




DEPARTMENT OF PERSONNEL
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MEMORANDUM
PERD #43-10

TO: Designees for Rules Distribution

FROM: Teresa J. Thienhaus, Director
Department of Personnel 

DATE: July 27, 2010

SUBJECT: Revision #10, Rules for State Personnel Administration

Attached is Revision #10 to the *Rules for State Personnel Administration* (NRS and NAC Chapter 284). Changes reflect regulations that were approved by the Legislative Commission's Subcommittee to Review Regulations on June 30, 2010. Updates to the table of contents are also included.

This revision can be added to your rulebook by replacing the existing page with a similarly numbered page. Revisions 1-10 are also available separately on our website at www.dop.nv.gov for downloading and printing to update an existing hardcopy. In addition, the complete text of the *Rules for State Personnel Administration* with updates will be available soon on our website.

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

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Thank you for your assistance.

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TJT:me/vk

cc: Department Directors
Division Administrators
Agency Personnel Liaisons
Agency Personnel Representatives

CHAPTER 284

STATE PERSONNEL SYSTEM

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NRS REFERENCES

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NAC 284.0525 “Continuous service” defined. (NRS 284.065) “Continuous service” means service which is not broken by a separation except for those separations listed in NAC 284.598.

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

NAC 284.053 “Date of hire” defined. (NRS 284.065) “Date of hire” means the date an employee begins or, after a break in service, resumes his paid employment with the State.

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

NAC 284.0533 “Dating relationship” defined. (NRS 284.065) “Dating relationship” means an intimate association primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

(Added to NAC by Dep’t of Personnel by R058-01, eff. 9-6-2001; A by Personnel Comm’n by R183-03, 1-27-2004)

NAC 284.0535 “Day” defined. (NRS 284.065) “Day” means a calendar day.

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

NAC 284.054 “Demotion” defined. (NRS 284.065) “Demotion” means any movement of an employee to a class having a lower grade than the class previously held.

[Personnel Div., Rule I § D subsec. 11, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84)

NAC 284.055 “Department” defined. (NRS 284.065) “Department” means:

1. An agency in the Executive Branch of State Government which is designated as a department by statute;
2. The Nevada System of Higher Education; and
3. Any state board or commission which employs classified workers.

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

NAC 284.056 “Director” defined. (NRS 284.065) “Director” means the Director of the Department of Personnel.

[Personnel Div., Rule I § D subsec. 1, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84)—(Substituted in revision for NAC 284.014)

NAC 284.058 “Eligible person” defined. (NRS 284.065) “Eligible person” means any person who applies, is eligible, competes and successfully passes all phases of an examination and is placed on an appropriate eligible list.

[Personnel Div., Rule I § D subsec. 12, eff. 8-11-73]

NAC 284.062 “Employee” defined. (NRS 284.065) “Employee” means a person legally holding a position in the public service as defined in NRS 284.015.

[Personnel Div., Rule I § D subsec. 13, eff. 8-11-73]

NAC 284.063 “Entry level” defined. (NRS 284.065) “Entry level” means a class in which supervision is not a required duty or responsibility of the positions allocated to the class. The term includes any trainee level and the journey level.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A by Personnel Comm’n by R024-05, 10-31-2005)

INFORMATIONAL NOTE: NRS 284.148 “Unclassified and classified service: Persons exempt pursuant to Fair Labor Standards Act of 1938; determination of exempt positions by department.” may be found preceding NAC 284.242.

NAC 284.0637 “Exempt classified employee” defined. (NRS 284.065) “Exempt classified employee” means an employee in the classified service described in subsection 2 of NRS 284.148.

(Added to NAC by Dep’t of Personnel, eff. 3-23-94; A by R147-01, 1-22-2002)

NAC 284.0638 “Exempt unclassified employee” defined. (NRS 284.065) “Exempt unclassified employee” means an employee in the unclassified service described in subsection 1 of NRS 284.148.

(Added to NAC by Dep’t of Personnel, eff. 3-23-94; A by R147-01, 1-22-2002)

NAC 284.0639 “Full-time employee” defined. (NRS 284.065) “Full-time employee” means an employee whose work schedule is 100 percent of the full-time equivalent established for the employee’s pay class designation.

(Added to NAC by Dep’t of Personnel by R147-01, eff. 1-22-2002)

NAC 284.064 “Full-time employment” defined. (NRS 284.065) “Full-time employment” means a work schedule that is 100 percent of the full-time equivalent established for the pay class designation.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 9-13-91; R147-01, 1-22-2002)

NAC 284.065 “Full-time equivalency” and “full-time equivalent” defined. (NRS 284.065) “Full-time equivalency” or “full-time equivalent” means:

1. For a nonexempt employee, the number of hours authorized by the Department of Personnel for the nonexempt employee’s position, divided by the number of base hours established for the position’s pay class designation.

2. For an exempt classified employee or an exempt unclassified employee, the number of days authorized by the Department of Personnel for the employee’s position, divided by the number of base days established for the position’s pay class designation.

(Added to NAC by Dep’t of Personnel by R147-01, eff. 1-22-2002)

NEW: “Genetic information” defined. (NRS 284.065) “Genetic information” means information:

1. That is obtained from genetic testing of a person;
2. That is obtained from genetic tests of a family member of a person; or
3. Relating to the manifestation of a disease of disorder in a family member of a person.

(Added to NAC by Personnel Comm’n by R055-10, 6-30-2010)

NAC 284.066 “Grade” defined. (NRS 284.065) “Grade” means the number assigned by the Department of Personnel to identify the range of pay for a class.

[Personnel Div., Rule I § D subsec. 15, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; R147-01, 1-22-2002)

NAC 284.0663 “Holiday” defined. (NRS 284.065) “Holiday” means a day that is designated to be a legal holiday pursuant to NRS 236.015.

(Added to NAC by Dep’t of Personnel by R147-01, eff. 1-22-2002)

NAC 284.0665 “Individual classification study” defined. (NRS 284.065) “Individual classification study” means a classification study initiated by an employee of this State, an agency of this State or the Department of Personnel which is based upon a new position or a

significant change that has occurred in an existing position.

(Added to NAC by Dep't of Personnel, eff. 10-27-97)

NAC 284.067 “Innovative workweek” defined. (NRS 284.065) “Innovative workweek” means a work schedule that differs from a standard or nonstandard workweek.

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

NAC 284.068 “Insurer” defined. (NRS 284.065) “Insurer” has the meaning ascribed to it in NRS 616A.270.

(Added to NAC by Dep't of Personnel by R197-99, eff. 1-26-2000)

NAC 284.069 “Journey level” defined. (NRS 284.065) “Journey level” means the level of performance within an occupational specialty that requires a degree of knowledge and proficiency sufficient to perform work independently with little or no additional training.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R024-05, 10-31-2005)

NAC 284.070 “Nonclassified employee” defined. (NRS 284.065) “Nonclassified employee” means an employee in the office of the Governor or the Judicial or Legislative Branch of State Government.

[Personnel Div., Rule I § D subsec. 17, eff. 8-11-73]—(NAC A by Dep't of Personnel by R098-99, 9-27-99)

NAC 284.071 “Nonexempt employee” defined. (NRS 284.065) “Nonexempt employee” means an employee who is not subject to the provisions of NRS 284.148.

