

Joe Lombardo
Governor



Joy Grimmer
Director

Bob Ragar
Deputy Director

Bachera Washington
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
515 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 687-9085

MEMORANDUM
HR#22-25

June 25, 2025

TO: DHRM Listserv Recipients

FROM: Bachera Washington, Administrator
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 July 11, 2025, at 9:30 a.m. at the Legislative Building, 401 S. Carson St., Room 3138, Carson City, Nevada with videoconferencing available at the Legislative Hearing Rooms Building, 7120 Amigo St., Room 6, 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: July 11, 2025

TIME: 9:30 a.m.

LOCATION: Legislative Building
401 S. Carson Street
Room 3138
Carson City, NV

Legislative Hearing Rooms Building
7120 Amigo Street
Room 6
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>
284.693	Removal of ineligible request for adjustment of grievance or complaint from procedure; notice; appeal.
284.0937	“Reassignment” and “reassign” defined.
284.358	Types of lists and required priority for use.
284.360	Certification and provision of certain lists by Division of Human Resource Management; certification of eligible persons on ranked or unranked lists or waiver of lists.
284.361	Use of lists and consideration of certified eligible persons: Applicable conditions.

284.405	Reassignment of employee with disability who is unable to perform essential functions of position with or without reasonable accommodation.
284.313	Limitation of competition in recruitment; applications.
284.374	Active lists: Removal and reactivation of names; no requirement or refusal to consider certain persons.
284.4375	Automatic advancement.
284.096	“Reinstatement” defined.
284.171	Rate of pay: Reinstatement.
284.386	Reinstatement of former permanent employee.
284.589	Administrative leave with pay.
NEW	Substantiating medical leave evidence; exception.

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 6

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 9:30 a.m. on July 11, 2025, at the Legislative Building, 401 S. Carson Street, Room 3138, Carson City, Nevada with videoconferencing to the Legislative Hearing Rooms Building, 7120 Amigo Street, Room 6, 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>
284.693	Removal of ineligible request for adjustment of grievance or complaint from procedure; notice; appeal.
284.0937	“Reassignment” and “reassign” defined.
284.358	Types of lists and required priority for use.
284.360	Certification and provision of certain lists by Division of Human Resource Management; certification of eligible persons on ranked or unranked lists or waiver of lists.
284.361	Use of lists and consideration of certified eligible persons: Applicable conditions.
284.405	Reassignment of employee with disability who is unable to perform essential functions of position with or without reasonable accommodation.
284.313	Limitation of competition in recruitment; applications.
284.374	Active lists: Removal and reactivation of names; no requirement or refusal to consider certain persons.
284.4375	Automatic advancement.
284.096	“Reinstatement” defined.
284.171	Rate of pay: Reinstatement.

- 284.386** Reinstatement of former permanent employee.
- 284.589** Administrative leave with pay.
- NEW** Substantiating medical leave evidence; exception.

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, Room 6

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 amendment, proposed by the Division of Human Resource Management (DHRM), will require an employee appealing the removal of a grievance to notify the Division with the request of appeal in the manner prescribed, within a reasonable and established timeframe, absent unusual circumstances. The intent of this amendment is to establish a timeframe to request an appeal, rather than leaving the timeframe open-ended.

NAC 284.693 Removal of ineligible request for adjustment of grievance or complaint from procedure; notice; appeal. (NRS 281.755, 284.065, 284.155, 284.384)

1. Except as otherwise provided in NAC 284.458, if the Division of Human Resource Management determines that a request for the adjustment of:

(a) A grievance is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, because the person who submitted the request is not a person described in subsection 2 of NAC 284.658 or because a hearing is provided for the grievance pursuant to federal law or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390; or

(b) A complaint is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, because the person who submitted the request is not a person described in paragraph (a) of subsection 4 of NRS 281.755,

the Division must take the actions described in subsection 2.

