

Joe Lombardo
Governor



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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#50-24

November 18, 2024

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 temporary adoption. To review the proposed regulatory changes and solicit feedback from interested parties, a workshop will be held on December 6, 2024, at 9:00 a.m. at the Nevada State Library and Archives Building, 100 N. Stewart Street, Room 110, Carson City, Nevada, with videoconferencing available at the Eureka Building, 7251 Amigo Street, Suite 120, Las Vegas, Nevada.

Please circulate and post the attached *Notice of Workshop to Solicit Comments on Proposed Temporary 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: December 6, 2024
TIME: 9:00 a.m.
PLACE: Nevada State Library and Archives Eureka Building
100 N. Stewart Street 7251 Amigo Street
Room 110 Suite 120
Carson City, Nevada Las Vegas, Nevada

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>
284.562	Sick leave or catastrophic leave: Death in employee's immediate family.
284.442	Length of probationary or trial period.
284.444	Application of probationary or trial period.
284.446	Time counted toward completion of probationary period.
284.448	Time not counted toward completion of probationary or trial period.
284.450	Adjustment of probationary or trial period.

- 284.173 Rate of pay: Effect of demotion.
- 284.290 Retained rates of pay.
- 284.126 Creation of new class, reclassification of position or reallocation of existing class.

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
NV State Library and Archives, 100 N. Stewart Street
Legislative Counsel Bureau, 401 S. Carson Street
Nevada State Capitol Building, 101 N. Carson Street

LAS VEGAS

Eureka Building, 7251 Amigo Street, Suite 120

WEBSITES

LCB website: www.leg.state.nv.us
Nevada Public Notice website: www.notice.nv.gov

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 TEMPORARY REGULATIONS**

The Division of Human Resource Management, 515 E. Musser Street, Suite 101, Carson City, Nevada, telephone number (775) 684-0131, is proposing the temporary adoption and amendment of regulations pertaining to Chapter 284 of Nevada Administrative Code. A workshop has been set for 9:00 a.m. on December 6, 2024, at the Nevada State Library and Archives Building, 100 N. Stewart Street, Room 110, Carson City, Nevada with videoconferencing to the Eureka Building, 7251 Amigo Street, Suite 120, 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/>

<u>NAC #</u>	<u>Regulation Leadline</u>
284.562	Sick leave or catastrophic leave: Death in employee’s immediate family.
284.442	Length of probationary or trial period.
284.444	Application of probationary or trial period.
284.446	Time counted toward completion of probationary period.
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284.450	Adjustment of probationary or trial period.
284.173	Rate of pay: Effect of demotion.
284.290	Retained rates of pay.
284.126	Creation of new class, reclassification of position or reallocation of existing class.

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 Temporary 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
NV State Library and Archives, 100 N. Stewart Street
Legislative Counsel Bureau, 401 S. Carson Street
Nevada State Capitol Building, 101 N. Carson Street

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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 Temporary 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: This amendment, proposed by the Division of Human Resource Management for temporary adoption, will provide parameters related to using sick leave or catastrophic leave upon the death of an employee's immediate family member.

NAC 284.562 Sick leave or catastrophic leave: Death in employee's immediate family. (NRS 284.065, 284.155, 284.345, 284.355, 284.3626)

1. If a member of the employee's immediate family dies, he or she may use his or her accumulated sick leave, or ~~request approval for~~ *use any approved* catastrophic leave pursuant to NAC 284.576, *within 1 year of the death*, not to exceed 5 working days for each death.

2. For the purposes of this section, "immediate family" means the employee's parents, spouse, children, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law, grand-daughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law, great-granddaughter-in-law, stepparents and stepchildren.

3. If a reasonable amount of additional time is needed for traveling related to funeral arrangements, the appointing authority shall approve an exception to this limitation.

[Personnel Div., Rule VII § D part subsec. 6, eff. 8-11-73; A and renumbered as subsec. 8, 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 11-16-95)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management for temporary adoption, will apply a 1-year probationary or trial period to all classes regardless of the grade. The amendment also removes the term "full-time equivalent" in order to conform with the proposed amendments in NAC 284.450.

NAC 284.442 Length of probationary or trial period. (NRS 284.065, 284.155, 284.290)
All classes ~~at grade 20 or higher must be assigned~~ *must complete* a 1-year ~~full-time equivalent~~ *probationary period or trial period. All classes lower than grade 20 will be assigned a 6-month* ~~full-time equivalent~~ *probationary period or trial period, unless it is waived pursuant NAC 284.444.*

[Personnel Div., Rule VIII § A part subsec. 1, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, 10-26-84; R146-01, 1-18-2002; A by Personnel Comm'n by R068-19, 6-8-2020)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management for temporary adoption, will require both permanent and probationary employees to serve a new probationary period or trial period in a class to which they are demoted if they have not served any such periods thus far in their employment with State of Nevada. The regulation will also require an employee who has served some length of time in a probationary period or trial period to complete the remaining period to attain permanent status. The amendment also removes the specific requirements to be followed when an employee is reverted and there is an employee with more seniority in their former position, so that all demotions are treated the same way.

