



**DEPARTMENT OF PERSONNEL**  
**209 East Musser Street, Room 101**  
**Carson City, Nevada 89701-4204**  
**(775) 684-0150**  
**<http://dop.nv.gov>**

**MEMO PERD #25/08**

April 23, 2008

TO: Designees for Rules Distribution

FROM: Todd Rich, Director *T. R. Rich*  
Department of Personnel

SUBJECT: REVISION #3, RULES FOR STATE PERSONNEL  
ADMINISTRATION

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Attached is Revision # 3 to the *Rules for State Personnel Administration*. All changes resulted from regulations adopted by the Personnel Commission at the March 21, 2008. The regulations at the March Personnel Commission meeting went into effect on April 17, 2008.

This revision can be added to your rulebooks by replacing the existing page with a similarly numbered page. In addition, the complete text of the *Rules for State Personnel Administration* is available on our website at [www.dop.nv.gov](http://www.dop.nv.gov). Revisions # 1 - 3 are also available separately on the website for downloading or printing to update an existing hardcopy.

Corrected pages with corresponding section of the rulebook are listed in the chart below:

SECTION	PAGE NOS.
Classification	5 - 8
Attendance and Leaves	23 - 24
Practice before the Department of Personnel	3 - 4

Please ensure everyone on your distribution list receives a copy. If you have any questions regarding this information, please contact Paula Scheufler at (775) 684-0149 or [pscheufler@dop.nv.gov](mailto:pscheufler@dop.nv.gov).

Thank you for your assistance.

Attachment  
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- (c) Retains his pay progression date; and
- (d) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.

2. The rate of pay for employees who are promoted will be determined in accordance with the provisions of NAC 284.170 governing an employee's pay on promotion.

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

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

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

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

1. If a class or position is reclassified to a lower grade, the incumbent's title and grade must be changed to the new class. He will retain his status of appointment and pay progression date. The rate of pay will be determined by the provisions of NAC 284.290 governing an employee's pay on retained rates or, if the employee does not meet these requirements, by the provisions of NAC 284.170 governing an employee's pay on demotion.

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

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

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

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

**NAC 284.150 Class specifications. (NRS 284.065, 284.155, 284.384)**

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

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

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

4. The qualifications which are required for a particular class are the standards for the evaluation of applications for positions in that class. The Department of Personnel may, after

consulting with appointing authorities, interpret these qualifications so that qualifications which are equivalent to those which are specified for the class may be accepted. The interpretation of qualifications which are considered equivalent must not circumvent the principles of selection on the basis of merit.

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

- (a) So indicated for the position at the time of public notice or appointment; or
- (b) Written notice of the required qualifications is given to the employee.

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

[Personnel Div., Rule II § H, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 8-1-91; 7-6-92; 7-1-94)

**NRS 284.165 states in part, "Allocation of positions;...**

2. Any employee affected by the allocation of a position to a grade or class or by a change in classification, after filing with the Director a written request for reconsideration thereof, must be given a reasonable opportunity to be heard thereon by the Director.

3. Any employee who is aggrieved by the Director's decision concerning an allocation or change in classification is entitled to have the decision reviewed by the Commission if the employee submits a written request to the Commission for such a review not later than 30 days after the Director's decision."

**NAC 284.152 Appeal of allocation of position or change in classification. (NRS 284.065, 284.155, 284.384)**

1. An employee affected by the allocation of a position to a grade or class or by a change in classification as a result of a study regarding classifications, or the agency where such actions have occurred, may, within 20 working days after the date of receipt of written notice of the action, file a written appeal of the action with the Director. The appeal must:

- (a) Address the points outlined in the Department of Personnel's recommendation regarding the proper classification for the position in question; and
- (b) Indicate the points with which the appellant disagrees and express the reasons *for the disagreement*.

2. The Director will issue a decision on the appeal within 20 working days after he receives the appeal unless:

- (a) He is prohibited from doing so because of the number of appeals resulting from a study regarding classifications;
- (b) There is an agreement with the appellant to extend the limitation of time for the issuance of the decision; or
- (c) The Director delegates the duty to decide the appeal to a designated representative pursuant to subsection 3.