2. Except as otherwise provided in NAC 284.458, upon making a determination pursuant to subsection 1 that a request for the adjustment of a grievance or complaint is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, the Division must, as soon as practicable:

(a) Remove the request from the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive; and

(b) Provide to the person who submitted the request and the agency in which the grievance or complaint arose:

(1) Notice that the Division has determined that the request is not eligible for the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive, and an explanation for that determination;

(2) Notice that the Division has removed the request from the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive;

(3) If applicable, information relating to the appropriate procedure for resolving the person's concern; and

(4) Information relating to the person's right to appeal the determination to the Committee.

3. If the Division of Human Resource Management determines that a request for the adjustment of a grievance or complaint is not eligible for the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive, the person who submitted the request may appeal the determination to the Committee. *Absent any extenuating circumstances, the employee shall notify the Division of Human Resource Management of his or her request, in writing, to appeal the determination within 10 working days of receipt of the Division of Human Resource Management's response to the agency's request for removal of grievance.*

(Added to NAC by Personnel Comm'n by R076-15, eff. 4-4-2016; A by R033-17, 10-31-2017; R098-17, 6-26-2018)

Explanation of Proposed Change: The following amendments, proposed by the Division of Human Resource Management (DHRM), will clarify the reassignment process to be for those with a qualifying disability. This also requires an employee in the disability reassignment program to review and respond to identified positions in a reasonable and established timeframe, absent unusual circumstances. The amendments also clarifies the order of position searches so as not to “freeze” multiple positions at one time. The intent of this amendment is to expedite the disability reassignment process for both the employee and the agency.

Additionally, the amendment to NAC 284.358 separates several types of lists from the lists in (a), (b) and (c), which remain priority. The amendment will allow for the use of any other type of lists in any order requested by an agency.

NAC 284.0937 “~~Reassignment~~ *Disability reassignment*” and “*disability reassign*” defined. (NRS 284.065, 284.155, 284.305) “~~Reassignment~~ *Disability reassignment*” or “*disability reassign*” means a noncompetitive placement of an employee as a reasonable accommodation to a position within the same grade or, if a position in the same grade is not available, to a position in a class with a lower grade for which the employee meets the minimum qualifications and is able to perform the essential functions.

(Added to NAC by Personnel Comm'n by R097-16, eff. 11-2-2016)

NAC 284.358 Types of lists and required priority for use. (NRS 284.065, 284.155, 284.250, 284.305, 284.327)

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

- (a) Reemployment lists.
- (b) ~~Reassignment~~ *Disability reassignment* lists.
- (c) Lists of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327.

2. The following types of lists are available for use with no priority order requirement:

- ~~(d)~~ (a) Transfer lists *pursuant to NRS 284.3775*, at the option of the appointing authority.
- ~~(e)~~ (b) Divisional promotional lists.
- ~~(f)~~ (c) Departmental promotional lists.
- ~~(g)~~ (d) Statewide promotional lists.
- ~~(h)~~ (e) Lists of persons determined to be eligible from open competitive recruitments.
- ~~(i)~~ (f) Lists of eligible persons of comparable classes.

~~2.~~ 3. The names on each list must be used as prescribed in NAC 284.361.

~~3.~~ 4. Before filling a vacancy, an appointing authority shall contact the Division of Human Resource Management by telephone or electronic mail to determine if eligible persons are available for appointment through the lists referred to ~~in paragraphs (a), (b) and (c) of~~ subsection

1 before using any list referred to in ~~paragraphs (d) to (i), inclusive, of subsection 1~~ **subsection 2.**

~~4~~ **5.** The open and promotional lists referred to ~~in paragraphs (e) to (i), inclusive, of~~ subsection ~~1~~ **2** must be:

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

(b) Described in the publicized job announcement.

↪ The establishment of any other type of list from the initial recruitment must be in accordance with NAC 284.367.

[Personnel Div., Rule V § A, eff. 8-11-73]—(NAC A by Dep't of Personnel, 4-20-90; 7-6-92; A by Personnel Comm'n by R183-03, 1-27-2004; R034-17, 12-19-2017, eff. 1-1-2018; R121-17, 6-26-2018)

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~~ **4.** 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 *disability* reassignment lists pursuant to NAC 284.405.