NAC 284.444 Application of probationary or trial period. (NRS 284.065, 284.155, 284.290, 284.300)

1. A probationary employee who transfers:
 - (a) Within the same class must serve the remaining portion of the probationary period.
 - (b) From one class to another class must serve a new probationary period.
2. A permanent employee must serve a trial period if he or she voluntarily transfers:
 - (a) Within the same class; or
 - (b) From one class to another class and such classes are comparable classes,
↳ unless the trial period is waived in writing by the appointing authority. If the appointing authority waives the trial period, the employee is entitled to the status of appointment held at the time he or she transferred.
3. Promotion to a vacant position requires a new probationary period or trial period. A promotion that results from a reclassification is governed by NAC 284.134 and 284.138.
4. ~~Except as otherwise provided in subsection 11:~~
 - ~~(a) No probationary period will be required if a permanent employee is demoted.~~
 - ~~(b) A new probationary period will be required if a probationary employee is demoted.~~

A permanent or probationary employee who is demoted to a class for which he or she:

 - (a) Has started but not completed a probationary period or trial period must serve the remaining period required for the class;*
 - (b) Has not served any time of the probationary period or trial period of the class to which he or she was placed must serve a new probationary period or trial period.*
5. An employee who is reinstated must serve a new probationary period unless it is waived in writing by the appointing authority. If an appointing authority waives the probationary period, the status of the appointment of the employee is permanent.
6. A probationary employee who is reappointed must serve a new probationary period.
7. A permanent employee who is reappointed to a class:
 - (a) At a higher grade level must serve a trial period unless it is waived in writing by the appointing authority.
 - (b) At the same grade level or a lower grade level is not required to serve a trial period.
8. An employee who is laid off, but who is reemployed within 1 year, must serve a new probationary period if reemployed in a different class or in a different department than that from which he or she was laid off, and the employee is subject to the provisions of subsection 8 of NAC 284.630.
9. A person with a permanent disability arising from a work-related injury or occupational disease who is reemployed in a different class or option than his or her regular position must serve a new probationary period as required by NAC 284.6018.
10. A person who is on a military leave of absence pursuant to NRS 284.359 is entitled to return to the status of appointment held at the time he or she commenced the military leave of absence. If the employee did not complete the probationary period, he or she will only be required to complete the remaining portion thereof. Upon successful completion of the probationary period, permanent status must be granted to the employee as of the date on which permanent status would have been granted if the employee had not taken a military leave of absence.

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

~~position in a class equal to or lower than the class held by the employee immediately before the promotion.~~

~~12.]~~ **11.** An employee who transfers from the unclassified or nonclassified service to the classified service must serve a new probationary period. Except for those unclassified employees who transfer pursuant to subsection 2 of NAC 284.398, the status of a permanent employee may not be attained until the satisfactory completion of the probationary period.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-21-89; 8-1-91; 12-26-91; 3-1-96; A by Personnel Comm'n by R142-05 & R143-05, 12-29-2005; R141-07, 1-30-2008; R102-15, 12-21-2015, eff. 1-1-2016; R163-18, 1-30-2019; R068-19, 6-8-2020)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management for temporary adoption, makes a conforming change based on the proposed amendment to NAC 284.442.

NAC 284.446 Time counted toward completion of probationary period. (NRS 284.065, 284.155, 284.290)

1. Except as otherwise provided in subsection 4 and in NAC 284.4375, a probationary employee must perform his or her duties continuously in the classified service for ~~either 6 months or 1 year (full-time equivalent) as required for the class in which he or she is employed~~ **1 year** to attain permanent status.

2. Service in provisional, emergency, or special disabled status must be credited towards a probationary period if it is immediately followed by probationary or permanent status in the same class.

3. Service in a seasonal position must be credited towards the probationary period for the class.

4. If an employee of a governmental agency transfers to the classified service pursuant to NRS 284.022 and subsection 2 of NAC 284.398, the time which he or she spent in the comparable class in the governmental agency counts toward the probationary period which is required for the state class. If the employee has satisfactorily completed the equivalent of the State's probationary period for the new class, the employee is entitled to transfer with permanent status. All continuous service which is equivalent to full-time employment in the governmental agency before the transfer counts towards permanent employee status.

[Personnel Div., Rule VIII § A part subsec. 1, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, 10-26-84; 1-22-90; 8-1-91; 7-6-92; 3-1-96)

Explanation of Proposed Change: The amendment to subsection 3, proposed by the Division of Human Resource Management for temporary adoption, adds sick leave to the types of leave, in excess of 240 hours, combined, that do not count toward the completion of a probationary or trial period. The amendments adding new subsections 6 and 7, proposed by the Department of Conservation and Natural Resources for temporary adoption, add other periods of time that will not count toward the completion of a probationary period or trial period.

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, *sick leave* 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.