3. The Director may delegate the duty to decide the appeal to a designated representative if the Director is unavailable or reasonably believes he has a conflict of interest. If the Director makes such a delegation, the designated representative shall issue a decision on the appeal within 20 working days after the Director received the appeal.

4. The appellant or the agency affected by the decision may, within 30 days after receipt of written notice *of* the decision of the *Director or his designated representative, appeal the decision to the Commission. The appeal must:*

- (a) *Be in writing;*
- (b) *Be addressed to the Director;*
- (c) *Address the points outlined in the decision regarding the proper classification for the position in question; and*

***(d)Indicate the points with which the appellant or the agency disagrees and express the reasons for the disagreement.***

(Added to NAC by Dep't of Personnel, eff. 9-17-87; A 3-1-96; R031-98, 4-17-98; R203-07, 4-17-2008)

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- (1) Within 8 hours before the time at which he is to appear for jury duty; or
- (2) If his service has lasted for 4 hours or more on the day of his appearance for jury duty, including his time going to and returning from the place where the court is held, between 5 p.m. on the day of his appearance for jury duty and 3 a.m. the following day.

È Any person who violates the provisions of this subsection is guilty of a misdemeanor.

4. Each summons to appear for jury duty must be accompanied by a notice to the employer of the person summoned. The notice must inform the employer that the person has been summoned for jury duty and must include a copy of the provisions of subsections 1, 2 and 3. The person summoned, if he is employed, shall give the notice to his employer at least 3 days before he is to appear for jury duty.

5. Except as otherwise provided in this section, any person who in any manner dissuades or attempts to dissuade a person who has received a summons to appear for jury duty from serving as a juror is guilty of a misdemeanor.

**NRS 50.070 states in part, “Termination or threat of termination of employment because of service as witness prohibited; penalty; remedies.**

1. Any person, corporation, partnership, association or other entity who is:

(a) An employer; or

(b) The employee, agent or officer of an employer, vested with the power to terminate or recommend termination of employment, of a person who is a witness or who has received a summons to appear as a witness in a judicial or administrative proceeding, who deprives the witness or person summoned of his employment, as a consequence of his service as a witness or prospective witness, or who asserts to the witness or person summoned that his service as a witness or prospective witness will result in termination of his employment, is guilty of a misdemeanor.”

**NAC 284.582 Civil leave with pay to serve on jury or as witness. (NRS 284.065, 284.155, 284.175, 284.345)**

1. Except as otherwise provided in subsection 2, civil leave with pay must be granted to any employee who is required, during his normal hours of work, to serve:

(a) On a jury; or

(b) As a witness in a court or at an administrative hearing if he is not a party to the action and the action is not related to his job.

↪ The period of the leave must not be deducted from the balance of his *sick leave* or annual leave. An employee who is granted the leave must receive his regular pay while on the leave, and he may retain any fee paid to him for his service as a juror or witness.

2. If an employee, in his official capacity as a state employee and as part of his required duties, serves as a witness during his regular working hours, he shall accept any witness fee offered to him and relinquish it to the agency by which he is employed.

3. If an employee is paid travel expenses and subsistence allowances by the court or public agency for which he performs service as a witness, he may retain that payment only if the State has not provided him payment for the same purpose. If the State has provided him such a payment, he shall relinquish it to the agency by which he is employed.

4. ***In accordance with NRS 6.190, an*** agency shall attempt to adjust the working hours of employees who work night shifts and are called as witnesses or for jury duty during the day. If an agency feels this is impractical, in the case of jury duty, it shall petition the court to excuse the juror.

[Personnel Div., Rule VII § E subsec. 5, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 12-13-83, 10-26-84; 5-27-86; R147-01, 1-22-2002; A by Personnel Comm’n by R145-05, 12-29-2005; R203-07, 4-17-2008)

**NRS 293.463 states, “Employees may absent themselves from employment to vote: Procedure; penalty.**

1. Any registered voter may absent himself from his place of employment at a time to be designated by the employer for a sufficient time to vote, if it is impracticable for him to vote before or after his hours of employment. A sufficient time to vote shall be determined as follows:

(a) If the distance between the place of such voter’s employment and the polling place where such person votes is 2 miles or less, 1 hour.

(b) If the distance is more than 2 miles but not more than 10 miles, 2 hours.