(Added to NAC by Dep't of Personnel by R147-01, eff. 1-22-2002)

NAC 284.072 “Nonstandard workweek” defined. (NRS 284.065) “Nonstandard workweek” means a work schedule of five shifts with the same number of hours each day and a maximum of 40 hours per week throughout the year. The work schedule is other than Monday through Friday.

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

NAC 284.0725 “Normal rate of pay” defined. (NRS 284.065) “Normal rate of pay” means the dollar value of an employee's base rate of pay plus any adjustment that has been made pursuant to the provisions of NAC 284.206.

(Added to NAC by Dep't of Personnel by R147-01, eff. 1-22-2002)

NAC 284.073 “Occupational study” defined. (NRS 284.065) “Occupational study” means a classification study of a group of positions or related classes and class series, or any combination thereof, which is initiated by the Department of Personnel and subsequently approved by the Commission.

(Added to NAC by Dep't of Personnel, eff. 10-27-97; A by Personnel Comm'n by R038-03, 10-30-2003)

NAC 284.0742 “Paid status” defined. (NRS 284.065) “Paid status” means the time that an employee is:

1. Working;
2. On leave with pay, except catastrophic leave; or
3. On a leave of absence due to a fiscal emergency declared pursuant to NAC 284.580.

(Added to NAC by Dep't of Personnel by R147-01, eff. 1-22-2002)

NAC 284.0745 “Part-time employee” defined. (NRS 284.065) “Part-time employee” means an employee whose work schedule is less than 100 percent of the full-time equivalent established for the employee’s pay class designation.

(Added to NAC by Dep’t of Personnel by R147-01, eff. 1-22-2002)

NAC 284.0746 “Part-time employment” defined. (NRS 284.065) “Part-time employment” means a work schedule that is less than 100 percent of the full-time equivalent established for an employee’s pay class designation.

(Added to NAC by Dep’t of Personnel by R147-01, eff. 1-22-2002)

NAC 284.0748 “Pay class designation” defined. (NRS 284.065) “Pay class designation” means the designation set by the Department of Personnel for a group of employees whose pay is calculated in a similar manner, including, without limitation, the maximum number of full-time equivalent hours in a biweekly or semimonthly pay period, the method of reporting hours worked and whether pay is calculated on the basis of hours worked or an annual salary.

(Added to NAC by Dep’t of Personnel by R147-01, eff. 1-22-2002)

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

(Added to NAC by Dep’t of Personnel by R043-99, eff. 9-27-99)

NAC 284.076 “Permanent employee” defined. (NRS 284.065) “Permanent employee” means an employee who has successfully completed the probationary period for any class he has held during continuous classified service. The term does not include a person who:

1. Is reemployed after having been laid off and is serving a new probationary period as required by subsection 8 of NAC 284.630; or
2. Is reemployed pursuant to NAC 284.6014 after having sustained a permanent disability and is serving a new probationary period as required by subsection 2 of NAC 284.6018.

(Added to NAC by Dep’t of Personnel, eff. 8-1-91; A 3-1-96; A by Personnel Comm’n by R183-03, 1-27-2004; R143-05, 12-29-2005)

NAC 284.078 “Permanent status” defined. (NRS 284.065) “Permanent status” means the standing an employee achieves in a class when:

1. He has successfully completed the probationary period for the class; or
2. His appointment does not require a new probationary period and he does not hold another type of status of appointment for the class.

[Personnel Div., Rule I § D subsec. 20, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84)

NAC 284.086 “Position” defined. (NRS 284.065) “Position” means a group of duties and responsibilities that have been assigned to a single job.

[Personnel Div., Rule I § D subsec. 21, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84)

NAC 284.087 “Positive reporting employee” defined. (NRS 284.065) “Positive reporting employee” means an employee who is required to record on a time sheet all hours that he is in paid status.(Added to NAC by Dep’t of Personnel by R147-01, eff. 1-22-2002)

NAC 284.0875 “Premises of the workplace” defined. (NRS 284.065) “Premises of the workplace” means any building, office, vehicle or location, or any part thereof, specifically intended to serve as a place where work is performed by an employee during the course of a workday, including, without limitation, irregular shifts, or any other building, office, vehicle or location at or in which an employee is authorized to perform work by the agency with which he

is employed. The term includes parking lots, garages or vehicle depots that are owned or leased by the State. The term does not include a location that constitutes an employee's usual and customary living quarters, except when the living quarters are also used to care for children pursuant to a state program or as otherwise authorized by the State.

(Added to NAC by Personnel Comm'n by R147-06, eff. 12-07-2006)

NAC 284.088 "Promotion" defined. (NRS 284.065) "Promotion" means an advancement to a position in a class which has a higher grade than the class previously held. The term does not include the restoration of a promoted employee to his former position pursuant to NAC 284.462.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004)

NAC 284.0915 "Rating of performance" defined. (NRS 284.065) "Rating of performance" means the overall rating of an employee's performance efficiency, character and conduct which is included in the report on performance of an employee.

(Added to NAC by Dep't of Personnel by R031-98, eff. 4-17-98)

NAC 284.092 "Reallocation" defined. (NRS 284.065) "Reallocation" means the assignment of a class to a higher grade or a lower grade.

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

NAC 284.093 "Reappointment" defined. (NRS 284.065) "Reappointment" means a noncompetitive appointment of a current employee to a class he formerly held or to a comparable class.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91; A by Personnel Comm'n by R183-03, 1-27-2004)

NAC 284.094 "Reclassification" defined. (NRS 284.065) "Reclassification" means a reassignment or change in allocation of a position by:

1. Raising it to a class with a higher grade;
2. Reducing it to a class with a lower grade; or
3. Moving it to another class at the same grade on the basis of significant changes in kind, difficulty or responsibility of the work performed.

[Personnel Div., Rule I § D subsec. 23, eff. 8-11-73; renumbered as subsec. 24, 4-14-76]—
(NAC A by Dep't of Personnel, 10-26-84)

NAC 284.095 "Reemployment" defined. (NRS 284.065) "Reemployment" means a noncompetitive appointment of a current or former employee to a class for which he has reemployment rights, as provided in this chapter, because of military service, layoff, a permanent disability arising from a work-related injury or occupational disease, seasonal separation, reallocation, or reclassification of his position to a lower grade.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 3-1-96; A by Personnel Comm'n by R142-05, 12-29-2005)

NAC 284.0955 "Rehire" defined. (NRS 284.065) "Rehire" means any appointment to the classified service following a separation from the classified service.

(Added to NAC by Dep't of Personnel, eff. 4-19-88)

NAC 284.096 "Reinstatement" defined. (NRS 284.065) "Reinstatement" means a noncompetitive appointment of a former permanent employee to a class he formerly held or to a comparable class.

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

NAC 284.097 “Reviewing officer” defined. (NRS 284.065) “Reviewing officer” means:

1. The supervisor of the person who prepared a report on performance of an employee; or
2. Such other person designated by the appointing authority,
↳ who reviews the report on performance upon the request of the employee pursuant to paragraph (b) of subsection 5 of NAC 284.470.

(Added to NAC by Personnel Comm’n by R038-03, eff. 10-30-2003; A by R144-05, 12-29-2005)

NAC 284.099 “Sexual conduct” defined. (NRS 284.065) “Sexual conduct” means:

1. Ordinary sexual intercourse;
2. Anal intercourse;
3. Fellatio, cunnilingus or other oral-genital contact;
4. Physical contact by a person with the genitals or pubic area of another person for the purpose of arousing or gratifying the sexual desire of either person;
5. Penetration, however slight, by a person of an object into the genital or anal opening of the body of another person for the purpose of arousing or gratifying the sexual desire of either person; or
6. Masturbation or the lewd exhibition of genitals.

