



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
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TO: Department Directors
Division Administrators
Agency Personnel Liaisons
Agency Personnel Representatives
Designees for Rules Distribution

FROM: Lee-Ann Easton, Administrator *Lee-Ann Easton*
Division of Human Resource Management

SUBJECT: REVISION #3, RULES FOR STATE PERSONNEL ADMINISTRATION

Following a comprehensive review of NAC 284, the Personnel Commission adopted a number of permanent regulation changes. These regulations were recently approved by the Legislative Commission and became effective on October 4, 2013. For your convenience, below is brief description of the changes:

Compensation – Rate of Pay

NAC 284.170 has been separated into topic-specific sections in order to ease understanding and application of the rules related to determining the appropriate rate of pay for employees. Additionally, a number of sections were amended to change the reference from NAC 284.170 to one of the new sections.

The new sections related to the rate of pay upon promotion; demotion; reappointment; rate of pay for certain long term employees; and nonclassified, unclassified, and certain employees acquired pursuant to the provisions of NRS 284.022 remain relatively unchanged from the language in NAC 284.170.

The section regarding the rate of pay when an employee is reinstated has been simplified. The employee's base rate of pay must be set at or below the base rate of pay of the position in which the employee most recently held with the State.

The section regarding the rate of pay when an employee transfers has also been simplified. If an employee transfers to a position in the same or related class, he or she must maintain the step held before the transfer.

Lastly, the section regarding the rate of pay when a person is reemployed has been simplified. The rate of pay must be set at the step which most closely corresponds to the base rate of pay which he or she held at the time of his or her layoff or separation.

Compensation - Adjustment of Steps

NAC 284.204 was amended to limit the number of steps that may be granted in order to maintain an appropriate differential to not more than two steps, between the base rate of pay of the supervisor and the base rate of pay of an employee who is in the direct line of authority of the supervisor.

Essential Functions

The Americans with Disabilities Act (ADA) has been adopted by reference in NAC 284.120. The definition of “essential functions of a position” is established under that federal law; therefore NAC 284.440 was repealed. An informational note has been added to the Essential Functions section of the *Rules for State Personnel Administration* to direct the reader to information related to essential functions.

Training and Education

The change to NAC 284.498 aligns the training requirements for developing work performance standards and evaluating employee performance. It clarifies that training for both topics must be completed within 6 months of appointment to a supervisory position so that supervisors receive the appropriate training to effectively evaluate employee performance.

Additionally, NAC 284.498 has been amended to make subsection 3 consistent with subsection 2. Now, mandatory supervisory training provided by the Division of Human Resource Management *or* approved by the Division of Human Resource Management but delivered by another entity both require retraining every 3 years.

Attendance and Leaves

NAC 284.52375 has been amended to include “physician’s assistant” in the definition of a “provider of health care,” consistent with the Family and Medical Leave Act.

NAC 284.566 has been amended to remove the requirement that a second opinion by a provider of healthcare be on a FMLA medical certification form. The ADA requires that medical information requested of an employee be business related, and information requested on a FMLA medical certification may not always be relevant to an employee’s need for an accommodation under the ADA. Also, the FMLA certification form does not address the questions that are required for purposes of other types of leave such as catastrophic leave.

The change to NAC 284.576 allows, but does not require, an appointing authority to grant leave without pay to an employee who does not receive adequate catastrophic leave donations. This regulation has also been amended to allow excess leave donated by an employee who has left state service to be donated to the department’s catastrophic leave bank rather than returning it to the former employee.

To assist with the consistent application of civil leave for emergencies and disasters, NAC 284.587 was amended to include civil leave for duty as an emergency communications technician as outlined in NRS 281.149. NAC 284.588 has been repealed because it duplicates statute.

Use of Alcohol and Drugs

NAC 284.884 has been amended to make it consistent with the Federal Motor Carrier Safety Administration of the United States Department of Transportation workplace testing regulations.

NAC 284.893 was amended in order to clarify that an employee must meet the requirements in the regulation *prior* to returning to work following a positive test result.

Revisions to Rulebook

The [*Rules for State Personnel Administration*](#) has also been revised to reflect the changes made. Updated pages may be printed by clicking the link to [Revision #3](#) or by accessing it on the following webpage: <http://hr.nv.gov/Resources/Publications/Publications/>. If printing and inserting new pages, the corresponding sections and pages of the rulebook are listed in the chart below:

| SECTION | PAGE NO. |
|---------------------------------|--|
| Table of Contents | i - xii |
| Classification | B3 – B6 |
| Compensation | C1 – C8 |
| Filling Vacancies in Employment | D31 – D32 |
| Essential Functions | E1 – E2 |
| Training and Education | H3 – H4 |
| Attendance and Leaves | I1 – I2, I15 – I16, I19 – I30 (remove pages I31 – I32) |
| Use of Alcohol and Drugs | Q3 – Q8 |
| Appendix | 1 - 10 |

New sections will be assigned regulation numbers by the Legislative Counsel Bureau, Legal Division. Once that occurs, the [*Rules for State Personnel Administration*](#) will be revised and republished in its entirety. Please note that NAC 284 on the Nevada Legislature's Law Library webpage does not reflect all regulations that are approved and in effect.

Please ensure that everyone on your distribution list receives a copy. If you have any questions, please contact Michelle Garton at mgarton@admin.nv.gov or (775) 684-0136.

LE:mg/tp