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**New regulations and amendments were adopted by the Human Resources Commission and approved by the Legislative Commission after the June 2024 revision of NAC chapter 284 (this document). Please check for additions and revisions of this chapter at: <https://hr.nv.gov/Resources/Publications/Publications/>**

## CHAPTER 284 - STATE HUMAN RESOURCES SYSTEM

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#### **GENERAL PROVISIONS**

**NAC 284.010 Definitions.** ([NRS 284.065](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 284.021](#) to [284.1125](#), inclusive, have the meanings ascribed to them in those sections. (Supplied in codification; A by Dep't of Personnel, 10-26-84; 4-19-88; 8-1-91; 7-6-92; 3-23-94; 10-27-97; R031-98, 4-17-98; R043-99, 9-27-99; R197-99, 1-26-2000; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm'n by R038-03, 10-30-2003; R142-05, 12-29-2005; R147-06, 12-7-2006; R137-12, 10-23-2013; R037-17, 10-31-2017, eff. 1-1-2018; R088-17, 12-19-2017; R175-18, 1-30-2019; R016-21, 9-28-2022)

**NAC 284.021 “Administrator” defined.** ([NRS 284.065](#)) “Administrator” means the Administrator of the Division of Human Resource Management. [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 284.056)

**NAC 284.022 “Appointing authority” defined.** ([NRS 284.065](#)) “Appointing authority” means an official, board or commission having the legal authority to make appointments to positions in the state service, or a person to whom the authority has been delegated by the official, board or commission. [Personnel Div., Rule I § D subsec. 3, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84)

**NAC 284.023 “Appointment” defined.** ([NRS 284.065](#)) “Appointment” means the acceptance by an applicant of an offer of employment by an appointing authority and their mutual agreement as to a date of hire. (Added to NAC by Dep't of Personnel, eff. 10-26-84)



**NAC 284.025 “Base rate of pay” defined.** ([NRS 284.065](#)) “Base rate of pay” means the dollar value of an employee’s grade and step.

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

**NAC 284.026 “Break in service” defined.** ([NRS 284.065](#)) “Break in service” means any separation from state service except for those separations listed in [NAC 284.598](#).

[Personnel Div., Rule I § D subsec. 4, eff. 8-11-73]

**NAC 284.027 “Budget Division” defined.** “Budget Division” means the Budget Division of the Office of Finance.

(Supplied in codification)

**NAC 284.028 “Center for assessment” defined.** ([NRS 284.065](#)) “Center for assessment” means a method of examination based upon an assessment and rating process which uses a series of oral, written and performance exercises.

(Added to NAC by Dep’t of Personnel, eff. 11-12-93)

**NAC 284.030 “Class” defined.** ([NRS 284.065](#)) “Class” means a group of positions sufficiently similar with respect to their duties and responsibilities that the same title may be reasonably and fairly used to designate each position allocated to the class, substantially the same tests of fitness may be used, substantially the same minimum qualifications may be required and the same schedule of compensation may be applied with equity.

[Personnel Div., Rule I § D subsec. 5, eff. 8-11-73]

**NAC 284.034 “Class series” defined.** ([NRS 284.065](#)) “Class series” means the normal line of progression from training, entry or preparatory levels to supervisory or administrative levels within a job specialty so that the minimum qualifications, tests of fitness and the duties and responsibilities of each class are similar but different in level.

[Personnel Div., Rule I § D subsec. 6, eff. 8-11-73]

**NAC 284.036 “Class specification” defined.** ([NRS 284.065](#)) “Class specification” means a written description of a class, consisting of a title, a definition, examples of duties, and the minimum qualifications which are required.

[Personnel Div., Rule I § D subsec. 7, eff. 8-11-73]

**NAC 284.038 “Classification” defined.** ([NRS 284.065](#)) “Classification” means the systematic process of analytically grouping and allocating positions to classes based on the similarity of actual duties and responsibilities.

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

**NAC 284.042 “Classification plan” defined.** ([NRS 284.065](#)) “Classification plan” means a listing of all the classes which have been established, the class specifications, and the grade to which each is assigned.

[Personnel Div., Rule I § D subsec. 9, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84)

**NAC 284.050 “Commission” defined.** ([NRS 284.065](#)) “Commission” means the Human Resources Commission.

(Supplied in codification; A by Dep’t of Personnel, 10-26-84)

**NAC 284.051 “Committee” defined.** “Committee” means the Employee-Management Committee.

(Supplied in codification)

**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 or her 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 284.057 “Division of Human Resource Management” defined.** “Division of Human Resource Management” means the Division of Human Resource Management of the Department of Administration.  
(Supplied in codification)

**NAC 284.0575 “Domestic partner” defined.** ([NRS 284.065](#)) “Domestic partner” has the meaning ascribed to it in [NRS 122A.030](#).  
(Added to NAC by Personnel Comm’n by R088-17, eff. 12-19-2017)

**NAC 284.0577 “Domestic violence” defined.** ([NRS 284.065](#), [284.345](#), [613.222](#)) “Domestic violence” means an act described in [NRS 33.018](#).  
(Added to NAC by Personnel Comm’n by R037-17, 10-31-2017, eff. 1-1-2018)

**NAC 284.058 “Eligible person” defined.** ([NRS 284.065](#)) “Eligible person” means any person who meets the required minimum qualifications and:

1. Applies, successfully passes all phases of an examination, when required, and is placed on an appropriate eligible list; or
2. Is eligible to be placed on a list described in paragraphs (a) to (d), inclusive, of subsection 1 of [NAC 284.358](#).  
[Personnel Div., Rule I § D subsec. 12, eff. 8-11-73]—(NAC A by Personnel Comm’n by R163-18, 1-30-2019)

**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)

**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 284.06385 “Family or household member” defined.** ([NRS 284.065](#), [284.345](#), [613.222](#)) “Family or household member” has the meaning ascribed to it in [NRS 612.3755](#).  
(Added to NAC by Personnel Comm’n by R037-17, 10-31-2017, eff. 1-1-2018)

**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 Division of Human Resource Management 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 Division of Human Resource Management 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)

**NAC 284.0653 “Gender identity or expression” defined.** ([NRS 284.065](#)) “Gender identity or expression” has the meaning ascribed to it in [NRS 0.034](#).

(Added to NAC by Personnel Comm'n by R175-18, eff. 1-30-2019)

**NAC 284.0655 “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 or disorder in a family member of a person.

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

**NAC 284.066 “Grade” defined.** ([NRS 284.065](#)) “Grade” means the number assigned by the Division of Human Resource Management 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 Division of Human Resource Management 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 Division of Human Resource Management 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 284.0735 “Organizational climate study” defined.** ([NRS 284.065](#), [284.155](#)) “Organizational climate study” means an independent study conducted by the Division of Human Resource Management to assess and evaluate the culture, effectiveness of management, employee morale and internal communication of an organization through a variety of methods, including, without limitation:

1. Surveys;
2. Interviews, including, without limitation, exit interviews;
3. Review of policies, procedures and internal communications;
4. Review of issues related to recruitment;
5. Review of data relating to employees, including, without limitation, statistics relating to turnover;
6. Review of grievances filed by employees; and
7. Review of complaints described in [NAC 284.658](#) which are filed by employees.

(Added to NAC by Personnel Comm'n by R137-12, eff. 10-23-2013; A by R033-17, 10-31-2017)

**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 Division of Human Resource Management 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 the appointment to his or her 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 or she 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 or she has successfully completed the probationary period for the class; or
2. His or her appointment does not require a new probationary period and he or she 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 or she 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 or she 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. 12-7-2006)

**NAC 284.088 “Promotion” defined.** ([NRS 284.065](#), [284.155](#), [284.290](#), [284.300](#)) “Promotion” means an advancement to a position in a class which has a higher grade than the class previously held.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A by Personnel Comm’n by R183-03, 1-27-2004; R102-15, 12-21-2015, eff. 1-1-2016)

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

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

**NAC 284.094 “Reclassification” defined.** ([NRS 284.065](#), [284.155](#)) “Reclassification” means a change in the 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; A by Personnel Comm’n by R097-16, 11-2-2016)

**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 or she 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 or her 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 or she 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](#), [284.335](#), [284.340](#))** "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 9 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; R056-10, 10-26-2011; R041-15, 12-21-2015)

**NAC 284.0975 "Risk Management Division" defined.** "Risk Management Division" means the Risk Management Division of the Department of Administration.

(Supplied in codification)

**NAC 284.0985 "Sex- or gender-based harassment" defined. ([NRS 284.065](#), [284.4082](#))** "Sex- or gender-based harassment" means:

1. Unwelcome sexual advances, requests for sexual favors or any other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is explicitly or implicitly made a term or condition of a person's employment; or

(b) Submission to or rejection of such conduct is explicitly or implicitly made a basis of employment decisions affecting a person; or

2. Engaging in unwelcome harassing verbal or physical conduct that occurs because of the sex or gender of a person or persons and has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating or offensive work environment where:

(a) The harassing conduct is of a sexual nature;

(b) The harassing conduct is not of a sexual nature but is related to the sex or gender of a person;

(c) The harassing conduct is sex- and gender-neutral in content but occurs because of the sex or gender of a person;

or

(d) Any combination of harassing conduct described in paragraphs (a), (b) and (c).

(Added to NAC by Personnel Comm'n by R016-21, eff. 9-28-2022)

**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. 12-7-2006)

**NAC 284.0996 "Sexual orientation" defined. ([NRS 284.065](#))** "Sexual orientation" has the meaning ascribed to it in [NRS 0.055](#).

(Added to NAC by Personnel Comm'n by R175-18, eff. 1-30-2019)

**NAC 284.0997 "Spouse" defined. ([NRS 284.065](#))** "Spouse" includes a domestic partner as set forth in [NRS 122A.200](#).

(Added to NAC by Personnel Comm'n by R088-17, eff. 12-19-2017)

**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 Division of Human Resource Management 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 or who voluntarily transferred to a vacant position.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 8-1-91; 12-26-91; A by Personnel Comm’n by R163-18, 1-30-2019)

**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, a complaint described in [NAC 284.658](#) or an appeal, means Monday to Friday, inclusive, excluding holidays.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A by Personnel Comm’n by R033-17, 10-31-2017)

**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 or her 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](#), [284.155](#), [284.345](#))** As used in [NRS 284.350](#) and [284.355](#), the Administrator 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](#), [284.155](#))**

1. The Division of Human Resource Management is responsible for establishing, coordinating and evaluating an affirmative action program for this State.

2. The Division of Human Resource Management 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, gender identity or expression, religion, color, national origin, age, genetic information, disability or whether or not the person is a domestic partner.

(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; A by Personnel Comm’n by R055-10, 6-30-2010; R023-11, 10-26-2011; R088-17, 12-19-2017; R175-18, 1-30-2019)

**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](#), [284.155](#))**

1. For the purposes of determining the meaning of “essential functions of a position,” “interactive process,” “person with a disability,” “qualified person with a disability” and “reasonable accommodation,” the Division of Human Resource Management 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 at the Internet address <http://www.eeoc.gov>.

(Added to NAC by Dep't of Personnel, eff. 7-6-92; A 10-27-97; R082-00, 8-2-2000; A by Personnel Comm'n by R059-09, 10-27-2009; R097-16, 11-2-2016)

**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]

#### CLASSIFICATION

**NAC 284.126 Creation of new class, reclassification of position or reallocation of existing class. ([NRS 284.065](#), [284.155](#))**

1. For the purposes of this section:

(a) “Agency personnel officer” means the Director of Personnel within the Nevada System of Higher Education or any person holding a position in the classified service with the title of Personnel Officer.

