



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
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MEMORANDUM
HR#08-19

February 6, 2019

TO: DHRM Listserv Recipients

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

SUBJECT: Revision #2, *Rules for State Personnel Administration*

The Personnel Commission recently adopted several permanent regulation changes which have now been approved by the Legislative Commission. The effective date of these changes is January 30, 2019. Due to these changes, the [Rules for State Personnel Administration](#) has been updated on our website. Replacement pages for [Revision #2](#) are also available on our website.

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

The following is a summary of the changes.

General Provisions

Eligible Person

Amendments to NAC 284.058 broaden and clarify the definition of the term "eligible" to include those persons who apply, meet minimum qualifications and pass examinations, when applicable. A person may also be made eligible by noncompetitive means such as those persons on the reemployment, reassignment, persons with disability, and transfer lists, when available.

Compensation

Accelerated Salary

Amendments made to NAC 284.172, as per NAC 284.204, allow an appointing authority to request an accelerated rate using the NPD-04 process for an employee who is being promoted.

Differential Pay

An amendment to NAC 284.204 removes the subsection that allows the appointing authority to request an adjustment of steps within the same grade to maintain an appropriate differential between supervisors and employees. Existing regulations provide the procedures governing the rate of pay which must be paid if an employee is promoted.

Filling Vacancies in Employment

Order of Eligible Persons

NAC 284.360 includes the order of which eligible lists should be issued. The amendment adds that when a list is unranked or waived, the Administrator can determine that the list be issued from a class deemed appropriate by him or her.

Refusal to Consider an Eligible Person

The amendment to NAC 284.374 clarifies that the twelve-month period in which an appointing authority is not required to consider an eligible person that has been subjected to suspension, demotion, or termination includes final decisions made by a hearing officer or any reviewing court.

Underfilling of Positions

Amendments to NAC 284.437 allow an appointing authority to underfill a position at or below the journey level at his or her discretion. Additionally, to underfill positions above the journey level in a series, an appointing authority must obtain written approval of the Administrator of the Division of Human Resource Management or his or her designee.

Probationary Periods

Trial/Restoration of Transfer Employees

A new regulation and conforming changes made to NAC 284.108 and NAC 284.444 now require that a trial period be served by permanent employees who voluntarily transfer to the same or comparable class within the same or another agency through the non-competitive or competitive process. This regulation also establishes restoration rights if the employee fails to complete the trial period or chooses to revert to the position held prior to the transfer. The regulation requires that the employee must be restored to the position from which the employee transferred if the position is vacant; be placed in a comparable class that is vacant for which the employee meets the minimum qualifications; be placed in a class lower for which the minimum qualifications are met; or be placed on a reemployment list. This regulation does not allow a reverted transfer employee to displace an employee if the prior position has been filled. The regulation also requires that the agency receiving the reverted employee be given 30 days' notice.

Reports on Performance and Letters of Instruction

Work Performance Standards

The amendment to NAC 284.468 changes the definition for the term "job elements" as used in the regulation which will standardize job elements for all employees. A detailed memorandum regarding these amendments will be forthcoming and distributed to agency human resource offices which will include a revised form and instructions.

Personnel Records

Confidential Records

NAC 284.718 describes the different types of confidential information that is held by an agency or the Division of Human Resource Management and will be maintained in an employee’s “record of employment.” NAC 284.726 describes access to an employee’s confidential record of employment. The amendment broadens the access of such information to any appointing authority of any agency, rather than just the appointing authority of the agency for which the employee works. A detailed memorandum regarding these amendments will be forthcoming and distributed to agency human resource offices, which will include a revised form and instructions.

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

SECTION	PAGE NO.
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Please ensure that everyone on your distribution list receives a copy. If you have any questions, please contact Michelle Garton at mgarton@admin.nv.gov or (775) 684-0136.

PL:mg/bg