(c) If the distance is more than 10 miles, 3 hours.

2. Such voter may not, because of such absence, be discharged, disciplined or penalized, nor shall any deduction be made from his usual salary or wages by reason of such absence.

3. Application for leave of absence to vote shall be made to the employer or person authorized to grant such leave prior to the day of the election.

4. Any employer or person authorized to grant the leave of absence provided for in subsection 1, who denies any registered voter any right granted under this section, or who otherwise violates the provisions of this section, is guilty of a misdemeanor.”

**NAC 284.586 Civil leave with pay to vote. (NRS 284.065, 284.155, 284.345, 293.463)**

Civil leave with pay must be granted to allow an employee time off to vote subject to the conditions established in NRS 293.463. If an employee determines he will need time off to vote, he must submit a request for civil leave with pay to the person authorized to grant such leave before the day of the election.

[Personnel Div., Rule VII § E subsec. 7, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; A by Personnel Comm’n by R145-05, 12-29-2005)

**NRS 281.147 states, “Leave of absence for duty as American National Red Cross disaster technician.** Any public officer or employee of the State or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is classified by the American National Red Cross as a disaster technician must be relieved from his duties, upon the request of the American National Red Cross and the approval of his employer, to assist the American National Red Cross during an emergency or disaster described in NRS 414.020 which occurs in this state or California, Oregon, Idaho, Utah or Arizona, without loss of his regular compensation for a period of not more than 15 working days in any calendar year. No such absence may be a part of the annual vacation of the public officer or employee which is provided for by law.”

**NRS 284.357 states, “Deduction from salary for service during working hours as volunteer firefighter, volunteer medical technician, volunteer reserve member of police department or sheriff’s office or volunteer ambulance driver or attendant prohibited.**

1. All employees, whether in the classified or in the unclassified service of the State of Nevada, must be paid their salaries as fixed by law without diminution on account of any time spent away from state employment while acting as:

(a) Volunteer firefighter of any regular organized and recognized fire department in the protection of life or property;

(b) Volunteer emergency medical technicians certified pursuant to chapter 450B of NRS;

(c) Volunteer reserve members of a police department or a sheriff’s office; or

(d) Volunteer ambulance drivers or attendants,

↪ during working hours or fractions thereof which should otherwise have been devoted to state employment.

As used in this section, “volunteer ambulance driver or attendant” means a person who is a

**NAC 284.788 Conduct of hearings on appeal. (NRS 284.065, 284.155, 284.376, 284.390)**

1. Except as otherwise provided in subsection 2, all hearings on appeals must be open to the public.

2. On the motion of either party, the hearing officer shall exclude from the hearing room witnesses in the matter not at the time under examination except the parties to the proceeding. No hearing may be closed to the public except on motion of either party for good cause shown.

3. A document or piece of physical evidence sought to be introduced during the hearing must first be identified for the record and the hearing officer may request the production of such records and the appearance of such persons as he requires.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

**NAC 284.794 Evidence. (NRS 284.065, 284.155, 284.376, 284.390)**

1. The hearing officer shall determine the evidence upon the charges and specifications as set forth by the appointing authority in the appropriate documents, and shall not consider any additional evidence beyond the scope of the charges.

2. An employer's or employee's past performance by way of an act or a failure to act may be shown by competent evidence.

3. Reports, evaluations, and other written evidence may be considered only upon a showing that the parties were made aware of the contents of this material.

4. All testimony and exhibits offered at the hearing must be relevant and bear upon the matter in contention. Any testimony or exhibits which are considered by the hearing officer as not meeting this criterion may properly be excluded.

5. The hearing officer shall also consider the objection of either side to the introduction of evidence. Competence and relevance must be the primary test in ruling on objections.

[Personnel Div., Hearings Procedures § (A) subsecs. (3) & (4), eff. 11-28-65; A 6-9-74; + Rule XVI part § C, eff. 9-6-74]—(NAC A by Dep't of Personnel, 10-26-84)

**NAC 284.798 Decision must be based on evidence presented. (NRS 284.065, 284.155, 284.376, 284.390)** The hearing officer shall make no assumptions of innocence or guilt but shall be guided in his decision by the weight of the evidence as it appears to him at the hearing.