(b) “Significant change” means a change in the duties and responsibilities assigned to a position in a class that:

- (1) Is outside of the scope of the class as described by the class specification;
- (2) Is not part of the scope of responsibility of the position; and
- (3) Results in the preponderance of duties and responsibilities being allocated to a different class.

2. If an appointing authority or an employee proposes the creation of a new class, a reclassification of a position to a different class or the reallocation of an existing class based upon a gradual accumulation of duties and responsibilities which results in a significant change and is intended to be permanent, the Division of Human Resource Management or agency personnel officer must be notified on the appropriate form. If the creation, reclassification or reallocation is approved, the Division of Human Resource Management will allocate the position to one of the existing classes in the classification plan or to a new, revised or reallocated class as appropriate.

3. The effective date of the classification decision will be the date on which Form NPD-19 is received by the Division of Human Resource Management or agency personnel officer unless information that substantially affects the decision concerning the creation, reclassification or reallocation is received after this date. In that case, the effective date will be the date on which the appropriate information necessary to make the decision is received. However, the subsequent receipt of an application or examination score that confirms the qualifications of an incumbent will not have a bearing on the effective date. If the form was prepared but delayed due to an administrative or clerical error, the effective date must be determined by the appointing authority and must be based upon the date on which the form should reasonably have been submitted to the Division of Human Resource Management or agency personnel officer. In no case, however, may a retroactive adjustment because of an administrative or clerical error exceed 6 months after the date of receipt.

4. If an agency makes or anticipates making a significant change in the duties for a position or the agency anticipates a reorganization which will require the reclassification of an existing position, the reallocation of an existing class or the creation of a new class, it shall advise the Budget Division of the Office of Finance or, in the case of the Nevada System of Higher Education, the budget division of the applicable institution. The proposed change may not be required of an employee nor be submitted to the Division of Human Resource Management until funding for it is approved. If the change is approved by the Division of Human Resource Management, the effective date will be determined by the Budget Division.

5. In effecting a reclassification pursuant to subsection 2 or 4, the appointing authority must review and take into consideration the organizational structure and the qualifications of the incumbent before assigning new duties to a



position which are intended to be permanent. No position will be reclassified to a higher grade through the individual classification process if the incumbent does not meet the minimum qualifications for the higher level position. If an employee does not meet the minimum qualifications to reclassify his or her position, the employee is not eligible for promotion, but may be eligible for a special adjustment to his or her pay pursuant to [NAC 284.206](#).

6. The establishment of a new class or reallocation of a class in an occupational study which results in a fiscal cost becomes effective when the funding is provided by the Legislature in the biennial operating budget for this State.

7. From the date on which the Division of Human Resource Management formally announces the beginning of an occupational study until the date on which the occupational study becomes effective:

(a) An existing position in the occupational study that has a significant change may only be reclassified to an existing class.

(b) An existing class in the occupational study must not be reallocated to a different grade.

(c) A new position may be allocated to an existing class or a new class as determined by the Division of Human Resource Management.

[Personnel Div., Rule II § D subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 8-14-90; 12-26-91; 11-16-95; 10-27-97; R098-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R069-02, 8-14-2002; R038-03, 10-30-2003)

**NAC 284.130 Investigations of classifications.** ([NRS 284.065](#), [284.155](#)) The Division of Human Resource Management may investigate the classification of any existing position on the written request of an appointing authority or an employee or on its own initiative.

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

**NAC 284.132 Temporary classifications.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. An appointing authority, an employee or the Division of Human Resource Management may request a temporary classification which allows the classification of a position for a temporary period of 1 year or less. Each appointment which is designated as temporary must have specific criteria established which justify the grade of the position and the projected date of expiration of the period. A position which no longer meets this criteria will revert back to the class from which it was reclassified. This method of classification is subject to the following conditions:

(a) Temporary classifications must meet the allocation standards and the criteria established for the class before this method may be used. The classification must be approved by the Division of Human Resource Management before the appointment.

(b) An employee who is appointed to a temporary class must sign the payroll document. This signature acknowledges that the employee understands the conditions of the reclassification and its projected date of expiration.

2. If the employee meets the minimum qualifications for the temporary classification, he or she:

(a) Retains his or her status of appointment; and

(b) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.

↳ An incumbent who has reverted to his or her previous class is entitled to the step, pay progression date and status of appointment he or she would have attained if he or she had not been appointed to the temporary class.

3. The pay progression date of an employee who is promoted pursuant to this section will be determined in accordance with the provisions of [NAC 284.182](#). The rate of pay for the employee will be determined in accordance with the provisions of [NAC 284.172](#) governing an employee's pay on promotion.

4. In case of a layoff, the temporarily assigned employee's class of layoff is his or her former class. The time served in the temporary class is counted for seniority purposes if it was in the same occupational group, as provided in [NRS 284.171](#).

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 10-27-97; R043-99 & R098-99, 9-27-99; R146-01, 1-18-2002; R147-01, 1-22-2002; A by Personnel Comm'n by R133-12, 10-4-2013)

**NAC 284.134 Individual reclassification of position to higher level: Status of incumbent.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. An incumbent who meets the minimum qualifications for an individual reclassification as provided in [NAC 284.126](#) may be reclassified to a higher level. If the incumbent's position is reclassified as a result of an individual classification study, the incumbent will continue to serve in the position and:

(a) Must be promoted;

(b) Retains his or her status of appointment; and

(c) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.

2. The pay progression date of an employee who is reclassified pursuant to this section will be determined in accordance with the provisions of [NAC 284.182](#). The rate of pay will be determined in accordance with the provisions of [NAC 284.172](#) governing an employee's pay on promotion.

[Personnel Div., Rule II § F subsecs. 1 & 2, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 10-27-97; R043-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R133-12, 10-4-2013)

**NAC 284.138 Reclassification or reallocation of class or position to higher grade as result of occupational study: Status of incumbent.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. Except as otherwise provided in subsections 3 and 4, if a class or a position within a class is reclassified or reallocated to a higher grade as a result of an occupational study, the incumbent will continue to serve in the position and:

- (a) Must be promoted;
- (b) Retains his or her status of appointment;
- (c) Retains his or her pay progression date; and

(d) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.

2. The rate of pay for employees who are promoted will be determined in accordance with the provisions of [NAC 284.172](#) governing an employee's pay on promotion.

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

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

[Personnel Div., Rule II § F subsec. 4, eff. 8-11-73; A 10-6-78]—(NAC A by Dep't of Personnel, 10-26-84; 8-1-91; 12-26-91; 9-16-92; 10-27-97; R043-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R133-12, 10-4-2013)

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

1. If a class or position is reclassified to a lower grade, the incumbent's title and grade must be changed to the new class. He or she will retain his or her status of appointment and pay progression date. The rate of pay will be determined by the provisions of [NAC 284.290](#) governing an employee's pay on retained rates or, if the employee does not meet these requirements, by the provisions of [NAC 284.173](#) governing an employee's pay on demotion.

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

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

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

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by R043-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R133-12, 10-4-2013)

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

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

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

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

4. The qualifications which are required for a particular class are the standards for the evaluation of applications for positions in that class. The Division of Human Resource Management may, after consulting with appointing authorities, interpret these qualifications so that qualifications which are equivalent to those which are specified for the class may be accepted. The interpretation of qualifications which are considered equivalent must not circumvent the principles of selection on the basis of merit.

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

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

➔ Any disagreement concerning the validity of the required qualifications may be submitted for adjustment pursuant to the procedure for the adjustment of grievances set forth in [NAC 284.658](#) to [284.697](#), inclusive.

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

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

1. An employee affected by the allocation of a position to a grade or class or by a change in classification as a result of a study regarding classifications, or the agency where such actions have occurred, may, within 30 days after the date of receipt of written notice of the action, file a written appeal of the action with the Administrator. The appeal must:

(a) Address the points outlined in the Division of Human Resource Management's recommendation regarding the proper classification for the position in question; and

(b) Indicate the points with which the appellant disagrees and express the reasons for the disagreement.

2. The Administrator will issue a decision on the appeal within 30 days after receiving the appeal unless:

(a) He or she is prohibited from doing so because of the number of appeals resulting from a study regarding classifications;

(b) There is an agreement with the appellant to extend the limitation of time for the issuance of the decision; or

(c) The Administrator delegates the duty to decide the appeal to a designated representative pursuant to subsection 3.

3. The Administrator may delegate the duty to decide the appeal to a designated representative if the Administrator is unavailable or reasonably believes he or she has a conflict of interest. If the Administrator makes such a delegation, the designated representative shall issue a decision on the appeal within 30 days after the Administrator received the appeal.

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

(a) Be in writing;

(b) Be addressed to the Administrator;

(c) Address the points outlined in the decision regarding the proper classification for the position in question; and

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

(Added to NAC by Dep't of Personnel, eff. 9-17-87; A 3-1-96; R031-98, 4-17-98; A by Personnel Comm'n by R203-07, 4-17-2008; R100-16, 11-2-2016)

## COMPENSATION

**NAC 284.158 Range of pay based on full-time employment; semimonthly or biweekly payment; payment of part-time, intermittent, per diem and positive reporting employees.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. A range of pay for a class must be based on full-time employment for the pay class designation.

2. Employees are paid on a semimonthly or biweekly basis depending on the schedule on which the employing agency pays employees in the class.

3. Payment for part-time employment is based on the direct proportion of hours that a part-time employee works to the hours of full-time employment for the employee's pay class designation.

4. Payment of intermittent, per diem and positive reporting employees is based on the number of hours reported by each such employee.

[Personnel Div., Rule III § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-6-92; R147-01, 1-22-2002)

**NAC 284.170 Rate of pay: Initial appointment.** ([NRS 284.065](#), [284.155](#), [284.175](#)) Except as otherwise provided in [NAC 284.204](#) and [284.206](#), upon employment that is an initial appointment, the employee's base rate of pay must be set at step 1 of the grade of the position's class.

[Personnel Div., Rule III § F, eff. 8-11-73; A 10-6-78]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 7-22-87; 9-17-87; 12-17-87; 7-21-89; 8-14-90; 8-1-91; 7-6-92; 3-23-94; 7-1-94; 3-1-96; R098-99, 9-27-99; R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm'n by R038-03, 10-30-2003; R133-12, 10-4-2013)

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

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

### REVISER'S NOTE.

The provisions of [NAC 284.171](#) were derived from part of former [NAC 284.170](#) which contains the following regulatory history:

“[Personnel Div., Rule III § F, eff. 8-11-73; A 10-6-78]—(NAC A by Dep’t of Personnel, 10-26-84; 8-28-85; 5-27-86; 7-22-87; 9-17-87; 12-17-87; 7-21-89; 8-14-90; 8-1-91; 7-6-92; 3-23-94; 7-1-94; 3-1-96; R098-99, 9-27-99; R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm’n by R038-03, 10-30-2003)”

**NAC 284.172 Rate of pay: Effect of promotion.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. Except as otherwise provided in [NAC 284.204](#), the following provisions govern the rate of pay which must be paid if an employee is promoted:

(a) The employee must be placed at the lowest step in the higher grade that meets one of the following requirements:

(1) If the employee moves one or two grades above his or her former grade, he or she must be placed at the same step in the new grade as the step held in his or her former grade.

(2) If the employee moves three or more grades above his or her former grade, the employee must be placed:

(I) At a step which is equivalent to an increase of two steps above the step held in his or her former grade; or

(II) At the lowest step of the new grade,

↪ whichever pay is higher and in accordance with the provisions of [NAC 284.179](#).