(Added to NAC by Personnel Comm’n by R147-06, eff. 12-07-2006)

NAC 284.0995 “Sexual harassment” defined. (NRS 284.065) “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, or other speech or physical conduct of a sexual nature when:

1. Submission to such speech or conduct is made either explicitly or implicitly a term or condition of a person’s employment;
2. Submission to or the rejection of such speech or conduct by a person is used as the basis for employment decisions affecting that person; or
3. Such speech or conduct has the purpose or effect of unreasonably interfering with a person’s work performance or creating an intimidating, hostile or offensive working environment.

(Added to NAC by Personnel Comm’n by R147-06, eff. 12-07-2006)

NAC 284.100 “Standard workweek” defined. (NRS 284.065) “Standard workweek” means a work schedule of five shifts with the same number of hours each day and a maximum of 40 hours per week throughout the year. The work schedule is Monday through Friday.

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

NAC 284.102 “Step” defined. (NRS 284.065) “Step” means the number assigned by the Department of Personnel to identify a specific rate of pay within a grade.

[Personnel Div., Rule I § D subsec. 25, eff. 8-11-73; renumbered as subsec. 27, 4-14-76]—
(NAC A by Dep’t of Personnel, 10-26-84; R197-99, 1-26-2000; R147-01, 1-22-2002)

NAC 284.104 “Trainee level” defined. (NRS 284.065) “Trainee level” means the level of performance within an occupational specialty at which an employee is in the process of acquiring the knowledge, skills and abilities to perform at the journey level.

(Added to NAC by Personnel Comm’n by R024-05, eff. 10-31-2005)

NAC 284.106 “Transfer” defined. (NRS 284.065) “Transfer” means:

1. A noncompetitive appointment in which an employee moves from one position to another position in the same class or a related class with the same grade; or
2. A competitive appointment in which an employee moves from one position to a position

in a different class with the same grade.

[Personnel Div., Rule I § D subsec. 26, eff. 8-11-73; renumbered as subsec. 28, 4-14-76]—(NAC A by Dep't of Personnel, 10-26-84; 11-16-95)

NAC 284.108 “Trial period” defined. (NRS 284.065) “Trial period” means the 6-month or 1-year probationary period served by a permanent employee who has been promoted to a vacant position.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91; 12-26-91)

NRS 284.140 states, “Unclassified service: Composition. The unclassified service of the State consists of the following State officers or employees in the Executive Department of the State Government who receive annual salaries for their services:

1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.

2. Except as otherwise provided in NRS 223.085, 223.570 and 223.600, all persons required by law to be appointed by the Governor or heads of departments or agencies appointed by the Governor or by boards.

3. All employees other than clerical in the Office of the Attorney General and the State Public Defender required by law to be appointed by the Attorney General or the State Public Defender.

4. Except as otherwise provided by the Board of Regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the Agricultural Extension Department and Experiment Station of the Nevada System of Higher Education, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The Board of Regents of the University of Nevada shall assist the director in carrying out the provisions of this chapter applicable to the Nevada System of Higher Education.

5. All other officers and employees authorized by law to be employed in the unclassified service.”

NAC 284.110 “Underfill” defined. (NRS 284.065) “Underfill” means the filling of a position with an employee holding a position in a lower classification, except for those situations where employees are in classifications which are training or intermediate levels preparatory to promotion to the journey level class.

[Personnel Div., Rule I § D subsec. 30, eff. 4-14-76]—(NAC A by Personnel Comm'n by R183-03, 1-27-2004)

NAC 284.112 “Working day” defined. (NRS 284.065) “Working day,” for the purpose of a grievance or an appeal, means Monday to Friday, inclusive, excluding holidays.

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

NAC 284.1125 “Work-related injury or occupational disease” defined. (NRS 284.065) “Work-related injury or occupational disease” means any injury or illness suffered by an employee that arises out of and in the course of his employment in the classified service and for which an employee has filed a claim pursuant to chapter 616A, 616B, 616C, 616D or 617 of NRS.

(Added to NAC by Personnel Comm'n by R142-05, eff. 12-29-2005)

NAC 284.113 “Working day” interpreted. (NRS 284.065, 284.115, 284.345) As used in NRS 284.350 and 284.355, the Director will interpret “working day” to mean a period of work consisting of 8 hours.

(Added to NAC by Dep't of Personnel by R031-98, eff. 4-17-98; A by Personnel Comm'n by R065-98, 7-24-98)

NAC 284.114 Affirmative action program and equal employment opportunity. (NRS 284.065)

1. The Department of Personnel is responsible for establishing, coordinating and evaluating an affirmative action program for this State.

2. The Department of Personnel will cooperate and consult with agencies to:

(a) Identify barriers in the personnel management system which may adversely affect the ability of applicants and employees to reach their full employment potential without regard to race, sex, sexual orientation, religion, color, national origin, age, *genetic information* or disability.

(b) Coordinate programs to remove barriers to equal employment opportunity while ensuring the effectiveness of the merit system and the opportunity for persons to enter the system and progress in it to the extent of their merit.

[Personnel Div., Rule I § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-6-92; R098-99, 9-27-99; *R055-10, 6-30-10*)

NRS 284.012 states, “Policy concerning employment of persons with disabilities. Subject to other applicable provisions of this chapter, it is the policy of this state that persons with disabilities must be afforded equal opportunities in employment by the state, by its political subdivisions and in all other employment supported in whole or in part by the state.”

NRS 233B.070 states in part, “Effective date and dissemination of regulation; duties of Secretary of State.

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.”

NRS 284.130 states, “Assistance of state and local officers. The Director may request officers and employees in the Executive Department of the State Government or local officers or employees to aid in carrying out the provisions of this chapter, and insofar as it may be consistent with their other duties, these officers and employees shall give such aid upon the director’s written request.”

NAC 284.116 Computation of time. (NRS 284.065) In computing a period of time mentioned in this chapter, the day of the act or event from which the period begins is not counted and the last day is counted unless the last day is a Saturday, Sunday or state holiday. If the last day is a Saturday, Sunday or state holiday, the period ends on the next day that is not a Saturday, Sunday or state holiday.

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

NAC 284.120 Adoption by reference of federal law, regulations and manual regarding persons with disabilities. (NRS 284.065)

1. For the purposes of determining the meaning of “essential functions of a position,” “person with a disability,” “qualified person with a disability” and “reasonable accommodation,” the Department of Personnel hereby adopts by reference and will refer to:

(a) The Americans with Disabilities Act of 1990 (Public Law 101-336).

(b) *The ADA Amendments Act of 2008 (Public Law 110-325).*

(c) The provisions of 29 C.F.R. Part 1630.

(d) *The Technical Assistance Manual* for the Americans with Disabilities Act.

2. A copy of the materials adopted by reference pursuant to this section may be obtained at no charge from the United States Equal Employment Opportunity Commission Publications

Information Center, *by mail at* P.O. Box 541, Annapolis Junction, Maryland 20701, by telephone *at* (800) 669-3362 or TDD (800) 800-3302 *or at the Internet address* <http://www.eeoc.gov/publications.html>.