[Personnel Div., Hearings Procedures § (A) subsec. (5), eff. 11-28-65; A 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84)

**NAC 284.802 Form of testimony. (NRS 284.065, 284.155, 284.376, 284.390)**

1. At the beginning of his testimony, each witness who has not previously testified in the hearing must be required to state his name, address and business, employment or position.

2. Testimony may be presented in the form of a statement or questions and answers.

3. The hearing officer may have the testimony recorded and transcribed.

[Personnel Div., Hearings Procedures § (A) subsecs. (6) & (8), eff. 11-28-65; A 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84; R082-00, 8-2-2000)

**NAC 284.806 Evidence must be authenticated. (NRS 284.065, 284.155, 284.376, 284.390)** Any letter, paper or object offered in evidence must be properly authenticated and, if received, must be marked by the reporter with a distinguishing number or letter, such as "Employee's Exhibit 1" or "Employer's Exhibit A." The representative for the opposing party is entitled to examine the exhibit when it is offered.

[Personnel Div., Hearings Procedures § (A) subsec. (7), eff. 11-28-65]—(NAC A by Dep't of Personnel, 10-26-84)

**NAC 284.814 Appearance and procedure at hearing. (NRS 284.065, 284.155, 284.376, 284.390)**

1. A party may appear in person and may be represented by an attorney or another person of his choice, if the party chooses not to represent himself.



2. All testimony must be under oath administered by the hearing officer.
  3. The matter must be heard in the following manner:
    - (a) Opening statement for the employer.
    - (b) Opening statement for the employee, unless reserved.
    - (c) Presentation of the employer's case, followed by cross-examination.
    - (d) Presentation of the employee's case, followed by cross-examination.
    - (e) The parties may respectively offer rebutting testimony only, unless the hearing officer permits additional evidence upon the original cause.
    - (f) Argument for the employer.
    - (g) Argument for the employee.
    - (h) Closing argument for the employer.
    - (i) Submission of the case for decision.
- [Personnel Div., Hearings Procedures § (B) subsec. (3), eff. 11-28-65; A 4-15-73; 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 3-23-94)

**NAC 284.818 Decision by hearing officer. (NRS 284.065, 284.155, 284.376, 284.390)**  
 At the conclusion of the hearing, the hearing officer shall take the case under submission and shall notify the parties in writing within 30 days from the date of the hearing of the hearing officer's findings and recommendations.  
 [Personnel Div., Hearings Procedures § (B) subsec. (4), eff. 11-28-65; A 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84)

### **Adoption, Amendment or Repeal of Regulations**

**NAC 284.826 Notice. (NRS 284.065)** Notice given pursuant to NRS 233B.060 will be provided by mailing to all heads of departments and persons who have requested in writing that they be placed on the Department of Personnel's mailing list maintained for this purpose.  
 [Personnel Div., Rule XVII § B subsec. 3, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84)

**NAC 284.830 Presentation and contents of petitions. (NRS 284.065)**

1. Petitions to initiate the adoption, amendment or repeal of a regulation must be presented in writing in a letter addressed to the Director at least **120** days before a regularly scheduled meeting of the Commission.
2. Petitions to protest the adoption, amendment or repeal of a regulation must be presented in writing in a letter addressed to the Director at least 20 days before a regularly scheduled meeting of the Commission.
3. Such a petition must contain or be accompanied by relevant data, views and arguments. If a petition is for a new regulation or an amendment to an existing regulation, the petitioner shall also submit the proposed language.

[Personnel Div., Rule XVII § C subsecs. 1 & 2 + Rule XVII § D subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 8-14-90; R203-07, 4-17-2008)

**NAC 284.834 Action on petitions to initiate adoption, amendment or repeal. (NRS 284.065)** When a petition is submitted to initiate the adoption, amendment or repeal of a regulation pursuant to NAC 284.830, the Department of Personnel will, within 30 days, either deny the petition in writing, stating its reasons, or initiate procedures for the adoption, amendment or repeal of a regulation pursuant to NRS 233B.060. An oral hearing will be granted to any interested person who will be directly affected by the proposed regulation.  
 [Personnel Div., Rule XVII § C subsec. 3, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 8-14-90)