(b) A special adjustment to an employee’s pay for performing supervisory duties which is granted in accordance with paragraph (c) of subsection 2 of [NAC 284.206](#) is the present level of pay for the purpose of calculating a promotional increase authorized by paragraph (a) only if the employee has received the special adjustment to his or her pay for more than 6 months of continuous full-time service.

(c) If an employee has been demoted, he or she may not, within 1 year after the demotion, receive a promotional increase in pay that is greater than the increase which he or she would have otherwise been entitled to receive had he or she not been demoted unless the Administrator approves the promotional increase.

(d) This subsection does not apply when an employee is reemployed or reappointed to his or her former grade within 1 year after holding that grade.

2. As used in this section, “present level of pay” means a rate of pay that is equal to the amount that is assigned to the step within the grade which is closest to, but does not exceed, the employee’s pay after a special adjustment to pay pursuant to the provisions of [NAC 284.206](#).

(Added to NAC by Personnel Comm’n by R133-12, eff. 10-4-2013; A by R064-14, 10-24-2014; R164-18, 1-30-2019)

**REVISER’S NOTE.**

The provisions of [NAC 284.172](#) were derived from part of former [NAC 284.170](#) which contains the following regulatory history:

“[Personnel Div., Rule III § F, eff. 8-11-73; A 10-6-78]—(NAC A by Dep’t of Personnel, 10-26-84; 8-28-85; 5-27-86; 7-22-87; 9-17-87; 12-17-87; 7-21-89; 8-14-90; 8-1-91; 7-6-92; 3-23-94; 7-1-94; 3-1-96; R098-99, 9-27-99; R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm’n by R038-03, 10-30-2003)”

**NAC 284.173 Rate of pay: Effect of demotion.** ([NRS 284.065](#), [284.155](#), [284.175](#)) Except as otherwise provided in paragraph (b) of subsection 1 of [NAC 284.618](#), an employee who is demoted must be paid at a step within the grade of the class to which he or she was demoted as follows:

1. Except as otherwise provided in subsections 2 to 5, inclusive, if the employee has attained permanent status in the class from which he or she was demoted and the demotion is instituted at the employee’s request or is acceptable to the employee, the appointing authority shall pay him or her at a step in the grade of the class to which he or she was demoted which is equal to or less than his or her base rate of pay in the position from which he or she was demoted, but not greater than the highest step of the class to which he or she was demoted.

2. An exception to subsection 1 may be granted by the appointing authority to pay an employee at a rate that does not fall within the grade of the class to which he or she is demoted if the appointing authority determines that the demotion is in the best interest of the employee and the State of Nevada. If such an exception is granted:

(a) The employee’s base rate of pay will be limited to three grade levels above the grade of the class to which he or she is demoted or his or her base rate of pay in the position from which he or she was demoted, whichever is less.

(b) The employee’s base rate of pay in the position to which he or she was demoted will be frozen until it falls within the grade of the class to which he or she was demoted or for a maximum of 2 years after the date of demotion, making the employee ineligible for any merit pay increases, cost of living adjustments or adjustments for a class of employees that has been approved by the Legislature.

(c) If the employee’s frozen base rate of pay does not fall within the grade of the class to which he or she was demoted within the 2-year period, his or her base rate of pay will be adjusted to the highest step within the grade of the class to which he or she was demoted.

3. If an employee accepts a promotion and is demoted before attaining permanent status in the class, he or she must be paid at a step in the grade of the class to which he or she was demoted which is equivalent to the base rate of pay to which he or she would have been entitled had he or she not been promoted.

4. If the demotion is instituted by the appointing authority for disciplinary reasons and is not covered by subsection 2, the appointing authority shall determine the step in the grade of the class to which the employee was demoted at which the employee will be paid.

5. If an employee is demoted during his or her probationary period in state service, the appointing authority may pay the demoted employee at any step in the grade of the class to which the employee was demoted that is not greater than his or her base rate of pay before the demotion.

(Added to NAC by Personnel Comm'n by R133-12, eff. 10-4-2013; A by R008-14, 6-23-2014)

**REVISER'S NOTE.**

The provisions of [NAC 284.173](#) were derived from part of former [NAC 284.170](#) which contains the following regulatory history:

“[Personnel Div., Rule III § F, eff. 8-11-73; A 10-6-78]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 7-22-87; 9-17-87; 12-17-87; 7-21-89; 8-14-90; 8-1-91; 7-6-92; 3-23-94; 7-1-94; 3-1-96; R098-99, 9-27-99; R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm'n by R038-03, 10-30-2003)”

**NAC 284.175 Rate of pay: Effect of transfer.** ([NRS 284.065](#), [284.155](#), [284.175](#)) Except as otherwise provided in [NAC 284.204](#), if an employee transfers to a position in the same or a related class, he or she must maintain the step held before the transfer.

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

**REVISER'S NOTE.**

The provisions of [NAC 284.175](#) were derived from part of former [NAC 284.170](#) which contains the following regulatory history:

“[Personnel Div., Rule III § F, eff. 8-11-73; A 10-6-78]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 7-22-87; 9-17-87; 12-17-87; 7-21-89; 8-14-90; 8-1-91; 7-6-92; 3-23-94; 7-1-94; 3-1-96; R098-99, 9-27-99; R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm'n by R038-03, 10-30-2003)”

**NAC 284.1755 Rate of pay: Effect of reassignment.** ([NRS 284.065](#), [284.155](#), [284.305](#)) If an employee is reassigned to a position which is in:

1. The same grade which he or she currently holds, the employee's base rate of pay in the position to which he or she was reassigned will be determined in accordance with the provisions of [NAC 284.175](#).

2. A lower grade than he or she currently holds, the employee's base rate of pay in the position to which he or she was reassigned will be determined in accordance with the provisions of subsection 1 of [NAC 284.173](#).

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

**NAC 284.176 Rate of pay: Effect of reappointment.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. If an employee is reappointed to a position which is in:

(a) The grade which he or she currently holds, he or she retains his or her step.

(b) A higher grade and the appointment occurs within 1 year after the date on which he or she last held the grade, the employee must be placed at the step which he or she last held in that grade.

(c) A higher grade and the reappointment occurs more than 1 year after he or she held that grade, his or her pay must be calculated pursuant to the provisions relating to promotion in [NAC 284.172](#).

2. Any exception to subsection 1 must be approved by the Division of Human Resource Management based upon a written request and justification for the exception submitted by the appointing authority.

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

**REVISER'S NOTE.**

The provisions of [NAC 284.176](#) were derived from part of former [NAC 284.170](#) which contains the following regulatory history:

“[Personnel Div., Rule III § F, eff. 8-11-73; A 10-6-78]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 7-22-87; 9-17-87; 12-17-87; 7-21-89; 8-14-90; 8-1-91; 7-6-92; 3-23-94; 7-1-94; 3-1-96; R098-99, 9-27-99; R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm'n by R038-03, 10-30-2003)”

**NAC 284.177 Rate of pay: Effect of reemployment.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. Except as otherwise provided in this section, if a person is reemployed, he or she must be placed 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.

2. Except as otherwise provided in subsection 3, an exception to subsection 1 may be made if the conditions in [NAC 284.204](#) exist, or if money is not available as certified by the Chief of the Budget Division or, in the case of an agency that is not funded from the State General Fund or the Nevada System of Higher Education, as certified by the administrator of that agency or the System. If an exception to subsection 1 is made pursuant to this subsection because the agency does not have sufficient money available, the employee retains the right of reemployment.

3. If a person who is eligible for military reemployment is reemployed, the provisions of subsection 1 apply except that the period of the military service must be included in calculating the step at which he or she will be placed.

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

**REVISER'S NOTE.**

The provisions of [NAC 284.177](#) were derived from part of former [NAC 284.170](#) which contains the following regulatory history:

“[Personnel Div., Rule III § F, eff. 8-11-73; A 10-6-78]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 7-22-87; 9-17-87; 12-17-87; 7-21-89; 8-14-90; 8-1-91; 7-6-92; 3-23-94; 7-1-94; 3-1-96; R098-99, 9-27-99; R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm'n by R038-03, 10-30-2003)”

**NAC 284.179 Rate of pay: Minimum step for continuous employees hired before 1975.** ([NRS 284.065](#), [284.155](#), [284.175](#)) An employee who has been continuously employed without a break in service may not have his or her step set below:

1. Step 4 of any grade if his or her date of hire is before April 26, 1973; or
2. Step 3 of any grade if his or her date of hire is before May 3, 1975, but on or after April 26, 1973, except for disciplinary reasons which result in demotion.

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

**REVISER'S NOTE.**

The provisions of [NAC 284.179](#) were derived from part of former [NAC 284.170](#) which contains the following regulatory history:

"[Personnel Div., Rule III § F, eff. 8-11-73; A 10-6-78]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 7-22-87; 9-17-87; 12-17-87; 7-21-89; 8-14-90; 8-1-91; 7-6-92; 3-23-94; 7-1-94; 3-1-96; R098-99, 9-27-99; R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm'n by R038-03, 10-30-2003)"

**NAC 284.180 Rate of pay: Nonclassified or unclassified employees or other certain employees appointed to classified service.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. Except as otherwise provided in subsection 2, if a nonclassified or unclassified employee or an employee included in the Human Resources System pursuant to the provisions of [NRS 284.022](#) is appointed without a break in service to the classified service, he or she may, at the discretion of the appointing authority:

(a) Be paid at a step which corresponds to or is below his or her rate of pay as a nonclassified or unclassified employee if it is within the grade of the class to which he or she is appointed;

(b) Be paid at the first step in the new grade to which he or she is appointed; or

(c) Receive a special adjustment to his or her pay pursuant to subsection 1 of [NAC 284.204](#) or [NAC 284.206](#).

2. An exception to subsection 1 may be made if a nonclassified or unclassified employee who was an employee of the Legislative Branch of State Government employed at the conclusion of a regular session of the Legislature pursuant to [NRS 284.3775](#) transfers to state service.

3. An employee who was previously employed in the classified service and is appointed pursuant to the provisions of subsection 1 may not be paid at a step and grade which is greater than he or she received at the time he or she left the classified service, unless he or she has held the unclassified or nonclassified position for more than 1 year.

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

**REVISER'S NOTE.**

The provisions of [NAC 284.180](#) were derived from part of former [NAC 284.170](#) which contains the following regulatory history:

"[Personnel Div., Rule III § F, eff. 8-11-73; A 10-6-78]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 7-22-87; 9-17-87; 12-17-87; 7-21-89; 8-14-90; 8-1-91; 7-6-92; 3-23-94; 7-1-94; 3-1-96; R098-99, 9-27-99; R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm'n by R038-03, 10-30-2003)"

**NAC 284.182 Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.290](#), [284.300](#))

1. An employee receives a new pay progression date if he or she is:

(a) Promoted to a position that results in an increase of two grades or more; or

(b) Reinstated.

2. An employee who is:

(a) Promoted to a position that results in an increase of one grade;

(b) In a position that is reclassified to a higher class as a result of an individual classification study or an occupational study;

(c) Transferred to a position without receiving an increase in grade;

(d) Reappointed to a position at a grade that he or she formerly held;

(e) Reemployed and has remained continuously employed; or

(f) Demoted,

↪ retains the pay progression date held before the action described in paragraphs (a) to (f), inclusive, occurred.

3. If a person who is eligible for military reemployment is reemployed, he or she retains the pay progression date held when separated from this State for his or her service in the military.