(Added to NAC by Dep't of Personnel, eff. 7-6-92; A 10-27-97; R082-00, 8-2-2000; **R059-09, 10-27-2009**)

NAC 284.122 Severability. (NRS 284.065) If any of the provisions of this chapter are held, for any reason, to be invalid, it is intended that the validity of the remaining provisions not be affected thereby.

[Personnel Div., Rule XVIII, eff. 8-11-73]

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- (b) Using his accrued compensatory time;
 - (c) Using his accrued annual leave if he:
 - (1) Is on family and medical leave for a serious health condition that prevents him from performing one or more of the essential functions of his position; or
 - (2) Elected to use his accrued sick leave pursuant to NRS 281.390 and has exhausted all of his accrued sick leave; or
 - (d) Using catastrophic leave if he has exhausted all of his accrued annual leave, sick leave and compensatory time and his request for catastrophic leave has been approved pursuant to NAC 284.576; or
2. Elect to be placed on leave of absence without pay in accordance with subsection 5 of NRS 281.390.
- (Added to NAC by Dep't of Personnel by R031-98, eff. 4-17-98; A by R082-00, 8-2-2000)

NAC 284.5777 Temporary total disability: Workers' compensation travel leave to receive medical treatment (NRS 284.065, 284.155, 284.175, 284.345)

1. An appointing authority shall grant leave to an employee in the classified or unclassified service of the State to receive medical treatment for a work-related injury or occupational disease if the employee:
- (a) Qualified for benefits for a temporary total disability pursuant to NRS 616C.475; and
 - (b) After returning to work, is required to travel more than 50 miles one way from his place of employment to receive such medical treatment.
2. An appointing authority shall pay an employee who is granted leave pursuant to subsection 1:
- (a) If he is a nonexempt employee, his regular hourly rate of pay for each hour that he is absent from his place of employment for such leave.
 - (b) If he is an exempt classified employee or an exempt unclassified employee and he is absent from his place of employment for a full day for such leave, his regular rate of pay for each such day.
3. Leave granted pursuant to this section must be taken as workers' compensation travel leave and must not be deducted from any sick leave, annual leave, compensatory leave or any other personal leave that may be available to the employee.
- (Added to NAC by Personnel Comm'n by R221-05, eff. 2-23-2006)

NAC 284.578 Leave of absence without pay. (NRS 284.065, 284.155, 284.345)

1. Except as otherwise provided in NRS 284.360, an appointing authority may grant a leave of absence without pay to an employee for not more than 1 year for any satisfactory reason.
2. The Commission may grant leaves of absence without pay in excess of 1 year for purposes deemed beneficial to the public service.
3. An appointing authority may require an employee on leave of absence without pay to submit every 2 weeks a statement of his intent to return to work.
4. If the reason for granting the leave no longer exists, the appointing authority may revoke the leave after notifying the employee in writing and allowing, so far as is practicable, not less than 5 working days after the date of notification for the employee to return to work.
5. An employee shall request leave without pay at least 30 days in advance of when the need for the leave is foreseeable, if practicable.
6. An employee may not use leave without pay in lieu of sick leave or annual leave without approval of the appointing authority.
7. An employee who is using leave pursuant to the Family and Medical Leave Act may not use leave without pay until *the employee* has exhausted *all the* accrued sick leave, *accrued* annual leave, *accrued compensatory time* and catastrophic leave *that the employee is eligible to use based on the nature of the absence*, as required by NAC 284.5811.

[Personnel Div., Rule VII § E subsecs. 1-4, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 3-23-94; 10-27-97; A by Personnel Comm'n by R145-05, 12-29-2005; **R060-09, 11-25-2009**)

NAC 284.580 Leave of absence without pay during fiscal emergency of State or agency. (NRS 284.065, 284.155, 284.175, 284.345, 284.360)

1. Upon the request of an appointing authority, the Department of Administration may authorize the appointing authority to place a nonexempt employee on a leave of absence without pay for a fiscal emergency of the State or an agency during any period for which the Governor has declared that the State or an agency will experience a shortfall in revenue or for any other reason is in a state of fiscal emergency.

2. All employees in the same classification must be treated equitably with respect to being placed on a leave of absence without pay pursuant to this section unless an employee volunteers to be placed on such a leave of absence.

3. The appointing authority shall reduce the pay of an employee who is placed on a leave of absence without pay pursuant to subsection 1 by an amount equal to the pay that the employee would otherwise receive for the hours for which the leave is approved.

4. The hours for which payment is withheld pursuant to subsection 3:

(a) Must be treated as hours in paid status for the purposes of NAC 284.182, 284.255, 284.282, 284.448, 284.538, 284.5385, 284.544 and 284.614.

(b) Must not be considered as time worked in calculating overtime.

5. Regardless of whether an employee volunteers to be placed on a leave of absence pursuant to subsection 1, after notifying the employee in writing and allowing a reasonable period for the employee to return to work, an appointing authority:

(a) Shall revoke the placement of any employee on a leave of absence without pay pursuant to subsection 1 upon a declaration by the Governor that the fiscal emergency no longer exists.

(b) May revoke the placement of any employee on any leave of absence without pay pursuant to subsection 1 for any other bona fide reason.

(Added to NAC by Dep't of Personnel, eff. 9-16-92; A 11-12-93; 3-23-94; R147-01, 1-22-2002; A by Personnel Comm'n by R096-03, 10-30-2003)

NEW: Unpaid furlough leave

1. Except as otherwise provided in *subsection 2 and* Senate Bill No. 433, chapter 391, Statutes of Nevada 2009, at page 2147:

(a) A full-time classified employee shall take 8 hours of furlough leave each month and a part-time classified employee shall take a number of hours of furlough leave per month that is equivalent to the portion of an 8-hour day that his scheduled workweek or biweekly schedule bears to a full-time workweek or biweekly schedule.

(b) *A full-time employee, other than a classified employee, shall take 1 day of furlough leave each month. A full-time employee, other than a classified employee, whose standard workday is longer than 8 hours shall take 8 hours of furlough leave on a single workday and may take annual leave for the remainder of the day, work a reduced schedule that day or work a modified schedule approved by his employer. A part-time employee, other than a part-time classified employee, shall take a number of hours of furlough leave per month that is equivalent to the portion of an 8-hour day that his scheduled workweek or biweekly schedule bears to a full-time workweek or biweekly schedule. As used in this paragraph, "1 day" has meaning ascribed to it in subsection 2 of section 3 of Senate Bill No. 433, chapter 391, Statues of Nevada 2009, at page 2159.*

2. *The requirements set forth in subsection 1, do not apply if:*

(a) An employee's appointing authority files a plan with the Director and the Director of the Department of Administration or their designated representatives or, in the case of employees of the Nevada System of Higher Education, with the chief financial officer of the applicable institution for the employee to take furlough leave pursuant to an alternate schedule because of workload demands; and

(b) The plan is approved in advance by the Director and the Director of the Department of Administration or their designated representatives or by the chief financial officer of the institution, as applicable.

3. Each appointing authority shall establish a policy that defines the minimum increment of furlough leave required to be taken at any one time by a classified employee of the appointing

authority. The policy may provide different increments for employees in different divisions, locations or work groups based on business necessity. The appointing authority shall disseminate the policy to each employee under its authority who is required to take furlough leave.

4. To the extent practicable, an employee who is required to take furlough leave and his or her supervisor shall jointly determine in advance a schedule pursuant to which the employee will take furlough leave. If, because of business necessity, such a schedule cannot be mutually agreed upon, a supervisor may direct an employee to take furlough leave on a specific day or at a specific time, or both.