3. If there are no *disability* 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)~~ **(b) to (f)**, inclusive, of subsection ~~1~~ **2** 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) A class designated in the classification plan as a class for which applicants for promotion are not normally available; or

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

8. 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)

NAC 284.361 Use of lists and consideration of certified eligible persons: Applicable conditions. (NRS 284.065, 284.155, 284.250, 284.305) When using lists of persons who are eligible and considering eligible persons who have been certified, the following conditions apply:

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

2. The Division of Human Resource Management shall integrate the name of a person who is eligible for *disability* reassignment pursuant to subsection 3 or 5 of NAC 284.405 with the names of employees who are placed on a *disability* reassignment list pursuant to subsection 4 or 6 of NAC 284.405 whenever there is a *disability* reassignment list certified to the agency that employed the person in his or her regular position.

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

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

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

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

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

6. When using ranked lists other than those for reemployment, the appointing authority shall attempt to communicate, as provided in NAC 284.373, with at least 5 persons in the first 10 ranks to determine their availability and qualifications. The names on each type of list must be considered before names from the next succeeding list. If there are fewer than 10 ranks with persons who are available for appointment on a given list and the appointing authority requests a full complement of 10 ranks, the name or names at the top of the next succeeding list must be combined with those on the preceding list to establish 10 eligible ranks with persons who are available for appointment. Except as otherwise provided in subsection 8, all competitive appointments from ranked lists must be made from the persons who:

- (a) Are in a rank of persons who received the 10 highest scores on the examination; and
- (b) Are available for appointment.

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

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

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

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

(c) A new recruitment may be conducted.

(d) A provisional appointment may be made only if the requirements of NAC 284.406 are met.

[Personnel Div., Rule V § F, eff. 8-11-73; A 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 11-16-95; 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R069-02, 8-14-2002; R183-03, 1-27-2004; R025-13, 10-23-2013; R034-17, 12-19-2017, eff. 1-1-2018; R121-17, 6-26-2018; R015-19, 12-30-2019)—(Substituted in revision for NAC 284.378)

NAC 284.405 ~~Reassignment~~ Disability 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 *disability* 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 *disability* reassignment rights pursuant to this section.

2. Before an appointing authority commences the *disability* 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 *disability* 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.~~ *conduct a search for vacant or soon to be vacant positions at the grade of the current position of the employee that the employee meets the minimum qualifications. The Division of Human Resource Management shall only conduct a search in the jobs that the employee has indicated his or her willingness to accept. When a position is identified, the employee shall be placed on a disability reassignment list for the position. If more than one position is identified at the grade of the current position of the employee, the employee shall be placed on the disability reassignment list for the position that has been determined to have been vacant the longest.* 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 *disability* 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 *disability* 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]~~ *conduct a search for vacant or soon to be vacant positions at or below the grade of the current position of the employee that the employee meets the minimum qualifications. The Division of Human Resource Management shall only conduct a search in the jobs (formerly classes) the employee has indicated his or her willingness to accept. When a position is identified, the employee shall be placed on a disability reassignment list for the position. If more than one position is identified at or below the grade of the current position of the employee, the employee shall be placed on the disability reassignment list for the position at the highest grade and within that highest grade, the position that has been determined to have been vacant the longest.* If 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 *disability* 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. *Upon notification of the identification of a position pursuant to subsections 4 and 6 and being provided the essential functions of the identified position for review, the employee must:*

(a) Review the provided essential functions for the identified position to determine if he or she can perform the essential functions of the identified position(s) with or without reasonable accommodation; and

(b) Respond in the mutually agreed upon method of communication to the Division of Human Resource Management within 3 working days of receipt of the essential functions, absent unusual circumstances, as to whether he or she can perform the essential functions of the identified position(s) with or without reasonable accommodation.

9. *Except as otherwise provided in subsection 13(g), all parties to the interactive process as defined by NAC 284.120, absent unusual circumstances, must respond to all necessary communications within 5 working days from receipt.*

10. 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.

~~11~~ 11. After the *disability* 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.

~~12~~ 12. The *disability* 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.

~~13~~ 13. Except as otherwise provided in subsection 7, *disability* 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.

(g) Fails to respond in the mutually agreed upon method of communication to the Division of Human Resource Management within 3 working days of receipt of the essential functions, absent unusual circumstances, as to whether he or she can perform the essential functions of the identified position with or without reasonable accommodation.