4. If an employee was promoted but is being restored to his or her former position or class pursuant to the provisions of [NAC 284.462](#), the date of appointment and pay progression date of the former position must be restored. If, pursuant to subparagraph (1) of paragraph (c) of subsection 2 of [NAC 284.462](#), the employee is placed in a position in a class equal to or lower than the class of the position held by the employee immediately before the promotion, the pay progression date of the former position must be restored.

5. Except as otherwise provided in this subsection and subsection 6, an employee's pay progression date must be adjusted:

(a) To equal 1 year of full-time equivalent service for an employee who changes from full-time employment to part-time employment or from part-time employment to full-time employment; or

(b) On a day-for-day basis for the amount of time the employee:

(1) Was separated from state service if the employee is reemployed within 1 year after the date on which he or she was laid off or received a seasonal separation.

(2) Was separated from state service if the employee is a person with a permanent disability arising from a work-related injury or occupational disease who is reemployed within 1 year after the date on which he or she sustained the permanent disability as determined pursuant to [NAC 284.6013](#).

(3) Was on leave without pay, or on catastrophic leave, if the employee is:

(I) A nonexempt employee and the leave without pay or catastrophic leave was in excess of 240 hours; or

(II) An exempt classified employee and the leave without pay or catastrophic leave was in excess of 30 working days,

↳ in a year, except for leave without pay for a work-related injury or illness pursuant to [NRS 281.390](#) or on a military leave of absence pursuant to [NRS 284.359](#) or a leave of absence without pay during a fiscal emergency pursuant to [NAC 284.580](#). An employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his or her pay class designation. As used in this subparagraph, “year” means a period equal to 12 months of full-time equivalent service measured backward from the employee’s pay progression date.

6. If the number of total hours of leave without pay or catastrophic leave of a nonexempt employee that exceed 240 hours is less than 1 day of full-time equivalent service for the pay class designation of the employee, an adjustment will not be made for those hours.

7. If an employee is on leave without pay, or on catastrophic leave, on his or her pay progression date, any adjustment to his or her pay progression date will be made after he or she returns to work.

[Personnel Div., Rule III part § G, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; 8-28-85; 5-27-86; 8-22-86; 4-19-88; 7-21-89; 10-18-89; 3-27-92; 7-6-92; 9-16-92; 11-16-95; 3-1-96; 10-27-97; R043-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm’n by R182-03, 1-27-2004; R022-05, 10-31-2005; R142-05, 12-29-2005; R102-15, 12-21-2015, eff. 1-1-2016)

**NAC 284.186 Date of promotion coinciding with pay progression date.** ([NRS 284.065](#), [284.155](#), [284.175](#)) If the date of an eligible employee’s promotion coincides with his or her pay progression date, the merit pay increase must be granted first and the promotional increase must be applied to the higher rate.

[Personnel Div., Rule III part § G, eff. 8-11-73; A 4-14-76]—(NAC A by Dep’t of Personnel, 10-26-84; R043-99, 9-27-99; R147-01, 1-22-2002)

**NAC 284.194 Merit pay increase: Granting or withholding; delay because of administrative or clerical error.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.335](#))

1. An employee whose last rating of performance was standard or better and who has not attained the top step of his or her grade must receive a merit pay increase of one step on his or her pay progression date. Unless the employee receives a subsequent rating of performance that is substandard, an employee will receive a merit pay increase of one step for each additional year of employment equivalent to full-time service until he or she reaches the top step of the grade.

2. An employee whose last rating of performance was substandard is not eligible for a merit pay increase until his or her overall performance improves to standard or better. If a subsequent report on performance is not filed with the Administrator within the 90-day period required by subsection 4 of [NRS 284.340](#), the employee’s performance will be deemed standard and he or she will be entitled to the merit pay increase effective on the date on which the subsequent report on performance was due. The date on which a report on performance is received by the Administrator or an employee of the Division of Human Resource Management is the date on which the report is filed.

3. If a merit pay increase is withheld as provided in subsection 2 because a rating of performance was substandard, the employee’s pay progression date must not be affected.

4. If a merit pay increase is delayed solely because of an administrative or clerical error, the increase must be made effective on the date on which the increase was properly due.

[Personnel Div., Rule III part § G, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; 10-18-89; 11-16-95; R031-98, 4-17-98; R043-99, 9-27-99; R147-01, 1-22-2002)

**NAC 284.196 Merit pay increase: Credit for service under certain circumstances.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. Service in any provisional, temporary, special disabled or emergency status that is immediately followed by probationary or permanent status must be credited toward eligibility for a merit pay increase.

2. Service in a seasonal position must be credited toward eligibility for a merit pay increase. An incumbent in such a seasonal position must complete 1 year of full-time equivalent service before he or she is eligible for a merit pay increase.

(Added to NAC by Dep’t of Personnel by R147-01, eff. 1-22-2002; A by Personnel Comm’n by R182-03, 1-27-

2004)

**NAC 284.204 Adjustment of steps within same grade: Conditions for approval; request; effective date; revocation. ([NRS 284.065](#), [284.155](#), [284.175](#))**

1. Subject to the provisions of subsection 2, the Division of Human Resource Management may approve an adjustment of steps within the same grade to:

(a) Allow an appointing authority the flexibility to adjust the rate of pay for a position that will be filled by a person from a pool of eligible persons who are applying for the position on an open competitive basis in order to:

(1) Meet a difficult recruiting problem in which an effort to recruit a person for a position or class has failed to produce at least five eligible persons who are available to work, or the recruitment for the position or class has been deemed historically difficult. Such an adjustment of steps may be approved by the Division of Human Resource Management for a class for a period of 1 year.

(2) Employ a person whose education or experience is superior to those of another eligible person and who exceeds the minimum qualifications of the class. Any experience or education which is considered by the appointing authority pursuant to this subparagraph must be given a greater weight for those areas which are directly related to the position than general education and experience.

(b) Maintain an equitable relationship in the status of steps among the employees of the appointing authority if a disparity exists. An adjustment will not be granted pursuant to this section if the disparity in steps is:

(1) Among employees of different departments or agencies; or

(2) A result of:

(I) The length of service of employees;

(II) An adjustment in pay which was attained in a former class; or

(III) An adjustment in pay for an employee who resides in a particular geographical area.

2. Before the Division of Human Resource Management may approve an adjustment of steps pursuant to subsection 1, the appointing authority must submit a request on a form prescribed by the Division of Human Resource Management to the Division of Human Resource Management which:

(a) Specifies the qualifying conditions and justification for the request; and

(b) Certifies that the appointing authority has, where applicable:

(1) Considered the requirements for the pay required to meet the need described in subparagraph (1) of paragraph (a) of subsection 1;

(2) Considered the qualifications of any other eligible person who is available for work for the purposes of subparagraph (2) of paragraph (a) of subsection 1;

(3) Ensured that the adjustment is feasible on the basis of its fiscal effects; and

(4) Prepared and maintained an accurate record of the consideration of the factors listed in this section.

3. If an adjustment of steps is approved by the Division of Human Resource Management pursuant to subsection 1, the effective date of such an adjustment is the date on which a request that complies with subsection 2 is received by the Division of Human Resource Management or the personnel office of the department or agency at which the employee who is receiving the adjustment is employed. If a request for an adjustment of steps is delayed because an administrative or clerical error prevented the delivery of the request, the effective date must be determined by the appointing authority and must be based on the date on which the request should reasonably have been submitted. A retroactive adjustment must not exceed 6 months from the date on which the Division of Human Resource Management receives the request.

4. An adjustment of steps which is made pursuant to subparagraph (1) of paragraph (a) of subsection 1 may be revoked when:

(a) The recruiting problem which caused the adjustment was due to the geographical location of the position; and

(b) The employee moves from one position to another position in either a different area within the department or agency in which the employee is currently employed or a different department or agency than the department or agency in which the employee is currently employed, and a similar recruiting problem does not exist in the new area, department or agency.

5. If an adjustment of steps is revoked pursuant to subsection 4, the employee must be placed at the step he or she would have received if he or she had not received the adjustment.

(Added to NAC by Dep't of Personnel, eff. 8-14-90; A 7-1-94; R197-99, 1-26-2000; R147-01, 1-22-2002; R015-02, 5-2-2002; A by Personnel Comm'n by R134-12, 10-4-2013; R060-16, 6-28-2016; R164-18, 1-30-2019)

**NAC 284.206 Special adjustments to pay: Conditions for approval; request; effective date; revocation. ([NRS 284.065](#), [284.155](#), [284.175](#), [284.340](#), [284.384](#))**

1. The Division of Human Resource Management may approve a special adjustment to the pay of an employee pursuant to this section. A request for a special adjustment to pay may be initiated by an employee, the appointing authority or the Division of Human Resource Management. A special adjustment to pay does not constitute a promotion.

2. An employee may receive a special adjustment to pay equivalent to 5 percent of the employee's base rate of pay during any period in which:



(a) The employee works out of his or her class on a continuing basis and performs essentially all the duties and responsibilities of a position classified at a higher grade. To receive the increase, the employee must be assigned duties and responsibilities of the higher grade which are clearly demonstrated in the class specification and carry out the duties and responsibilities for at least 16 consecutive workdays before the increase becomes effective. The adjustment to pay pursuant to this paragraph is effective retroactively, commencing on the date on which the employee assumed the additional duties and responsibilities. The adjustment to pay must not continue for more than 6 months in any 12-month period unless:

(1) The employee is underfilling a position pursuant to [NAC 284.437](#).

(2) The duties and responsibilities that the employee has been carrying out have been assumed from one or more positions that have not been authorized to be filled because of a hiring freeze or fiscal emergency. A hiring freeze or fiscal emergency must be certified by the Chief of the Budget Division or, in the case of an agency that does not receive money from the State General Fund or the Nevada System of Higher Education, certified by the administrator of that agency or the System.

(3) The appointing authority submits a written request to the Administrator accompanied by documentation justifying an extension of the 6-month period and certifies that money is available to pay for the continuation of the special adjustment to pay. The Administrator may authorize the continuation of the special adjustment to pay after receiving the request and documentation and determining that the extension of the 6-month period is a business necessity and in the best interest of the State.

(b) The employee is required to use bilingual skills or sign language for persons who are deaf at least 10 percent of his or her work time.

(c) The employee is supervising other employees of the same or a higher grade if the supervision:

(1) Is not part of the supervision or management responsibilities for a program that is provided for in the class specification; and

(2) Includes, without limitation, selection, work assignment, training, work review, reports on performance and discipline of employees.

(d) The employee is required regularly to perform custodial work and clean up human bodily waste in a medical, clinical or inpatient facility.

(e) Except as otherwise provided in this paragraph, the employee is conducting a formal training program for employees. The training program must:

(1) Be conducted weekly;

(2) Consist of training on the job and in the classroom or training only in the classroom;

(3) Include a test to determine the employees' progress in the program; and

(4) Result in the award of a certificate of completion or advancement in a class series to the journey level.

↪ If an adjustment to pay is granted pursuant to this paragraph, the adjustment begins when the employee starts conducting the training program and ends when the training program is completed. An adjustment will not be granted if the duty to conduct training is clearly set forth in the class specification. Informal orientation given to new employees will not be considered for this special adjustment.

(f) The employee, if employed as a law enforcement officer, is assigned to motorcycle duty.

(g) The employee, if employed by the Department of Corrections, is responsible for the supervision of a group of inmates assigned to a work area of an institution and who is responsible for implementing security procedures, including, without limitation:

(1) Securing the work area from inmates who are not authorized to enter the work area;

(2) Accounting for all inmates who have been assigned to the work area; and

(3) Accounting for all materials, tools and equipment in the work area.