5. Movement of an employee from one position to another position must not alter the amount of furlough leave required to be taken by the employee.

6. The amount of furlough leave that an employee is required to take must not be offset by any savings realized as a result of a vacancy delay in filling the position.

7. An employee who is initially appointed to state service after July 1, 2009, may only be required to take the number of hours or days of furlough leave that is required to be taken during the remainder of the fiscal year after his appointment. If such an employee is appointed on a day other than the first of a month, the employee may not be required to commence taking furlough leave until the immediately succeeding month.

8. An employee may not:

(a) Take more than 8 hours of furlough leave in a workweek.

(b) Receive overtime pay, compensatory time, pay for standby status, added regular time for work as a part-time employee or callback pay in the same pay period in which the employee takes furlough leave, unless approved in advance by the Director and the Director of the Department of Administration or their designated representatives or, in the case of employees of the Nevada System of Higher Education, by the chief financial officer of the applicable institution.

(c) Be required to take more furlough leave than the amount of furlough leave required by the provisions of Senate Bill No. 433, chapter 391, Statutes of Nevada 2009, at page 2147.

9. If an employee who leaves state service has taken more than the equivalent of 8 hours of furlough leave per month at the time of his separation from state service, the employee will not be reimbursed for the additional furlough leave taken.

10. Any furlough leave that an employee takes must be considered time worked for the purpose of calculating the employee's eligibility to take leave under the federal Family and Medical Leave Act. Any furlough leave that is taken during the time in which an employee takes leave that qualifies under the Family and Medical Leave Act will not be counted against the amount of leave for which an employee is entitled to take under the Family and Medical Leave Act.

11. As used in this section, "furlough leave" means the unpaid leave required to be taken pursuant to the provisions of Senate Bill No. 433, chapter 391, Statutes of Nevada 2009 at page 2147.

(Added to NAC by Personnel Comm'n by R080-09,10-27-09; **R187-09, 6-30-10**)

INFORMATIONAL NOTE: This regulation and LCB File No. R080-09, which was adopted by the Personnel Commission and was filed with the Secretary of State on October 27, 2009, expire by limitation on June 30, 2011.

NAC 284.581 Adoption by reference of federal law and regulations. (NRS 284.065, 284.155, 284.345)

1. For the purposes of NAC 284.523 to 284.598, inclusive, the Department of Personnel hereby adopts by reference:

(a) The Family and Medical Leave Act of 1993 (Public Law 103-3), as amended.

(b) The Fair Labor Standards Act of 1938, as amended, and 29 C.F.R. Part 541.

2. A copy of the Family and Medical Leave Act, the Fair Labor Standards Act or 29 C.F.R. Part 541 may be obtained at no charge from the United States Government, Wage and Hour Division, P.O. Box 3136, Reno, Nevada 89505-3136, telephone (775) 784.5200, or from the

United States Government, Wage and Hour Division, 1050 Flamingo Road, Suite 321, Las Vegas, Nevada 89119, telephone (702) 699-5581.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R082-00, 8-2-2000)

INFORMATIONAL NOTE: *Based on the federal Family and Medical Leave Act (29. C.F.R. § 825.110 (b)(3)), catastrophic leave should be counted when determining the employee's 12 months of employment for FMLA eligibility. However, catastrophic leave is not counted in the calculation when determining if the employee has "worked" 1,250 hours in the previous 12 months. The hours an employee was in "paid status" (NAC 284.0742) are used to determine the hours "worked".*

NAC 284.5811 Family and medical leave: Maximum amount in 12-month period; eligibility; use. (NRS 284.065, 284.155, 284.345, 284.350, 284.355, 284.3626)

1. *Except as otherwise provided in subsection 2, an employee who is entitled to take leave pursuant to the Family and Medical Leave Act is limited to a total of 12 weeks of such leave during a rolling 12-month period. The rolling 12-month period is measured backward from the date an employee uses any leave pursuant to the Family and Medical Leave Act.*

2. *An employee who is entitled to take leave pursuant to the Family and Medical Leave Act to care for a covered servicemember is limited to a total of 26 weeks of such leave during a single 12-month period.*

3. To calculate eligibility for leave pursuant to the Family and Medical Leave Act, each hour that an employee is in paid status in the 12-month period immediately preceding the leave must be considered as time worked.

4. Except as otherwise provided in subsection 5, an employee who meets the requirements for eligibility for and who is taking leave pursuant to the Family and Medical Leave Act must exhaust *all the* accrued sick leave, accrued annual leave, *accrued compensatory time* and catastrophic leave *that the employee is eligible to use based on the nature of the absence* before he may use leave without pay. Any accrued sick leave, accrued annual leave, *accrued compensatory time*, catastrophic leave and holiday pay to which the employee is entitled pursuant to NAC 284.255 runs concurrently with the leave granted pursuant to the Family and Medical Leave Act if the employee is otherwise eligible for that sick leave, annual leave, *compensatory time*, catastrophic leave or holiday pay.

5. If an employee is absent from work as the result of a work-related injury or illness and he meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:

(a) Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and

(b) The employee may elect to use paid leave or leave without pay for the portion of time that he is not being compensated for the work-related injury or illness.

6. An appointing authority may require an employee to provide medical *or other appropriate documentation* to support his need for leave pursuant to the Family and Medical Leave Act.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R096-03, 10-30-2003; R145-05, 12-29-2005; **R060-09, 11-25-2009**)

NAC 284.5813 Family and medical leave: Records. (NRS 284.065, 284.155, 284.345) Each appointing authority shall maintain accurate records of family and medical leave used by its employees, including any form approved for requesting family and medical leave.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; 3-1-96; R082-00, 8-2-2000)

NRS 6.190 Terminating or threatening to terminate employment because of jury duty prohibited; civil action for unlawful termination; requiring employee to use sick leave or

vacation time or to work certain hours prohibited; notice to employer; dissuasion from service as juror.

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,

Ê of a person who is a juror or who has received a summons to appear for jury duty, and who deprives the juror or person summoned of his employment, as a consequence of his service as a juror or prospective juror, or who asserts to the juror or person summoned that his service as a juror or prospective juror will result in termination of his employment, is guilty of a gross misdemeanor.

2. A person discharged from employment in violation of subsection 1 may commence a civil against his employer and obtain:

(a) Wages and benefits lost as a result of the violation;

(b) An order of reinstatement without loss of position, seniority or benefits;

(c) Damages equal to the amount of the lost wages and benefits;

(d) Reasonable attorney's fees fixed by the court; and

(e) Punitive or exemplary damages in an amount not to exceed \$50,000.

3. If a person is summoned to appear for jury duty, the employer and any employee, agent or officer of the employer shall not, as a consequence of the person's service as a juror or prospective juror:

(a) Require the person to use sick leave or vacation time; or

(b) Require the person to work:

(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.

Ë 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; **R023-07, 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.

2. As used in this section, “volunteer ambulance driver or attendant” means a person who is a driver of or attendant on an ambulance owned or operated by:

- (a) A nonprofit organization that provides volunteer ambulance service in any county, city or town in this state; or
- (b) A political subdivision of this state.”