~~12~~ 14. The provisions of this section do not prohibit an employee from accepting another position through a competitive or noncompetitive appointment.

~~13~~ 15. 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; 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)

Explanation of Proposed Change: The following amendments, proposed by the Division of Human Resource Management (DHRM), remove the 5:00 pm deadline for submission of an application. The amendments also allow a classified employee to apply for a promotional recruitment anytime after being hired into state service without the 6-month prerequisite criteria.

NAC 284.313 Limitation of competition in recruitment; applications. (NRS 284.065, 284.155, 284.295)

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

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

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

4. The incomplete or improper completion of an application that affects the ability of the Division of Human Resource Management to determine the qualifications of the applicant, including the failure to designate the locations where the applicant will work and other criteria or conditions, is cause for the rejection of the applicant.

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

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

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

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

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

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

9. Applications and accompanying documents are the property of the Division of Human Resource Management.

[Personnel Div., Rule IV § F, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-14-88; 8-1-91; 7-6-92; A by Personnel Comm'n by R183-03, 1-27-2004; R144-05, 12-29-2005)

Explanation of Proposed Change: Current interpretation is that the “term of eligibility” is a period of 12 months from the time a candidate is determined to be eligible. The following amendments, proposed by the Division of Human Resource Management (DHRM), codify this interpretation in regulation and also leave room for flexibility in the future.

NAC 284.374 Active lists: Removal and reactivation of names; no requirement or refusal to consider certain persons. (NRS 284.065, 284.155, 284.250, 284.295)

1. The names of eligible persons may be removed from the active lists for any of the following causes:

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

(b) Expiration of the term of eligibility *as determined by the Administrator*;

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

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

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

(f) Any of the causes listed in NRS 284.240 pursuant to which the Administrator may refuse to examine an applicant or, after examination, may refuse to certify an eligible person; or

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

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

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

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

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

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

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

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

[Personnel Div., Rule V § E, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 12-26-91; 7-1-94; 8-16-96, eff. 10-1-96; A by Personnel Comm'n by R069-02, 8-14-2002; R182-03, 1-27-2004; R143-05 & R144-05, 12-29-2005; R023-13, 10-23-2013; R036-17, 12-19-2017; R164-18 & R175-18, 1-30-2019)

Explanation of Proposed Change: The following amendments, proposed by the Division of Human Resource Management (DHRM), will clarify automatic advancement.

NAC 284.4375 Automatic advancement. (NRS 284.065, 284.155, 284.175)

1. For the purposes of this section, “automatic advancement” or “automatically advanced” means the progression of an employee *in an underfill position to the next level or* the authorized grade of the position ~~[,but not exceeding the journey level]~~. Automatic advancement occurs without recruitment and may occur without examination. It is based upon the ~~employee’s~~ *employee:*

(a) Meeting minimum qualifications;

(b) ~~[Satisfactory performance]~~ *Receiving a standard or above standard on most recent evaluation in the 12 months preceding requested date of automatic advancement;* and

(c) ~~[Endorsement]~~ *Obtaining endorsement* by his or her appointing authority.

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

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

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

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

3. An employee returning from a military leave of absence pursuant to NRS 284.359 to a position that provides for automatic advancement must successfully complete the probationary period for the position before receiving automatic advancement. ~~[Automatic]~~ *After successful completion of the probationary period, automatic* advancement must be granted to the employee as of the date on which permanent status would have been granted if the employee had not taken a military leave of absence.

4. Any retroactive adjustments pursuant to this section shall not exceed 6 months from the date on which the Division of Human Resource Management receives the request.

[Personnel Div., Rule I § C subsec. 23, eff. 4-14-76; + Rule III part § G, eff. 8-11-73; A 4-14-76]—(NAC A by Dep’t of Personnel, 10-26-84; 7-21-89; 11-16-95; R147-01, 1-22-2002; A by Personnel Comm’n by R141-07, 1-30-2008; R133-12, 10-4-2013)

Explanation of Proposed Change: The following amendments to NAC 284.096, proposed by the Division of Human Resource Management (DHRM), expand reinstatements to allow for all types of appointments and clarify that reinstatements are appointments of a former employee at or below the grade previously held. The amendment to NAC 284.171 adds “current” to the base rate of pay most recently held in order to handle situations when the base rate of pay has changed since the employee left state service.