↪ The adjustment to pay pursuant to this paragraph will be granted only if such duties are not provided for in the class specification.

(h) The employee is authorized by the Legislature to receive such an adjustment to his or her pay.

3. An employee may receive a special adjustment to pay if he or she occupies a position in which the duties have been recognized through the classification process as being at a higher level, but who does not meet the minimum qualifications for the class. The special adjustment to the employee's pay must be equivalent to 2.5 percent of the employee's base rate of pay if the employee performs duties classified one grade higher than his or her current position, or 5 percent of the employee's base rate of pay if the employee performs duties classified two or more grades higher than his or her current position. A special adjustment to an employee's pay made pursuant to this subsection may continue in effect from the date on which the position questionnaire is received:

(a) Until the employee meets the minimum qualifications and is promoted;

(b) For 1 year after the effective date of the special adjustment to pay; or

(c) Until the date the higher level duties are removed,

↪ whichever occurs first.

4. Except as otherwise provided in paragraph (a) of subsection 2, any special adjustment to pay made pursuant to subsection 2 must be revoked when the conditions justifying it cease to exist.

5. Except as otherwise provided in this section, the effective date of a special adjustment to pay is the date on which the written request is received by the Division of Human Resource Management or the personnel office of the agency at which the employee who is receiving the special adjustment to pay is employed. If the request for the special adjustment to pay is delayed because an administrative or clerical error prevented its delivery, the effective date of the special adjustment to pay must be determined by the appointing authority and must be based on the date on which the request should reasonably have been submitted. A retroactive adjustment to pay must not exceed 6 months from the date on which the Division of Human Resource Management receives the written request.

[Personnel Div., Rule III § H, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 1-26-87; 9-17-87; 12-17-87; 7-14-88; 1-22-90; 8-14-90; 12-26-91; 11-12-93; 3-23-94; 11-16-95; 10-27-97; A by Personnel Comm'n by R065-98, 7-24-98; A by Dep't of Personnel by R098-99, 9-27-99; R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm'n by R090-02, 8-14-2002; R038-03, 10-30-2003; R007-11, 10-26-2011; R164-18, 1-30-2019)

#### REVISER'S NOTE.

The regulation of the Personnel Commission [now the Human Resources Commission] filed with the Secretary of State on August 14, 2002 (LCB File No. R090-02), which amended this section, contains the following provision not included in NAC:

"Sec. 2. Notwithstanding the amendatory provisions of section 1 of this regulation [[NAC 284.206](#)], an employee who is employed by the Division of Mental Health and Developmental Services [now the Division of Public and Behavioral Health] of the Department of Human Resources [now Department of Health and Human Services] or by the Division of Child and Family Services of the Department of Human Resources to work in a psychiatric hospital, a forensic unit for mentally disordered offenders or a residential mental retardation facility will continue to receive his base rate of pay plus an amount equal to the adjustment to pay until future adjustments to pay, not including pay increases based on merit, offset the initial adjustment to pay that was in effect as of June 30, 2002, if:

1. The employee's work duties include direct contact and interaction with clients for at least half of his scheduled work shift; and
2. The employee received an adjustment to pay for performing certain work in an assaultive environment as determined by the Administrator of the Division of Mental Health and Developmental Services of the Department of Human Resources or the Division of Child and Family Services of the Department of Human Resources, for at least half of his working time during the 3 months immediately before June 30, 2002."

#### **NAC 284.208 Compensation for dangerous duty.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. Except as otherwise provided in subsection 3, only the following groups, under the conditions described, are entitled to receive pay for dangerous duty:

- (a) Employees engaged in scuba or skin diving.
- (b) Employees who perform duties at a height of more than 16 feet above the floor in a building or 16 feet above ground level outside of a building if the work is performed on portable equipment or outside of a railed or protected area.
- (c) All employees, except pilots, for time spent in single engine aircraft or helicopters when required to do so by the employer.
- (d) Employees required to handle or use explosives.
- (e) Employees performing maintenance or abatement on materials containing lead paint or asbestos, or both, in any area in which personal protective equipment must be worn in compliance with 29 C.F.R. Part 1910, Subpart I.

2. Except as otherwise provided in this subsection and subsection 3, an employee who performs any dangerous duty must receive additional pay equal to 10 percent of his or her normal rate of pay for each hour in which he or she performs any dangerous duty. An exempt classified employee who performs any dangerous duty for any portion of a workday must receive the additional pay for all his or her regularly scheduled hours of employment on that workday.

3. An employee described in subsection 1 is not entitled to receive pay for dangerous duty if the duties that he or she performs are an inherent and regular part of the duties assigned to the class of which the employee is a member. These duties need not appear in the class specification of the employee. Compensation for the performance of those duties may be made only if the duties performed by the employee would not be required of the class as a whole.

(Added to NAC by Dep't of Personnel, eff. 8-26-83; A 10-26-84; 9-17-87; 3-23-94; R082-00, 8-2-2000; R147-01, 1-22-2002; A by Personnel Comm'n by R068-03, 10-30-2003; R182-03, 1-27-2004)

#### **NAC 284.210 Differential rate of pay for qualifying shift.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. As used in this section:

(a) "Differential rate of pay" means an adjustment in pay equivalent to an additional 5 percent of an employee's normal rate of pay.

(b) "Qualifying shift" means a period of work of 8 hours or more, of which 4 hours must fall between the hours of 6 p.m. and 7 a.m. The term includes, without limitation, a period of work of 8 hours that is reduced to 7 hours because of a change of time to daylight saving time.

2. An employee is eligible for the differential rate of pay if he or she works in a unit which provides services requiring multiple shifts within a 24-hour period and is:

- (a) A nonexempt employee in the classified service who works:
  - (1) A qualifying shift; or
  - (2) Any shift of at least 8 hours that is other than a qualifying shift plus 4 or more hours between 6 p.m. and 7 a.m. In such cases, an employee must receive the differential rate of pay for only the hours worked between 6 p.m. and 7

a.m.

(b) An exempt classified employee assigned to a qualifying shift. In such cases, an employee must receive the differential rate of pay for all his or her regularly scheduled hours of employment on that workday.

3. If an employee is assigned to a qualifying shift when he or she is on paid leave or a holiday occurs, he or she must receive the differential rate of pay for that shift.

4. Except as otherwise provided in subsection 3, if a nonexempt employee in the classified service is assigned to a qualifying shift and the employee is not in paid status for the entire period of that shift, the employee must receive the differential rate of pay for the portion of the shift in which he or she is in paid status.

5. A nonexempt employee in the classified service who works overtime pursuant to [NRS 284.180](#) in conjunction with a qualifying shift must be paid overtime at the differential rate of pay.

[Personnel Div., Rule III § I, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, eff. 12-17-87; 7-21-89; 3-23-94; 10-27-97; R031-98, 4-17-98; A by Personnel Comm'n by R065-98, 7-24-98; A by Dep't of Personnel by R098-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R069-02, 8-14-2002; R022-05, 10-31-2005; R077-11, 12-30-2011; R008-12, 5-30-2012)

**NAC 284.214 Compensation for being called back to work; compensation for person required to appear as witness.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. Except as otherwise provided in subsection 2, an employee must be paid 2 hours of call back pay at the rate of time and one-half of his or her normal rate of pay if his or her employer calls the employee back to work during his or her scheduled time off without having notified him or her before the completion of his or her last normal working day. For each additional hour that such an employee works after the 2 hours for which he or she is paid call back pay, the employee must be paid overtime at the rate of time and one-half of his or her normal rate of pay if he or she is eligible pursuant to [NRS 284.180](#).

2. Subsection 1 does not apply to any:

(a) Employee who is called into work while on standby status.

(b) Exempt classified employee or exempt unclassified employee.

(c) Employee who works part-time or intermittently unless he or she has worked 8 hours in 1 calendar day.

(d) Employee who performs duties pursuant to an understanding with the agency whereby the employee is given discretion as to performance of the duties and the duties are initiated by the action of the employee. In such a case, the employee receives compensation at the appropriate rate only for the actual time spent in the performance of those duties.

(e) Employee who is not required to leave the premises where he or she is residing or located at the time of notification in order to respond to a call.

(f) Employee who is called back to work if:

(1) The work begins 1 hour or less before or after his or her scheduled work shift;

(2) The time for beginning the work is set at the employee's request; or

(3) The work begins during the same 2-hour period previously paid for call back pay.

3. An employee who is required to appear as a witness in court or at an administrative hearing:

(a) During his or her regularly scheduled time off; and

(b) Concerning a matter which relates directly to his or her job,

↪ must be paid 2 hours of call back pay at the rate of time and one-half of his or her normal rate of pay. For each additional hour after the 2 hours for which he or she is paid call back pay, the employee must be paid overtime at the rate of time and one-half of his or her normal rate of pay if he or she is eligible pursuant to [NRS 284.180](#). If he or she receives a witness fee as well as this compensation, the employee shall remit the witness fee to the agency by which he or she is employed.

[Personnel Div., Rule III § J, eff. 8-11-73]—(NAC A by Dep't of Personnel, 12-13-83; 10-26-84; 9-17-87; 11-12-93; 3-23-94; 10-27-97; R147-01, 1-22-2002)

**NAC 284.218 Compensation for standby status.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. A nonexempt employee in the classified service of the State is on standby status when he or she is:

(a) Directed to remain available for notification to work during specified hours;

(b) Prepared to work if the need arises;

(c) Able to report to work within a reasonable time;

(d) Directed by his or her supervisor to carry a paging device, provide a telephone number where he or she may be notified or provide any other acceptable means for notification; and

(e) Allowed to use the time during which he or she is waiting for notification to work for his or her personal pursuits.

2. When a nonexempt employee in the classified service of the State who is on standby status begins the performance of his or her regular duties after receiving notice to work, he or she ceases to be on standby status and qualifies for straight time or overtime pay, whichever is applicable, for the actual time worked. Upon completion of the work, he or she returns to standby status for the remainder of the time he or she has been directed to be available to

work.

3. A nonexempt employee in the classified service of the State is entitled to receive additional pay, or equivalent compensatory time off, at the rate of 5 percent of his or her normal rate of pay for every hour he or she is on standby status.

4. Cash payment is the preferred method of compensation pursuant to this section, but compensatory time off, not to exceed the maximum allowed pursuant to subsection 3 of [NAC 284.250](#), must be granted in lieu of cash payment if the employee requests compensatory time and the agency approves the request.

5. Any class designated by statute as a 24-hour class does not automatically qualify for this additional pay.

[Personnel Div., Rule III § K, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 7-22-87; 3-23-94; R147-01, 1-22-2002)

**NAC 284.220 Change of time to or from daylight saving time.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. An employee, other than an exempt classified employee or exempt unclassified employee, who loses an hour of work during his or her scheduled shift because of a change of time to daylight saving time may, with the approval of the appointing authority, elect to take an hour of annual leave, compensatory time or leave without pay or must be scheduled to work an additional hour.

2. An employee, other than an exempt classified employee or exempt unclassified employee, who is required to work an additional hour during his or her scheduled shift because of a change of time to standard daylight time is entitled to receive overtime pay or compensatory time as approved by the agency.

(Added to NAC by Dep't of Personnel, eff. 4-19-88; A 3-23-94; R147-01, 1-22-2002)

**NAC 284.228 Shift trading: Agreement; responsibilities.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.345](#))

1. An employee may enter into a written agreement to trade shifts with another employee who is employed by the same state agency if each employee who enters into the agreement:

(a) Does so solely at his or her option as described in 29 C.F.R. § 553.31;

(b) Performs work in the same class; and

(c) Obtains approval to enter into the agreement from the appointing authority of the state agency that employs him or her.