NAC 284.587 Civil leave with pay for certain volunteers or when absence is necessary to meet disaster or emergency. (NRS 284.065, 284.155, 284.345) Civil leave with pay must be granted to an employee who meets the requirements of NRS 284.357, and may also be granted by the appointing authority to an employee whose absence from the job is necessary to meet a disaster or emergency.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A by R146-01, 1-18-2002)

NRS 284.345 states in part, “Regulations for attendance and leaves of absence;

1. the Commission shall adopt regulations for attendance and leave with or without pay or reduced pay in the various classes of positions in the public service.”

NAC 284.588 Civil leave with reduced pay when performing certain service in time of war or emergency. (NRS 284.065, 284.155, 284.175, 284.345) An employee in the public service who performs active military service in the Armed Forces of the United States or any other category of persons designated by the President of the United States or the Governor of this State, including, without limitation, the Commissioned Corps of the Public Health Service, in time of war or emergency, is entitled to civil leave with reduced pay pursuant to this section for the period of such service. The pay that such an employee is entitled to receive pursuant to this section is the difference between the pay he would have otherwise received as a state employee and his pay for active military service. If his pay for active military service is greater than the

pay he would have otherwise received as a state employee, the employee will not receive any additional pay pursuant to this section while he is in active military service.

(Added to NAC by Dep't of Personnel by R146-01, 1-18-2002, eff. 2-4-2002)

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

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

(a) To relieve the employee of his 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 position;

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

(d) For up to 2 hours to donate blood; or

(e) To relieve the employee of his 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 of the Department of Administration, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.

3. Except as otherwise provided in subsection 4, an appointing authority or the Department of Personnel may grant administrative leave with pay to an employee for any of the following purposes:

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

(b) 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.

(c) *Closure, as a result of a pandemic, of a school or a center of 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.*

(d) His appearance as an aggrieved employee or a witness at a hearing of the Committee.

(e) His appearance as an appellant or a witness at a hearing conducted pursuant to NRS 284.390 by a hearing officer of the Department of Personnel.

(f) His appearance to provide testimony at a meeting of the Commission.

4. An appointing authority or the Department of Personnel shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (d), (e) *or* (f) of subsection 3 if:

(a) The employee requests the administrative leave for a period of time that is reasonably needed for him 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 his appointing authority or adversely impact the provision of services to clients or to the public.

5. 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.

(b) His attendance at a health fair which has been authorized by the Board of the Public Employees' Benefits Program.

(c) His participation in an official capacity as a member of a committee or board created by statute on which he serves as a representative of state employees. 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 *all* hearings regarding *a* suspension, demotion or dismissal *of the employee* as provided in *section 2 of LCB File No. R063-09*.

(e) Up to 8 hours for preparation for *all* hearings regarding *an* involuntary transfer *of the employee*.

(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, 10-27-2009; R081-09, 10-27-2009; R063-09, 11-25-09**)

NRS 281.1275 states in part, "Reduction in salary of certain public officers and employees for part-day absence from work prohibited; accounting for part-day absence; exception.

1. Except as permitted by the federal Family and Medical Leave Act of 1993, the salary of a public officer or employee of the state or any agency thereof, or of a political subdivision or any agency thereof, who is not entitled pursuant to federal or state law, local ordinance, or policy or contract of employment to earn overtime at the rate of time and one-half, must not be reduced for an absence from work for part of a day."

NAC 284.5895 Accounting for absences of exempt classified and unclassified employees. (NRS 284.065, 284.155, 284.345)

1. An absence of an exempt classified employee or exempt unclassified employee for a full workday shall be deemed to be an absence for a period equal to his regularly scheduled hours of employment on that workday.

2. Except when an absence for part of a workday is authorized for family and medical leave, an exempt classified employee or exempt unclassified employee must only account for an absence of one or more full workdays by the use of leave appropriate to the absence and is not required to account for any absence for part of a workday.

3. An exempt classified employee or exempt unclassified employee must not account for an absence for a full workday by the use of a combination of accrued sick leave and accrued annual leave unless:

(a) He is on family and medical leave; or

(b) He has been approved for catastrophic leave and the catastrophic leave is used as a supplement for the remaining sick and annual leave.

4. If an exempt classified employee or exempt unclassified employee does not have accrued leave appropriate to the absence in an amount sufficient to account for an authorized absence, the employee must be placed on leave of absence without pay for that workday unless he is approved to use catastrophic leave.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005)

NRS 281.145 states. "Leave of absence for military duty. 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 an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve, or the Nevada National Guard must be relieved from his duties, upon his request, to serve under orders without loss of his regular compensation for a

period of not more than 15 working days in any 1 calendar year. No such absence may be a part of the employee's annual vacation provided for by law."

NRS 284.359 states, "Military leave of absence; reinstatement. A permanent or probationary employee who performs active military service under the provisions of any national military service or training act, or who voluntarily serves in the Armed Forces of the United States in time of war, or in such types of service as the Commission by regulation may prescribe, is, upon application, entitled to leave of absence without pay for the period of such service plus a period not to exceed 90 days. If within that period he applies for reinstatement, he must be reinstated to his former class of position, or to a class of position having like seniority, status and pay, or, if those positions have been abolished, to the nearest approximation thereof consistent with the circumstances."

NAC 284.594 Unauthorized and unreported absences. (NRS 284.065, 284.155, 284.175, 284.345)

1. An unauthorized and unreported absence must be considered an absence without leave and a deduction of pay must be made for the absence.
2. An *unauthorized or* unreported absence may be considered an absence without leave, and a deduction of pay may be made for the absence.
3. An employee who has an unauthorized or unreported absence may be subject to disciplinary action pursuant to **NAC 284.646 or** NAC 284.650.
4. A deduction from the pay of an exempt classified employee or exempt unclassified employee must be made in increments of a full workday.

[Personnel Div., Rule VII § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 1-26-87; 11-16-95; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005; **R062-09, 10-27-2009**)

NAC 284.598 Breaks in continuous service. (NRS 284.065, 284.155) The following are not breaks in continuous service:

1. Military leave for active service if the person returns from leave within 90 calendar days after an honorable discharge from military service.
2. A layoff if the employee is reemployed within 1 year after the date he was laid off.
3. A seasonal layoff if the employee is reemployed within 1 year after the end of the previous seasonal appointment.
4. A separation as a result of a permanent disability arising from a work-related injury or occupational disease, if the employee is reemployed within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013.

[Personnel Div., Rule VII § H, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, 8-26-83; 4-19-88; 3-1-96; A by Personnel Comm'n by R022-05, 10-31-2005; R142-05 & R145-05, 12-29-2005)

INFORMATIONAL NOTE: Certain personnel actions, such as transfers, authorized leave without pay and those separations listed above in NAC 284.598, do not constitute a break in continuous service but may result in adjustments to pay, benefits computation of seniority, and/or probationary periods as provided in this chapter.

- (e) Materials used in examinations, including suggested answers for oral examinations;
- (f) Records and files maintained by an employee assistance program offered by the State of Nevada;
- (g) Reports by employers, appointing authorities or law enforcement officials concerning the hiring, promotion or background of applicants, eligible persons or employees;
- (h) The class title and agency of an employee whose name is excluded from the official roster, as provided in subsection 3 of NAC 284.714, when an inquiry concerning the employee is received;
- (i) Any information contained on a person's application or relating to his status as an eligible person; and
- (j) Information in the file or record of employment of a current or former employee which relates to *the employee's*:
 - (1) Performance;
 - (2) Conduct, including any disciplinary actions taken against *the employee*;
 - (3) *Usage or balance of his or her annual and sick leave*;
 - (4) Race, ethnic identity or affiliation, sex, *genetic information*, disability or date of birth;
 - (5) Home telephone number; or
 - (6) Social security number.