NAC 284.096 “Reinstatement” defined. (NRS 284.065) “Reinstatement” means ~~[a noncompetitive]~~ *an* appointment of a former permanent employee to a class ~~[he or she formerly held or to a similar class at or below their previous grade]~~ *with a grade at or below the grade of the class previously held.*

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 8-1-91)

NAC 284.171 Rate of pay: Reinstatement. (NRS 284.065, 284.155, 284.175) Except as otherwise provided in NAC 284.204 and 284.206, if an employee is reinstated, the employee's base rate of pay must be set at or below the *current* base rate of pay of the position which the employee most recently held with the State.

(Added to NAC by Personnel Comm'n by R133-12, eff. 10-4-2013)

Explanation of Proposed Change: The following amendments, proposed by the Division of Human Resource Management (DHRM), requires the Division to approve all reinstatements.

NAC 284.386 Reinstatement of former permanent employee. (NRS 284.065, 284.155, 284.305)

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

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

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

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

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

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

[Personnel Div., Rule VI § C, eff. 8-11-73; A 10-10-76]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 10-18-89; 11-12-93; 10-27-97; A by Personnel Comm'n by R183-03, 1-27-2004; R009-14, 6-23-2014)

Explanation of Proposed Change: The following amendment, proposed by the Division of Human Resource Management (DHRM), will broaden the veteran benefit to include appeal hearings that relate to appointments that determine if the employee has a service-connected disability. This will align the intent of the policy and would help allay any potential concerns that supervisors might have regarding veteran employees who wish to utilize this benefit for an appeal hearing based on the current provisions.

NAC 284.589 Administrative leave with pay. (NRS 284.065, 284.155, 284.345, 284.383, 284.385, 284.390)

1. An appointing authority may grant administrative leave with pay to an employee:

(a) To relieve the employee of his or her duties during the active investigation of a suspected criminal violation or the investigation of alleged wrongdoing;

(b) For up to 30 days when the appointing authority initiates the leave to obtain the results of an examination concerning the ability of the employee to perform the essential functions of his or her position;

(c) For up to 30 days to remove the employee from the workplace when he or she has committed or threatened to commit an act of violence; or

(d) To relieve the employee of his or her duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065.

2. The appointing authority, upon approval of the Risk Management Division, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.

3. If an employee is granted administrative leave with pay pursuant to subsection 1 or 2, the employee must be available:

(a) By telephone to the supervisor of the employee; and

(b) To report to a work site or another location, as directed by the supervisor of the employee, during regular business hours.

4. Except as otherwise provided in subsection 6, an appointing authority or the Division of Human Resource Management may grant administrative leave with pay to an employee for any of the following purposes:

(a) His or her participation in, or attendance at, activities which are directly or indirectly related to the employee's job or employment with the State but which do not require him or her to participate or attend in an official capacity as a state employee.

(b) His or her safety during an emergency when employees have been authorized by the Governor not to report to work or to leave work before the end of their shifts during the emergency, including, without limitation, emergencies relating to enemy attacks or other hostile actions, natural causes or other catastrophes, except for employees who are designated as essential and notified that they are required to report to work or remain at work.

(c) Closure of the employee's office or work site caused by a natural disaster, pandemic or other similar adverse condition when the employee is scheduled and expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(d) Closure, as a result of a pandemic, of a school or a center or facility that provides day care services which is attended by the employee's dependent child or the temporary cancellation, as a result of a pandemic, of a program attended by the employee's dependent child. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(e) Up to 2 hours for participating in Veterans Day at the Legislature established pursuant to NRS 236.047, if the employee is a veteran.

(f) Up to 2 hours for donating blood.

(g) For attending a general employee benefits orientation or an educational session relating to employee benefits, including, without limitation, retirement and deferred compensation.