2. If an employee who enters into an agreement pursuant to subsection 1 is unable to work the shift that he or she agreed to work, he or she is responsible for entering into a written agreement to trade shifts with another employee who satisfies the requirements of subsection 1 to ensure that the shift is worked. Except as otherwise provided in subsection 5, if the employee is unable to enter into an agreement with an employee who satisfies the requirements of subsection 1 to work the shift that he or she agreed to work, the state agency that employs the employee who was originally scheduled to work that shift before any agreements to trade shifts were entered into pursuant to this subsection or subsection 1 shall:

(a) Reduce that employee's accrued annual leave or accrued compensatory time by the number of hours in the shift; or

(b) If that employee does not have annual leave or compensatory time available, place the employee on leave without pay for the number of hours in the shift,

↳ unless that employee works the shift he or she was originally scheduled to work.

3. Except as otherwise provided in subsection 5, if an employee works a shift for another employee as provided in an agreement entered into pursuant to subsection 1 or 2, the state agency that employs the employees shall pay each employee as if he or she had worked his or her regularly scheduled hours of employment on that workday.

4. The state agency that employs an employee who works a shift for another employee as provided in an agreement entered into pursuant to subsection 1 or 2 may exclude the hours worked by the employee pursuant to the agreement from the calculation of the hours for which the employee is entitled to receive:

(a) Credit for overtime work pursuant to [NRS 284.180](#); and

(b) Any other additional pay or benefits required to be paid by this chapter or [chapter 284](#) of NRS.

5. If an employee who enters into an agreement pursuant to subsection 1 is unable to work the shift that he or she agreed to work because on the date that the shift occurs he or she no longer satisfies the requirements of subsection 1 and the other employee who is a party to the agreement has already worked the shift which he or she agreed to work pursuant to that agreement or another employee has worked that shift as provided in an agreement entered into pursuant to subsection 2, the state agency shall:

(a) Reduce the pay, accrued annual leave or accrued compensatory time of the employee who no longer satisfies the requirements of subsection 1 by the number of hours in the shift that was worked for him or her; and

(b) If the hours worked by the other employee pursuant to the original agreement or as provided in an agreement entered into pursuant to subsection 2 were excluded from the calculation described in subsection 3, include those hours in the calculation of the hours for which that employee is entitled to receive:

(1) Credit for overtime work pursuant to [NRS 284.180](#); and

(2) Any other additional pay or benefits required to be paid by this chapter or [chapter 284](#) of NRS.

6. The appointing authority shall maintain accurate records of each agreement entered into by its employees pursuant to subsection 1 or 2.

(Added to NAC by Dep't of Personnel by R015-02, eff. 5-2-2002; A by Personnel Comm'n by R038-03, 10-30-2003)

**NAC 284.242 Overtime: Authorization.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. If a nonexempt employee is required to work overtime, the overtime must be authorized pursuant to subsection 10 of [NRS 284.180](#) and communicated to the employee at least 4 hours in advance by the responsible supervisor before being worked, unless an unpredictable emergency prevents prior approval and communication.

2. If a nonexempt employee requests to work overtime, the overtime must be authorized in advance pursuant to subsection 10 of [NRS 284.180](#).

[Personnel Div., Rule III § L subsecs. 4-6, eff. 8-11-73; renumbered as subsecs. 3-5, 10-10-76]—(NAC A by Dep't of Personnel, 10-26-84; 3-23-94; R147-01, 1-22-2002)

**NAC 284.245 Overtime: Consideration of paid-leave status in calculation.** ([NRS 284.065](#), [284.155](#), [284.175](#)) Paid-leave status is considered as time worked in calculating overtime.

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

**NAC 284.248 Overtime: Employee who works in two positions; exceptions.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. Except as otherwise provided in subsection 2, a nonexempt employee who works in two positions in one department or different departments must work or be in paid status in excess of 8 hours per day or 40 hours per week in combined work time in both positions to receive compensation for overtime. An appointing authority shall consider an employee's employment with another department when considering his or her agency's liability for compensation for overtime.

2. The hours worked voluntarily by an employee on an occasional or sporadic basis in a different capacity from his or her regular employment must not be combined with the hours worked by the employee in his or her regular employment for the purposes of determining the appointing authority's liability for compensation for overtime. As used in this subsection, "occasional or sporadic basis" means infrequently, irregularly or occurring in scattered instances.

3. An employee who qualifies for overtime compensation pursuant to subsection 1 must be paid:

(a) At the highest rate of pay of the two positions; or

(b) If the employee and the appointing authority have agreed in writing before the performance of the work requiring overtime, at the rate of pay of the position for which the work is performed.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 5-27-86; 3-23-94; 11-16-95; R147-01, 1-22-2002)

**NAC 284.250 Overtime: Compensation.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. Except as otherwise provided in subsection 2, the method of compensating an employee for overtime is cash payment which is computed at the rate of time and one-half of the employee's normal rate of pay as required pursuant to [NRS 284.180](#).

2. The employee and the appointing authority may enter into an agreement which complies with the provisions of 29 C.F.R. § 553.23 for compensating a nonexempt employee for overtime with compensatory time in lieu of cash payment.

3. Compensatory time may not be accrued in excess of 120 hours unless an agreement entered into pursuant to subsection 2 provides for the accrual of additional hours of compensatory time, not to exceed 240 hours. Overtime liability incurred in excess of these limits must be paid in cash. The appointing authority may pay in cash for compensatory time accrued below these limits.

[Personnel Div., Rule III § L subsecs. 9-11, eff. 8-11-73; renumbered as subsecs. 8-10, 10-10-76]—(NAC A by Dep't of Personnel, 10-26-84; 9-30-88; 11-12-93; 3-23-94; R031-98, 4-17-98; R147-01, 1-22-2002)

**NAC 284.2508 Compensatory time: Use.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.345](#), [608.0198](#))

1. At the direction of the appointing authority, compensatory time must be used within a reasonable time after it is accrued.

2. Unless it would cause an undue hardship to the agency, a request for the use of compensatory time may not be unreasonably denied if the request is made at least 2 weeks in advance of the first date on which the employee wishes to use his or her compensatory time.

3. Unless it would cause an employee to forfeit an amount of annual leave pursuant to subsection 2 of [NRS 284.350](#), an employee must, to the extent possible, exhaust his or her compensatory time before using his or her available annual leave.

4. An appointing authority shall approve a request for compensatory time of an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator if:

- (a) The employee has been employed in public service for at least 90 days;
  - (b) The employee has accrued the amount of compensatory time necessary to cover the time requested; and
  - (c) The combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence occurred.
- (Added to NAC by Dep't of Personnel by R147-01, eff. 1-22-2002; A by Personnel Comm'n by R088-17, 12-19-2017, eff. 1-1-2018)

**NAC 284.252 Compensatory time: Request for payment for certain portions.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. Except as otherwise provided in subsection 2, an employee who has accrued more than 60 hours of compensatory time may request, in writing, payment in cash for the amount of compensatory time that exceeds 60 hours.

2. Except as otherwise provided in this subsection, an employee who is subject to an agreement which provides for the accrual of up to 240 hours of compensatory time may request, in writing, payment in cash for any compensatory time accrued in excess of 120 hours. An exception to this subsection may be made for payment of all compensatory time accrued in excess of 60 hours to:

(a) A firefighter who submits a request for payment on or before April 1, if payment is made during the month of April.

(b) A district brand inspector who submits a request for payment on or before September 1, if payment is made during the month of September.

(c) A 24-hour duty officer of the Division of Emergency Management of the Department of Public Safety who has accumulated more than 60 hours of compensatory time during any 12 consecutive months.

3. A request for payment in cash for compensatory time pursuant to this section may not be unreasonably denied. Such a request may be denied if:

(a) The Chief of the Budget Division certifies that there is insufficient money available in the State General Fund; or

(b) In the case of an agency that is not supported from the State General Fund, the administrator of that agency certifies that the agency has insufficient money available.

(Added to NAC by Dep't of Personnel, eff. 8-26-83; A 10-26-84; 9-30-88; 3-23-94; R147-01, 1-22-2002)

**NAC 284.253 Compensatory time: Rate of pay.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. Except as otherwise provided in subsection 2, an employee who terminates his or her employment must be paid for compensatory time at a rate that is an average of the normal rate of pay received by the employee during the last 3 years of the employee's employment, or the final normal rate of pay received by the employee, whichever is higher.

2. Any other employee must be paid for compensatory time at his or her normal rate of pay.

(Added to NAC by Dep't of Personnel, eff. 5-27-86; A 11-16-95; R147-01, 1-22-2002)

**NAC 284.2535 Compensatory time: Firefighters.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.180](#))

1. A firefighter who works a 24-hour shift and who elects to receive compensatory time off for the overtime he or she works is entitled to accrue 2.1 hours of compensatory time for each hour of overtime worked.

2. If a firefighter receives a cash payment for his or her accrued compensatory time, the payment must be calculated at his or her normal rate of pay.

3. When a firefighter is appointed to a job classification with a work schedule of 40 hours per week, the compensatory time of the firefighter must be converted to the amount of compensatory time that would have been accrued if the firefighter worked 40 hours per week.

4. When an employee with a work schedule of 40 hours per week is appointed to a job as a firefighter with an average work schedule of 56 hours per week, the compensatory time of the employee must be converted to the amount of compensatory time that would have been accrued if the person worked 56 hours per week.

(Added to NAC by Dep't of Personnel, 9-13-91, eff. 10-1-91; A 12-26-91; 3-27-92; R147-01, 1-22-2002)

**NAC 284.254 Compensatory time: Payment upon transfer.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. Except as otherwise provided in subsection 2, if a nonexempt employee who has accrued compensatory time transfers from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority, the accrued compensatory time must be paid by the agency he or she is leaving, unless the receiving agency agrees in writing to assume the liability for the compensatory time and the employee concurs.

2. The accrued compensatory time of an employee transferring to an exempt position must be paid by the agency the employee is leaving.

3. As used in this section, "exempt position" means a position in the classified or unclassified service that is subject to the provisions of [NRS 284.148](#).

[Personnel Div., Rule III § L subsec. 12, eff. 8-11-73; renumbered as subsec. 11, 10-10-76]—(NAC A by Dep't of Personnel, 10-26-84; 10-27-97; R147-01, 1-22-2002)

**NAC 284.255 Holidays: Holiday pay.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.180](#), [284.345](#))

1. For the purpose of this section, “holiday pay” means payment for a holiday at a nonexempt employee’s normal rate of pay plus the differential rate of pay for the shift, when applicable, or compensatory time at a straight-time rate.

2. Except as otherwise provided in paragraph (c) of subsection 3 and subsections 5 and 7, a full-time nonexempt employee whose base hours are 40 hours per week or 80 hours biweekly is entitled to receive 8 hours of holiday pay for any holiday that he or she is in paid status during any portion of his or her shift immediately preceding the holiday.

3. Except as otherwise provided in subsections 5 and 7:

(a) A full-time nonexempt employee whose base hours exceed 40 hours per week or 80 hours biweekly and who is in paid status during any portion of his or her shift immediately preceding a holiday is entitled to receive holiday pay equal to the pay he or she receives for his or her average workday. For the purposes of this paragraph:

(1) The average workday of a nonexempt employee is determined by dividing the total base hours of work per year by 2,088 and multiplying the quotient by 8.

(2) A firefighter assigned to a 24-hour shift shall be deemed to work 56 hours per week and 2,912 hours per year.