2. If the employee has requested that his personal mailing address be listed as confidential, his file must be so designated and list his business address.

3. The name of any beneficiary of an employee contained in the payroll document must not be released to anyone unless:

- (a) The employee dies; or
- (b) The employee signs a release.

4. Any records in the possession of the Committee on Catastrophic Leave created pursuant to NRS 284.3627 that reveal the health, medical condition or disability of a current or former employee or a member of his immediate family are confidential.

5. Any notes, records, recordings or findings of an investigation conducted by the Department of Personnel relating to sexual harassment or discrimination, or both, and any findings of such an investigation that are provided to an appointing authority are confidential.

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

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

1. Except as otherwise provided in this subsection, access to materials for an examination and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his designated representative. If the name of the applicant is not disclosed and the information is used for the purposes of subparagraph 2 of paragraph (a) of subsection 1 of NAC 284.204, information relating to the education and experience of an applicant may be made available to any affected applicant, employee or the designated representative of either.

2. Except as otherwise provided in *subsections 3 and 4*, access to an employee's file of employment containing any of the items listed in paragraphs (g) to (j), inclusive, of subsection 1 of NAC 284.718 is limited to:

- (a) The employee.
- (b) The employee's representative when a signed authorization from the employee is presented or is in his employment file.
- (c) The appointing authority or a designated representative of the agency by which the employee is employed.
- (d) The Director or his designated representative.

(e) An appointing authority, or his designated representative, who is considering the employee for employment in his agency.

(f) Persons who are authorized pursuant to any state or federal law or an order of a court.

(g) The State Board of Examiners if the Board is considering a claim against the State of Nevada filed pursuant to chapter 41 of NRS which involves the employee.

(h) Persons who are involved in processing records for the transaction of business within and between state agencies.

(i) Persons who are involved in processing records for the transaction of business that is authorized by the employee.

3. Information concerning the health, medical condition or disability of an employee or a member of his immediate family must be kept separate from the employee's file in a locked cabinet. Except as otherwise provided in subsection 7, access to such information is limited to the employee, his current supervisor, and the appointing authority or his designated representative.

4. *Except as otherwise provided in subsection 7, access to information concerning the employee's usage or balance of annual leave and sick is limited to the employee, the employee's immediate supervisor and the employee's appointing authority or the designated representative of the appointing authority.*

5. Except as otherwise provided by specific statute, records maintained by an employee assistance program offered by the State of Nevada must not be released without written permission signed by the employee to whom the records pertain.

6. Upon request, the Department of Personnel will provide the personal mailing address of any employee on file with the Department to the State Controller's Office and the Internal Revenue Service.

7. The Director or the appointing authority, or his designated representative, shall authorize the release of any confidential records under his control which are requested by the *Employee-Management* Committee, a hearings officer, the Commission, the Committee on Catastrophic Leave created pursuant to NRS 284.3627, the Nevada Equal Rights Commission or a court. If the Director or his designated representative determines that the release of any confidential record is not necessary for those purposes, the decision may be appealed.

[Personnel Div., Rule XVI part § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 9-30-88; 7-21-89; 8-14-90; 7-6-92; 3-23-94; R042-99, 9-27-99; R082-00, 8-2-2000; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm'n by R068-03, 10-30-2003; R024-05, 10-31-2005; R141-07, 1-30-2008; **R065-09, 10-27-2009**)

NAC 284.730 Retention and disposal of records. (NRS 284.065) All records of the Department of Personnel will be retained or disposed of in accordance with the records retention and disposal schedule approved by the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

[Personnel Div., Rule XVI § D, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R182-03, 1-27-2004)

NAC 284.734 Prohibition against maintenance of secret files. (NRS 284.065, 284.155) Except as otherwise provided in NAC 284.718 and 284.726, no appointing authority may maintain secret files regarding any employee.

[Personnel Div., Rule XVI § E, eff. 8-11-73]

PRACTICE BEFORE THE DEPARTMENT OF PERSONNEL

NRS 284.391 states, “Hearings: Issuance of subpoenas; discovery; oaths; examination of witnesses.

1. The hearing officer may, upon application of any party to a hearing held pursuant to NRS 284.390 or 284.376, issue subpoenas requiring the attendance and testimony of witnesses at the proceeding.

2. The hearing officer may, upon motion of a party, direct that an opposing party participate in a discovery conference at which both parties and their counsel may put questions to the other party and receive answers, or request and receive copies of relevant documents or examine relevant documents and records and any other physical evidence which the opposing party intends to use at the hearing.

3. The hearing officer, or any agent or agency designated by the Commission for such purposes, may administer oaths and affirmations and examine witnesses.”

NRS 284.392 states, “Hearings: Subpoenas extend to all parts of State; service of subpoenas; attendance of witnesses. A subpoena issued pursuant to NRS 284.391 extends to all parts of the State and must be served in accordance with the provisions of N.R.C.P. 4(c). No witness may be required to attend at a place out of the county in which he resides unless the distance is less than 100 miles from his place of residence, except, upon affidavit of any party showing that the testimony of that witness is material and necessary, the hearing officer may endorse on the subpoena an order requiring the attendance of the witness in response to the subpoena.”

NRS 284.393 states, “Hearings: Fees, mileage and expenses of witnesses.

1. All witnesses appearing pursuant to subpoena, other than parties or officers or employees of the State or any political subdivision thereof, are entitled to receive fees and mileage in the same amounts and under the same circumstances as prescribed by law for witnesses in civil actions in the district courts.

2. Witnesses entitled to fees or mileage who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day are entitled, in addition to fees and mileage, to the per diem compensation for subsistence and transportation authorized by NRS 281.160 for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearings.

3. Fees for subsistence and transportation expenses must be paid by the party at whose request the witness is subpoenaed. The hearing officer may award as costs the amount of all such expenses to the prevailing party.”

NRS 281.641 states, “Reprisal or retaliatory action against state officer or employee who discloses improper governmental action: Written appeal; hearing; order; negative ruling may not be based on identity of persons to whom disclosure was made; rules of procedure.

1. If any reprisal or retaliatory action is taken against a state officer or employee who discloses information concerning improper governmental action within 2 years after the information is disclosed, the state officer or employee may file a written appeal with a hearing officer of the Department of Personnel for a determination of whether the action taken was a reprisal or retaliatory action. The written appeal must be accompanied by a statement that sets forth with particularity:

(a) The facts and circumstances under which the disclosure of improper governmental action was made; and

(b) The reprisal or retaliatory action that is alleged to have been taken against the state officer or employee.

The hearing must be conducted in accordance with the procedures set forth in NRS 284.390 to 284.405, inclusive, and the procedures adopted by the Personnel Commission pursuant to subsection 4.

2. If the hearing officer determines that the action taken was a reprisal or retaliatory action, he may issue an order directing the proper person to desist and refrain from engaging in such action. The hearing officer shall file a copy of his decision with the Governor or any other elected state officer who is responsible for the actions of that person.

3. The hearing officer may not rule against the state officer or employee based on the person or persons to whom the improper governmental action was disclosed.

4. The Personnel Commission may adopt rules of procedure for conducting a hearing pursuant to this section that are not inconsistent with the procedures set forth in NRS 284.390 to 284.405, inclusive.”

