



**STATE OF NEVADA**  
**DEPARTMENT OF ADMINISTRATION**  
***Division of Human Resource Management***  
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**MEMORANDUM**  
**HR#77-15**

December 28, 2015

**TO:** Department Directors  
Division Administrators  
Agency Personnel Liaisons  
Agency Personnel Representatives

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

**SUBJECT:** Revision #2, Rules for State Personnel Administration

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The Personnel Commission recently adopted a number of permanent regulation changes, which have been approved by the Legislative Commission. The effective dates of these changes are included in this memo, as well as in the source notes at the end of each regulation. Due to these changes, the [Rules for State Personnel Administration](#) publication has been updated on our website. Replacement pages for [Revision #2](#) are also available on our website. In addition to the regulation changes, there were several amendments to statutes, as a result of the 2015 Legislative Session, and are included in this revision.

**Please Note: It is necessary to use the *Rules for State Personnel Administration* publication as a reference to NAC 284 because the Law Library on the Nevada Legislature's website does not reflect all regulations that have been approved and are currently in effect.**

The following is a summary of the substantive changes.

**Reports on Performance**

The amendments to NAC 284.470 explain the effect of a report on performance that is filed timely, untimely or not at all for the purposes of both pay and performance rating. The Nevada Employee Action and Timekeeping System (NEATS) is undergoing an

upgrade to electronically process performance evaluations, as well as essential functions and work performance standards documents. This upgrade will provide tools to support a supervisor's ability to submit timely reports on performance.

The amendment to NAC 284.097 changes the reference to NAC 284.470 based on the addition of a new subsection to that regulation. The changes to both regulations are effective December 21, 2015.

### **Longevity Pay**

The statutes and regulations related to longevity pay were removed upon the republication of the *Rules for State Personnel Administration* in September 2015. As a reminder Assembly Bill 436 of the 2015 Legislative Session repealed NRS 284.177 and 284.179 effective June 9, 2015. The associated regulations have now been repealed, effective December 21, 2015. Also effective December 21, 2015 is the removal of the references to longevity in NAC 284.398 and 284.580.

### **Restoration of Employee**

**All regulation amendments related to restoration become effective on January 1, 2016.** Senate Bill 62 of the 2015 Legislative Session amended NRS 284.300, which necessitated the amendment to NAC 284.462. The revisions change eligibility for restoration to employees who have completed an initial probationary period, includes the procedures for calculating seniority for restoration, and clarifies that placement into a vacant position at the same or lower grade will be in the agency in which the employee was employed prior to the promotion. The amendments to NAC 284.088, 284.182 and 284.444 make conforming changes based on the amendment to NAC 284.462.

### **Screening Tests**

Senate Bill 62 of the 2015 Legislative Session amended NRS 284.4068 to allow the Division of Human Resource Management access to the confidential results of applicants' pre-employment drug test results to allow for the statewide implementation of NAC 284.894. The amendment to NAC 284.726 outlines this in regulation, and has an effective date of December 21, 2015.

The amendments to NAC 284.888 have an effective date of January 1, 2016. These amendments provide the definitions of "substantial damage to property" and "work-related accident or injury," which Senate Bill 62 of the 2015 Legislative Session requires.

### **Administrative Leave for Personnel Hearings**

The amendments to NAC 284.589 will ensure that employees are granted administrative leave to prepare for and to attend a hearing related to their dismissal, suspension, demotion, involuntary transfer, and a hearing related to a claim of reprisal or retaliatory action as a result of disclosing improper governmental action. Attendance of witness at such hearings will remain permissive. The reference to administrative leave in subsection 5 of NAC 284.394 has been removed because the granting of administrative leave for an employee to prepare for his or her hearing related to an involuntary transfer is now outlined in NAC 284.589. These amendments have an effective date of December 21, 2015.

## **Notice**

**The amendment to NAC 284.656 becomes effective on January 1, 2016.** Senate Bill 62 of the 2015 Legislative Session amended NRS 284.385 by removing the requirement for the delivery in person or by mail of notice to an employee of his or her dismissal, demotion, and suspension. If an employee is not available to deliver such notice in-person, NAC 284.656 now allows for delivery services other than just the U.S. Postal Service. The amendment allows for alternative courier services to be used, such as FedEx and UPS, as long as the carrier provides proof that the notice was sent and that it was delivered. The notice must not be given by electronic mail, the use of social media or other electronic means.

## **Communication to a Hearing Officer**

Currently, the Hearings Division of the Department of Administration act as the primary hearing officers for employee appeals. The Hearings Division also directly employs clerks assigned to the hearing officers. NAC 284.778 has been amended to broaden the contact for written communications to a “general” hearing clerk, rather than a clerk specific to the Division of Human Resource Management. This amendment has an effective date of December 21, 2015.

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

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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](mailto:mgarton@admin.nv.gov) or (775) 684-0136.

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