(b) A part-time nonexempt employee is entitled to receive holiday pay when he or she is in paid status during any portion of his or her shift immediately preceding the holiday if a holiday occurs on a normally scheduled workday of the employee. Except as otherwise provided in this paragraph, if such an employee is not required to work his or her normally scheduled workday on the holiday, the amount of holiday pay must equal the amount that he or she would have been paid if there had not been a holiday, but may not exceed the equivalent of his or her pay for 8 hours of work.

(c) A:

(1) Full-time nonexempt employee with an innovative workweek agreement may earn additional holiday pay on an hour-for-hour basis for any hours he or she works in excess of the holiday pay provided in paragraph (a) and in subsection 2, not to exceed the number of hours in his or her established workday as set forth in his or her innovative workweek agreement.

(2) Part-time nonexempt employee may earn holiday pay on an hour-for-hour basis for any hours he or she works on a holiday, not to exceed the number of hours in his or her established workday.

4. If a holiday occurs on the regularly scheduled workday of a nonexempt employee and his or her normal schedule of work is more than 8 hours, he or she must be in paid status or be placed on leave without pay for any difference between his or her holiday pay and his or her normal work schedule. An appointing authority may adjust the work schedule of such an employee for the week during which the holiday occurs in lieu of placing the employee on paid leave or leave without pay.

5. A nonexempt employee who is scheduled to work on a holiday shall report any absence from duty and the reason therefor to his or her supervisor or designated representative as prescribed in writing by the agency. An employee who does not work on that holiday and who fails to report his or her absence to his or her supervisor or a designated representative pursuant to this subsection is not eligible to receive holiday pay.

6. A nonexempt employee whose employment begins on a holiday is eligible to receive holiday pay pursuant to subsections 2 and 3 if he or she is in paid status during his or her scheduled shift.

7. A nonexempt employee whose employment is terminated:

(a) The day immediately preceding a holiday is not entitled to receive holiday pay for that holiday.

(b) Except as otherwise provided in paragraph (c) of subsection 3, on a holiday on which he or she is working must be paid holiday pay for the actual hours he or she works on the holiday. If a nonexempt employee gives notice that he or she is terminating his or her employment on a holiday and he or she is not scheduled to work on the holiday, the last day on which he or she works or is in paid status is his or her date of termination.

8. The agency that lists a nonexempt employee as an “employee of record” on a holiday is responsible for the payment of holiday pay for that holiday to that employee. For the purposes of this subsection, an “employee of record” is a person employed by the state agency that is required to claim the person as an employee of the agency.

9. The salary of an exempt classified or exempt unclassified employee is not affected by a holiday.

[Personnel Div., Rule VII § B subsec. 2, eff. 8-11-73; A 7-3-76]—(NAC A by Dep’t of Personnel, 10-26-84; 8-28-85; 1-26-87; 9-17-87; 4-19-88; 7-14-88; 7-21-89; 9-13-91; 9-16-92; 11-12-93; 3-23-94; R098-99, 9-27-99; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm’n by R096-03, 10-30-2003; R145-05, 12-29-2005)

**NAC 284.256 Holidays: Compensation for working.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.180](#))

1. As used in this section, “holiday premium pay” means pay or compensatory time at an employee’s normal rate of pay for hours designated as worked on a holiday, except those hours that are considered overtime pursuant to [NRS 284.180](#).

2. A nonexempt employee who works on a holiday is entitled to receive holiday premium pay, overtime pay or compensatory time for the hours he or she works on the holiday, in addition to any holiday pay that he or she is entitled to be paid pursuant to [NAC 284.255](#). A nonexempt employee who elects to receive compensatory time for the hours he or she works on a holiday must not exceed the limits on the accrual of compensatory time set forth in [NAC 284.250](#).

[Personnel Div., Rule VII § B part subsec. 3, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 7-21-89; 9-13-91; 3-23-94; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm’n by R022-11, 10-26-2011)—(Substituted in

revision for NAC 284.530)

**NAC 284.257 Holidays: Designation of time for holiday pay; adjustment of work schedule if holiday occurs on employee's day off.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. For compensation for holiday pay pursuant to [NAC 284.255](#) and payment for actual hours worked on a holiday pursuant to [NAC 284.256](#), the appointing authority shall designate whether such compensation will be based on the:

- (a) Calendar day; or
- (b) Entire shift of the employee.

2. If a work shift designated pursuant to paragraph (b) of subsection 1 occurs on 2 consecutive calendar days:

- (a) The employee may receive compensation related to the holiday for his or her entire shift only if 50 percent or more of the shift occurs on the holiday;
- (b) The appointing authority shall ensure that the compensable hours related to the holiday are so designated on the time sheet of the employee; and
- (c) The appointing authority of an employee who has two or more scheduled shifts on a holiday shall designate only one shift on the holiday for which the employee may receive compensation related to the holiday.

3. If a holiday occurs on the day off of a full-time nonexempt employee, the appointing authority may adjust the work schedule of the employee for the week during which the holiday occurs. If a holiday occurs on the day off of an exempt classified employee or exempt unclassified employee, the appointing authority may adjust the work schedule of the employee for the week during which the holiday occurs or for a subsequent week.

(Added to NAC by Dep't of Personnel by R147-01, eff. 1-22-2002)—(Substituted in revision for NAC 284.532)

**NAC 284.258 Compensation for time spent traveling.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. An employee who is otherwise entitled to pay for overtime may earn overtime for traveling if:

- (a) His or her actual work time and the travel time exceed his or her normal workday of at least 8 hours; or
- (b) The travel occurs on his or her regularly scheduled day off.

2. Such an employee begins traveling when he or she leaves his or her workstation, or home if so authorized, and continues until he or she reaches the geographical location for his or her work assignment.

3. In determining the amount of travel time granted, the overtime claimed for additional reimbursement must be justified against the "normal" travel time as determined by the previous travel experience of the agency. If the additional travel time was caused by the employee's choice of transportation, overtime compensation will not be paid for the portion of the travel time that exceeds the "normal" travel time. Unless the appointing authority determines that the additional travel time is justified, an employee who has travel layovers or delays in transportation is limited to 4 hours of overtime, if applicable, plus per diem expenses. An employee may not be compensated for the time spent traveling during the normal time he or she spends commuting to and from work.

4. An employee who must travel and stay over to continue work on his or her next regularly scheduled workday is not considered to be working on his or her regularly scheduled day off and is not eligible for overtime pay. Such an employee is allowed to claim the standard per diem expenses.

5. Any travel by an employee on a holiday will be compensated pursuant to the provisions of [NAC 284.255](#), [284.256](#) and [284.257](#).

[Personnel Div., Rule III § L subsec. 16, eff. 8-11-73; renumbered as subsec. 15, 10-10-76]—(NAC A by Dep't of Personnel, 10-26-84; 7-1-94; R147-01, 1-22-2002)

**NAC 284.290 Retained rates of pay.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. An employee who is reclassified downward is entitled to a retained rate of pay if:

- (a) The employee has been in the same class for the equivalent of 6 months or more of full-time employment immediately preceding the downward reclassification; and
- (b) The reclassification is the result of a reorganization or other legitimate reason over which the employee has no control.

2. If an employee is entitled to a retained rate of pay pursuant to this section, the employee's base rate of pay remains unaffected for 2 years after the effective date of the downward reclassification. At the end of the 2-year period, the employee's base rate of pay will be frozen until it falls within the range of the grade to which he or she was reclassified or for a maximum of 2 years, making the employee ineligible for any merit pay increases, cost of living adjustments or adjustments for a class of employees that have been approved by the Legislature. If the employee's frozen base rate of pay does not fall within the range of the grade to which he or she was reclassified within the 2-year period, his or her base rate of pay will be adjusted to the highest step within the lower grade to which he or she was reclassified.

3. If the employee voluntarily accepts another position within the time period prescribed in subsection 2, he or she may no longer retain his or her base rate of pay.

4. The employee is entitled to reemployment rights to his or her former class and option in his or her department for 1 year after the date of notification of the reclassification as provided in [NAC 284.140](#).



5. This section does not apply to an employee who is occupying a position which is temporarily reclassified to a higher class and is later restored to the former class pursuant to [NAC 284.132](#).

[Personnel Div., Rule III § O, eff. 8-11-73; renumbered as § P, 9-6-74; A 10-6-78]—(NAC A by Dep't of Personnel, 10-26-84; 9-17-87; 7-1-94; 3-1-96; R098-99, 9-27-99; R147-01, 1-22-2002)

**NAC 284.292 Notification of uncollected overpayment.** ([NRS 284.065](#), [284.155](#), [284.175](#)) If the Division of Human Resource Management determines that an employee in the classified or unclassified service has been paid in a manner which is contrary to the applicable laws and regulations and the agency has been unsuccessful in collecting the overpayment, the Division of Human Resource Management will notify the State Controller after it has reviewed the circumstances with the agency concerned.

[Personnel Div., Rule XVI § A subsec. 2, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-14-88; R147-01, 1-22-2002)—(Substituted in revision for NAC 284.706)

**NAC 284.294 Reimbursement for furnishing own tools.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. An employee who is required to furnish his or her own tools may elect to be reimbursed for the use, loss, theft and breakage of the tools at the rate of \$35 per month if the monetary value of the tools is more than \$300 and less than \$1,000, or at the rate of \$50 per month if the monetary value exceeds \$1,000. This monthly allowance must not be considered part of the employee's base rate of pay.

2. The payment of reimbursement pursuant to subsection 1 absolves the agency of any responsibility for the employee's tools if the loss per occurrence is \$1,000 or less. If the loss is more than \$1,000 and is covered under the terms and conditions of the policy of property insurance or program of self-insurance maintained by the State, the loss must be paid by the insurer or the State, as appropriate.

3. If the employee does not elect to be paid a monthly reimbursement for furnishing his or her own tools pursuant to subsection 1 and a loss occurs which is covered by the policy of property insurance or program of self-insurance maintained by the State, the first \$1,000 of the loss must be paid to the employee by the agency and the balance by the insurer or the State, as appropriate.

4. Agencies must approve and maintain a listing of those tools which are required.

5. As used in this section, "tools" does not include weapons or other protective equipment.

[Personnel Div., Rule III § P, eff. 8-11-73; renumbered as § Q 9-6-74]—(NAC A by Dep't of Personnel, 8-26-83; 7-14-88; 10-27-97; R147-01, 1-22-2002)

## FILLING VACANCIES IN EMPLOYMENT

### Recruitment

**NAC 284.295 Determining type of recruitment.** ([NRS 284.065](#), [284.155](#), [284.295](#))

1. The Division of Human Resource Management will determine the type of recruitment based on:

- (a) The number of current or anticipated vacancies;
- (b) The anticipated number of applicants; and
- (c) The recommendations or requests of the appointing authority.

2. Except as otherwise provided in subsection 3, a recruitment must be restricted to one or a combination of these groups in the following order of priority:

- (a) Applicants for promotion from within the division where the vacancy exists.
- (b) Applicants for promotion from within the department where the vacancy exists.
- (c) Applicants for promotion from throughout state service.
- (d) Applicants for appointment from open competition.

➔ If a recruitment includes more than one promotional group, any group with a higher priority must be included and receive preference.

3. Recruitment may be open competitive, or limited to or combined with any one or more of the promotional groups listed in subsection 2 if:

(a) The appointing authority certifies in writing to the Division of Human Resource Management that, in accordance with the provisions of [NAC 284.297](#), it is in the best interest of the agency to expand the recruitment to allow other groups to compete equally; or

(b) The class is designated in the classification plan as:

- (1) Entry level because it is not a normal progression from another class; or
- (2) A class for which applicants for promotion are not normally available.