Hearings Before the Hearing Officer

NEW: Assignment of hearing officer.

1. *For each hearing requested in a claim relating to a dismissal, suspension, demotion, involuntary transfer, or reprisal or retaliatory action, the Director shall provide to each party to the claim:*

(a) *A list of three qualified hearing officers; or*

(b) *A list of five qualified hearing officers.*

2. *If the Director provides a list of:*

(a) *Three qualified hearing officers, each party may strike one name from the list; or*

(b) *Five qualified hearing officers, each party may strike two names from the list,*

and shall return the list with the remaining names to the Director not later than 10 days after receipt of the list.

3. *Except as otherwise provided in subsection 5, each person whose name is struck from the list pursuant to subsection 2 is ineligible to serve as a hearing officer in that claim.*

4. *Except as otherwise provided in subsection 5, the Director shall select a hearing officer for the hearing from among the persons whose names were not struck from the list pursuant to subsection 2.*

5. *If, for any reason, all of the hearing officers whose names were not struck from the list pursuant to subsection 2 are unqualified or otherwise unavailable to serve as a hearing officer for the hearing, the Director may provide a new list of hearing officers to the parties in the manner provided in this section or may select any qualified hearing officer who is available to serve as a hearing officer in the hearing.*

(Added to NAC by Personnel Comm'n by R192-09, 7/1/10)

NAC 284.774 Scope. (NRS 284.065, 284.155, 284.376, 284.390)

1. *NAC 284.774 to 284.818, inclusive, and section 1 of LCB File No. 192-09 govern hearings in all cases relating to dismissals, suspensions, demotions and involuntary transfers before the hearing officer and hearings for a written appeal filed pursuant to NRS 281.641.*

2. *Except as otherwise provided in subsection 3, the hearing officer shall use the hearings procedures established in NAC 284.774 to 284.818, inclusive, and section 1 of LCB File No. 192-09 and any hearings procedures provided by the Department of Personnel if interested parties have proper notice of any procedural changes or are not prejudiced thereby. A copy of the hearings procedures is available by contacting the Department of Personnel at 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204.*

3. *Each hearing officer may adopt supplementary rules governing practice before him not inconsistent with the provisions of subsection 2. The supplementary rules must be made available, in writing, to all parties not less than 5 business days before a hearing.*

[Personnel Div., Hearings Procedures § (C), eff. 11-28-65; A 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84; R192-09, 7-1-10)

NAC 284.778 Request for hearing and other communications. (NRS 284.065, 284.155, 284.376, 284.390)

1. A request for an appeal must be addressed to the Director.
2. *A copy of any written communication directed to a hearing officer must be sent to the Hearing Clerk of the Department of Personnel.*
3. *A party shall not communicate with a hearing officer regarding the merits of a case:*
 - (a) *Except in the presence of all parties to the hearing; or*
 - (b) *Unless all parties to the hearing are notified of the communication in advance.*
4. *Unless otherwise agreed upon in writing by all parties, an offer or demand of settlement made by a party must not be disclosed to or proposed by a hearing officer before the issuance of a final decision by the hearing officer.*

[Personnel Div., Hearings Procedures § (A) subsec. (1), eff. 11-28-65; A 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84; *R192-09, 7-1-10*)

NAC 284.782 Time and place; notice; provision of reasonable accommodation to party with disability. (NRS 284.065, 284.155, 284.376, 284.390)

1. The hearing officer shall convene the hearing at the time and place specified for the purpose of hearing the appeal.
2. Written notice of the time and place of the hearing must be given to the parties at least 10 days in advance. The notice must contain the information required for a party to request reasonable accommodation.
3. The hearing officer shall provide reasonable accommodation to a party with a disability who requests such accommodation within the time sufficient to make the accommodation.

[Personnel Div., Hearings Procedures § (B) subsec. (1), eff. 11-28-65; A 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84; 7-6-92)

NAC 284.786 Continuances. (NRS 284.065, 284.155, 284.376, 284.390)

1. Hearings may be continued beyond the period originally scheduled or recessed until a future date which is agreeable to the hearing officer and the parties if good cause is shown.
2. *A party may request a continuance not later than 5 business days before the date of the scheduled hearing by filing a written motion or stipulation with the hearing officer. Notice of the motion or stipulation and a copy of the motion or stipulation must be sent to each party to the hearing and to the Department of Personnel.*
3. *A party may contest a request for a continuance submitted by another party by filing a written motion with the hearing officer not later than 2 business days after receiving the notice of the request for a continuance. Notice of the motion and a copy of the motion must be sent to each party to the hearing and to the Department of Personnel.*
4. *A hearing officer shall not grant a continuance requested on the day of a scheduled hearing, unless:*
 - (a) *The hearing officer, any party, the legal counsel for a party or a primary witness cannot attend the hearing because of an emergency;*
 - (b) *The hearing exceeds the time allotted for the day; or*
 - (c) *The hearing officer recesses the hearing until a future date.*
5. *If a hearing officer recesses a hearing until a future date pursuant to a request for a continuance which is filed on the day of the scheduled hearing, the hearing must be held not later than 20 business days after the date of the request for a continuance, unless there is a conflict with the schedule of the hearing officer.*

[Personnel Div., Hearings Procedures § (A) subsec. (9), eff. 11-28-65; A 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84; *R192-09, 7-1-10*)

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; A by Personnel Comm'n by 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)

NAC 284.838 Declaratory judgments. (NRS 284.065) If the petition is denied by the Department of Personnel and its decision is sustained by the Commission, the petitioner may

seek a declaratory judgment, pursuant to NRS 233B.110.

[Personnel Div., Rule XVII § C subsec. 4, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84)

Hearings Before the Personnel Commission

NAC 284.850 Scope. (NRS 284.065) NAC 284.850 to 284.874, inclusive, govern hearings before the Commission.

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

NAC 284.854 Request for appeal and other communication. (NRS 284.065) A request for an appeal or other pertinent communication directed to the Commission must be addressed to the Director within 30 days after receipt of the Director's decision.

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

NAC 284.858 Time and place; notice; provision of reasonable accommodation to party with disability. (NRS 284.065)

1. The Chairman of the Commission will convene the hearing at the time and place specified for the purpose of hearing the appeal.

2. A written notice of the time and place of the hearing must be given to each party at least 10 days before the date of the hearing. The notice must contain the information required for a party to request reasonable accommodation.

3. The Chairman shall provide reasonable accommodation to a party with a disability who requests such accommodation within the time sufficient to make the accommodation.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-6-92)

NAC 284.862 Hearings open to public. (NRS 284.065) Except as otherwise required or permitted by chapter 241 of NRS, all hearings are open to the public.

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

NAC 284.866 Commencement of hearing. (NRS 284.065) At the beginning of the hearing, the Chairman of the Commission:

1. Shall state the subject of the hearing and identify the parties; and

2. May, with the agreement of the parties, read into or submit for the record items of preliminary or explanatory correspondence relevant to the subject of the hearing.

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

NAC 284.870 Appearance and representation of party; manner of hearing. (NRS 284.065)

1. A party may appear in person or may be represented by an individual of his choice, or both appear and be represented.

2. The matter will be heard in the manner prescribed by the Commission.

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

NAC 284.874 Decision of Commission. (NRS 284.065) At the conclusion of the hearing, the Commission may take the case under submission and will notify the parties in writing within 30 days after the date of the hearing of the Commission's decision.

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