4. Time which is served in a temporary position pursuant to NAC 284.414.

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

6. *Time that an employee may spend in a mandatory referral under the Executive Branch’s Drug & Alcohol Program.*

7. *A period of up to 90 days based upon documented performance or conduct issues as determined by the appointing authority.*

(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, 10-27-15; R163-18, 1-30-2019; R068-19, 6-8-2020)

<p>Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management for temporary adoption, makes a conforming change based on the proposed amendment to NAC 284.442.</p>

NAC 284.450 Adjustment of probationary or trial period. (NRS 284.065, 284.155, 284.290)

1. Except as otherwise provided in NAC 284.448, if a probationary employee or a permanent employee serving a trial period has not, during his or her prescribed probationary period or trial period, worked the required ~~number of months (full-time equivalent) which are established for the~~ probationary period or trial period for the class, *pursuant to NAC 284.442*, his or her probationary period or trial period must be extended until he or she has worked the required number of months.

2. An employee who changes from working full-time to part-time or the reverse will have his or her probationary period or trial period adjusted to equal the required number of months of service which are applicable to the probationary period or trial period of the class.

[Personnel Div., Rule VIII § A part subsec. 1, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; 3-1-96; R068-19, 6-8-2020)

<p>Explanation of Proposed Change: These amendments, proposed by the Division of Human Resource Management for temporary adoption, clarifies that the 2-year period when an employee’s rate will be frozen begins immediately upon the demotion or reclassification downward. An additional amendment to NAC 284.290 will bring it into alignment with NAC 284.173. This amendment clarifies that the period of time in which the employee’s rate of pay is frozen and for the rate pay to fall within the range of the grade to which they were reclassified is 2-years. These regulations will also be proposed for emergency adoption at the December 13, 2024, meeting of the Human Resources Commission.</p>
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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 ~~for 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 *for a maximum of 2 years immediately beginning upon the date of demotion or* until it falls within the grade of the class to which he or she was demoted ~~for for a maximum of 2 years 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~~ *by the end of the* 2-year period, his or her base rate of pay will be adjusted to the ~~highest step~~ *closest rate of pay* 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~~ *their current classification* *for* 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 after~~ *will be frozen beginning immediately upon* the effective date of the downward reclassification. ~~At the end of the 2-year period, the~~ *The* employee's base rate of pay ~~will be~~ *remains* frozen until it falls within the range of the grade to which ~~he or she~~ *the position* was reclassified or for a maximum of 2 years, *whichever occurs first*, 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~~ *the position* was reclassified ~~within the~~ *by end of the* 2-year period, his or her base rate of pay will be adjusted to the ~~highest step~~ *closest rate of pay* 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. 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: This amendment, proposed by the Division of Human Resource Management for temporary adoption, removes an outdated form name from the regulation and includes language that is flexible for any changes in the future. This regulation will also be proposed for emergency adoption at the December 13, 2024, meeting of the Human Resources Commission.

NAC 284.126 Creation of new class, reclassification of position or reallocation of existing class. (NRS 284.065, 284.155)

1. For the purposes of this section:

(a) "Agency personnel officer" means the Director of Personnel within the Nevada System of Higher Education or any person holding a position in the classified service with the title of Personnel Officer.

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

- (1) Is outside of the scope of the class as described by the class specification;
- (2) Is not part of the scope of responsibility of the position; and
- (3) Results in the preponderance of duties and responsibilities being allocated to a different class.

2. If an appointing authority or an employee proposes the creation of a new class, a reclassification of a position to a different class or the reallocation of an existing class based upon a gradual accumulation of duties and responsibilities which results in a significant change and is intended to be permanent, the Division of Human Resource Management or agency personnel officer must be notified on the appropriate form. If the creation, reclassification or reallocation is

approved, the Division of Human Resource Management will allocate the position to one of the existing classes in the classification plan or to a new, revised or reallocated class as appropriate.

3. The effective date of the classification decision will be the date on which ~~form NPD-191~~ *the prescribed classification form* is received by the Division of Human Resource Management or agency personnel officer unless information that substantially affects the decision concerning the creation, reclassification or reallocation is received after this date. In that case, the effective date will be the date on which the appropriate information necessary to make the decision is received. However, the subsequent receipt of an application or examination score that confirms the qualifications of an incumbent will not have a bearing on the effective date. If the form was prepared but delayed due to an administrative or clerical error, the effective date must be determined by the appointing authority and must be based upon the date on which the form should reasonably have been submitted to the Division of Human Resource Management or agency personnel officer. In no case, however, may a retroactive adjustment because of an administrative or clerical error exceed 6 months after the date of receipt.

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

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

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

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

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

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

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

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

(a) The position is incorrectly classified; or

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

[Personnel Div., Rule II § D subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 8-14-90; 12-26-91; 11-16-95; 10-27-97; R098-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R069-02, 8-14-2002; R038-03, 10-30-2003; R134-22, 6-20-2024)

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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

November 18, 2024
Date