-89; 7-6-92; 11-12-93; R058-01, 9-6-2001; A by Personnel Comm'n by R068-03, 10-30-2003; R182-03, 1-27-2004; R024-05, 10-31-2005; R141-07, 1-30-2008; R065-09, 10-27-2009; R055-10, 6-30-2010; R137-12 & R045-13, 10-23-2013; R175-18, 1-30-2019; R016-21 & R017-21, 9-28-2022)

Explanation of Proposed Change: The following amendments, proposed by the Division of Human Resource Management, will simplify the hiring process for an individual who has completed a State of Nevada SkillBridge internship. An individual who has completed this type of internship has already been working at the agency and has proven their abilities and streamlining the hiring process will benefit the agency as well as the military veteran.

NEW Appointment of individual who has successfully completed a State of Nevada SkillBridge internship program.

1. An individual who has successfully completed a State of Nevada SkillBridge internship program and wishes to be appointed to a position in state service is eligible for appointment through noncompetitive means if they:

- (a) Make his or her interest known to the hiring agency;*
- (b) Meet the minimum qualifications for the position;*
- (c) Have maintained satisfactory conduct throughout the internship program; and*
- (d) Be endorsed by the appointing authority of the agency in which the individual is seeking appointment.*

2. An agency requesting an appointment of an individual who has successfully completed a State of Nevada SkillBridge must submit:

- (a) Such a request to the Division of Human Resource Management; and*
- (b) Provide an employment application for evaluation.*



STATE OF NEVADA
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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

April 10, 2026

Date