(h) His or her appearance as an aggrieved employee, an employee who filed a complaint described in NAC 284.658 or a witness at a hearing of the Committee.

(i) His or her appearance as a witness at a hearing regarding a matter described in subparagraph (1), (2) or (3) of paragraph (f) of subsection 7.

(j) His or her appearance to provide testimony at a meeting of the Commission.

5. To the extent not already covered in subsection 4, during any period in which a state of emergency or declaration of disaster has been proclaimed pursuant to NRS 414.070, an appointing authority may grant administrative leave with pay to an employee for purposes related to health and safety.

6. An appointing authority or the Division of Human Resource Management shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (h), (i) or (j) of subsection 4 if:

(a) The employee requests the administrative leave for a period of time that is reasonably needed to testify at the hearing or meeting;

(b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and

(c) The absence of the employee will not cause an undue hardship to the operations of the appointing authority or adversely impact the provision of services to clients or to the public.

7. An appointing authority shall grant administrative leave with pay to an employee for any of the following purposes:

(a) The initial appointment and one follow-up appointment if the employee receives counseling through an employee assistance program, including, without limitation, consultations provided in person or telephonically.

(b) His or her attendance at a health fair or related event coordinated by the Public Employees' Benefits Program.

(c) His or her participation in an official capacity as a member of a committee or board created by statute on which he or she serves as a representative of state employees, including, without limitation, any time spent reviewing materials submitted in connection with any agenda item or otherwise preparing for the meeting. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.

(d) Up to 8 hours for preparation for any predisciplinary review.

(e) Up to 8 hours for preparation for any hearing described in paragraph (f).

(f) The appearance of the employee as a party at a hearing regarding:

(1) An alleged reprisal or retaliatory action against the employee for disclosing an improper governmental action as provided in NRS 281.641;

(2) An involuntary transfer of the employee as provided in NRS 284.376; or

(3) A suspension, demotion or dismissal of the employee as provided in NRS 284.390 and at a predisciplinary review as provided in NAC 284.6561.

8. In addition to any leave to which an employee is entitled pursuant to paragraph (a) of subsection 7, an appointing authority or the Division of Human Resource Management shall grant up to 96 hours of administrative leave with pay to an employee who is a veteran during the first 12 months of his or her employment for:

(a) Attending an appointment with a provider of health care for purposes of determining whether he or she has a service-connected disability; or

(b) Receiving health care services relating to a service-connected disability.

(c) Attending an appeal hearing related to the determination of a service-connected disability.

9. As used in this section:

(a) “Health care services” means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease, including, without limitation, mental health services.

(b) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 8-28-85; 4-20-90; A by Personnel Comm’n, 8-1-91; A by Dep’t of Personnel, 9-13-91; 12-26-91; 11-12-93; 3-23-94; 11-16-95; 10-27-97; R042-99, 9-27-99; R058-01, 9-6-2001; A by Personnel Comm’n by R038-03, 10-30-2003; R183-03, 1-27-2004; R145-05, 12-29-2005; R141-07, 1-30-2008; R061-09 & R081-09, 10-27-2009; R063-09, 11-25-2009; R058-10, 10-15-2010; R137-13, 6-23-2014; R042-15, 12-21-2015; R033-17, 10-31-2017; R150-17, 6-26-2018; R016-19, 12-30-2019; R047-20, 7-6-2020)

Explanation of Proposed Change: The following addition, proposed by the Division of Human Resource Management (DHRM), will give authority to an appointing authority to request reasonable substantiating evidence for any leave type related to incapacity due to physical, mental or emotional disorder or for a qualifying family member’s incapacity due to physical, mental, or emotional disorder except for annual leave or for compensatory time.

NEW Substantiating medical leave evidence; exception.

An appointing authority may request an employee to submit reasonable medical evidence substantiating incapacity due to physical, mental or emotional disorder of an employee, or his or her immediate family member, not otherwise explicitly authorized in Chapter 284 of the Nevada Administrative Code, except as restricted by Nevada Revised Statute or federal law.



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
515 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 687-9085

Regulation Small Business Impact Statement

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

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

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

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

Bachera Washington
Bachera Washington, Administrator

June 25, 2025
Date