4. The provisions of this section do not prohibit the Division of Human Resource Management or its designee from conducting a recruitment in anticipation of a vacancy.

(Added to NAC by Dep't of Personnel, eff. 4-20-90; A by Personnel Comm'n by R183-03, 1-27-2004; R024-05, 10-31-2005)

**NAC 284.297 Considerations regarding determination to expand recruitment to open competition.** ([NRS 284.065](#), [284.155](#), [284.295](#)) In determining that it is in the best interest of the agency to expand a recruitment to open competition, the appointing authority shall consider:

1. The merit, fitness, efficiency, character, conduct and length of service of employees pursuant to [NRS 284.295](#);
2. The need to provide to all citizens a fair and equal opportunity for public service;
3. The composition of the workforce in relation to the plan for affirmative action of the State of Nevada;
4. The needs of the agency in accomplishing its objectives; and
5. The possibility of any loss of federal money or other sanctions that may be imposed.

(Added to NAC by Dep't of Personnel, eff. 4-20-90; A by Personnel Comm'n by R183-03, 1-27-2004)

**NAC 284.2975 Designation of class for which applicants for promotion are not normally available.** ([NRS 284.065](#), [284.250](#), [284.295](#)) For the purposes of [NAC 284.295](#), [284.360](#) and [284.367](#), a class may be designated in the classification plan as a class for which applicants for promotion are not normally available if the class has historically had less than five applicants for promotion available from within the state service.

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

**NAC 284.301 Length of recruitment.** ([NRS 284.065](#), [284.155](#))

1. The Division of Human Resource Management will, after appropriate consideration of a requesting agency's views, determine the length of the recruitment based upon, but not limited to, the number of vacancies and the size and geographic distribution of the anticipated pool of applicants.

2. The Division of Human Resource Management may postpone, cancel or extend any recruitment by giving appropriate notice thereof.

[Personnel Div., Rule IV § H, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.326)

**NAC 284.305 Continuous recruitment.** ([NRS 284.065](#), [284.155](#), [284.205](#), [284.250](#))

1. The Division of Human Resource Management may conduct recruitments and administer examinations in order to provide the names of eligible persons on a continuous basis.

2. An applicant achieves eligibility for certification from the date on which he or she successfully completes the examination.

3. The names of eligible persons who took the same or a comparable examination on different dates will be certified on the same list.

[Personnel Div., Rule IV § I, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.330)

**NAC 284.309 Notice of recruitment: Publicized job announcement.** ([NRS 284.065](#), [284.155](#))

1. Notice of each recruitment will be given in the form of a publicized job announcement. Dissemination of the publicized job announcement may be limited to the appropriate agencies and employees when the recruitment is strictly promotional.

2. A publicized job announcement will include the title, pay or grade, recruitment period and location. The announcement may also include, or on promotional recruitments will include, information relating to:

- (a) The special conditions of employment, if applicable;
- (b) The duties and responsibilities of the class or position;
- (c) The minimum qualifications; and
- (d) The type of examination, relative weights assigned to the parts thereof and the subjects to be covered,

↪ and other related matters.

[Personnel Div., Rule IV § J, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R147-01, 1-22-2002; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.334)

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

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

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

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

4. The incomplete or improper completion of an application that affects the ability of the Division of Human

Resource Management to determine the qualifications of the applicant, including the failure to designate the locations where the applicant will work and other criteria or conditions, is cause for the rejection of the applicant.

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

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

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

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

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

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

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

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

#### **NAC 284.317 Investigations of applicants; minimum age requirement.** ([NRS 284.065](#), [284.155](#), [284.295](#))

1. To determine whether an applicant meets the minimum qualifications established for the class or position and other necessary criteria, the Division of Human Resource Management may require evidence of United States citizenship, alien status, discharge under honorable circumstances from the Armed Forces of the United States, possession of valid licenses for various purposes, educational transcripts or other evidence of identification and qualification. Except as otherwise provided in [NAC 284.325](#) with respect to a request for a veteran's preference, any required information which is not received by the time of certification will be cause for the Administrator to decline to certify the applicant.

2. A reasonable minimum age requirement may be established for any position that involves public safety, supervision or care of wards of the State of Nevada, hazardous working conditions or other unusual circumstances. If such a minimum age requirement is established, it must be specified in the approved class specification or the publicized job announcement and an applicant shall, upon request, submit appropriate proof of age to the Division of Human Resource Management.

3. The Division of Human Resource Management or employing agency may investigate an applicant's character, past employment, education, experience and, as allowed by specific statute, criminal background.

[Personnel Div., Rule IV part § A, eff. 8-11-73; Rule IV § B, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-6-92; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.302)

**NAC 284.325 Preferences for veterans: Declaration; submission of proof.** ([NRS 284.065](#), [284.155](#), [284.205](#), [284.250](#), [284.260](#)) An applicant must declare his or her intention to request veterans' preference points pursuant to [NRS 284.260](#) at the time of application. Proof of eligibility for preference as a veteran must be submitted at the time of application.

[Personnel Div., Rule IV § L, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004; R035-17, 12-19-2017)—(Substituted in revision for NAC 284.342)

#### **Examinations and Lists of Eligible Persons**

#### **NAC 284.329 Competitive examinations: Use and administration.** ([NRS 284.065](#), [284.155](#), [284.205](#), [284.384](#))

1. Except as otherwise provided in this chapter and [chapter 284](#) of NRS, an appointment to or within the classified service must be made through the use of competitive examinations.

2. Examinations may be:

(a) Structured or unstructured;

(b) Scored or unscored;

(c) Written or oral;

(d) In the form of a demonstration of skill or technical knowledge;

(e) An evaluation of training and experience; or

(f) Any combination of paragraphs (a) to (e), inclusive.

3. Examinations which measure an applicant's capacity, manual skill and physical fitness may be used if such capacity, skill or fitness is related to the job.

4. Examination materials, including questions and scratch paper, are the property of the Division of Human Resource Management.

5. The administration of an examination may be modified for the purpose of more fairly testing the abilities of a qualified person with a disability if the modification does not alter the reliability and validity of the examination.

6. If a grievance is filed concerning an examination in accordance with [NAC 284.658](#) to [284.6957](#), inclusive, the Administrator will not fill any vacancy from the list established by the examination unless the Administrator determines that there is an urgent and compelling need to fill that vacancy.

[Personnel Div., Rule IV part § A, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 11-12-93; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.298)

**NAC 284.333 Centers for assessment: Selection and training of assessors; administration of examinations.** ([NRS 284.065](#), [284.155](#), [284.205](#), [284.210](#))

1. Assessors of a center for assessment must be selected:

- (a) From at least two different departments; or
- (b) From a combination of departments or other public or private employers.

2. Each assessor must be trained in the method of examination used by the center for assessment before he or she examines an applicant.

3. Oral, written and performance exercises administered by a center for assessment must:

- (a) Be administered under standardized conditions;
- (b) Be related to the performance of the job;
- (c) Be evaluated by more than one assessor; and

(d) Measure the skills, knowledge and other attributes of a person which are important to his or her successful performance of the job.

(Added to NAC by Dep't of Personnel, eff. 11-12-93; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.300)

**NAC 284.338 Minimum passing scores; computation of final scores.** ([NRS 284.065](#), [284.155](#), [284.205](#), [284.250](#))

1. The passing score for placement on an eligible list will be determined by the Division of Human Resource Management based on a consideration of the difficulty of the test, the quality of the competition and the needs of the service.

2. The final earned score will be determined by computing the score on each phase of the examination according to the relative weights which are assigned.

3. Unless otherwise specified in the publicized job announcement, a competitor must pass each phase of the examination to proceed to the next phase of the examination. Each competitor must obtain a final passing score exclusive of preferences for residents or veterans.

[Personnel Div., Rule IV § K, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004)

**NAC 284.341 Review of examinations; disputes regarding results.** ([NRS 284.065](#), [284.155](#), [284.205](#), [284.384](#))

1. Except as otherwise provided in this section, within 10 working days after the date of the postmark on a notification of a grade pertaining to an examination, a candidate or a representative to whom the candidate has provided written authorization may review the results of the candidate's examination as follows:

(a) If the examination was written, the Division of Human Resource Management will review with the candidate or his or her representative the cover sheet of the examination taken by the candidate which lists both the areas of subject matter included in the written examination and the number of correct and incorrect responses in those areas.

(b) If the examination was a rating of training and experience, the Division of Human Resource Management will review with the candidate or his or her representative the scores received on each phase of the rating plan.

(c) If the examination was oral, the Division of Human Resource Management will review with the candidate or his or her representative the taped record of the candidate's oral examination. The candidate or his or her representative may also review general areas of the oral examination in which the candidate gave incorrect answers, the oral questions and the procedures or methods of examination.

(d) If the examination was conducted by a center for assessment, the Division of Human Resource Management will review with the candidate or his or her representative the final scores or the summary evaluation, or both.

2. Items which are reviewed by the Division of Human Resource Management and found to be incorrect must be revised or eliminated.

3. A candidate or his or her representative may not review the correct answers to questions answered incorrectly on an examination, regardless of its type, if the examination is copyrighted, standardized, on loan from another jurisdiction,

used for more than one class or used on a continuous basis.

4. In the case of an oral examination, answers suggested as a guideline and board members' remarks and consensus ratings are confidential and may not be reviewed by the applicant or his or her representative.

5. In the case of an examination conducted by a center for assessment, oral, written and performance exercises, assessors' remarks and individual ratings are confidential and may not be reviewed by the applicant or his or her representative.

6. If the candidate disagrees with and wishes to dispute the results of his or her examination, he or she must submit a written request for review by the Division of Human Resource Management within 10 working days after receiving the results. Such a request must include the specific areas of dispute. If a candidate is not satisfied with the decision of the Division of Human Resource Management and he or she is a permanent state employee, the candidate may file a statement of grievance pursuant to [NAC 284.678](#) to appeal that decision to the Committee.

[Personnel Div., Rule IV § N, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 8-28-85; 9-30-88; 11-12-93; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.346)

**NAC 284.345 Correction of errors in rating, scoring or computing results.** ([NRS 284.065](#), [284.155](#), [284.205](#), [284.250](#))

1. If the Division of Human Resource Management finds that any error occurred in rating, scoring or computing the results of an examination, the Division of Human Resource Management will make the appropriate correction on the eligible list.

2. If the Administrator or the Committee determines that the error was intentional, an appointment previously made from the eligible list may be invalidated.

[Personnel Div., Rule IV § O, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.350)

**NAC 284.349 Retaking examination for same class.** ([NRS 284.065](#), [284.155](#), [284.205](#))

1. An applicant may retake an examination for the same class after 60 days have elapsed from the date of the previous examination if:

(a) The Division of Human Resource Management is recruiting for the class which was the subject of the previous examination; and

(b) The applicant meets the conditions of the recruitment.

2. An applicant may retake an examination for the same class before 60 days have elapsed from the date of the previous examination if the Division of Human Resource Management is recruiting for the class which was the subject of the previous examination, the applicant meets the conditions of the recruitment and:

(a) The applicant has demonstrated that he or she has gained additional qualifications which indicate that he or she may be able to improve his or her score on the training and experience portion of the examination; or

(b) The examination is a measure of the applicant's manual skill or physical agility.

3. When an applicant retakes an examination for the same class, the score of the most recent examination will determine eligibility and will replace the score of the previous examination.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 11-16-95; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.340)

**NAC 284.353 Allocation of time used by employees for examinations and interviews.** ([NRS 284.065](#), [284.155](#), [284.345](#))

1. Upon giving reasonable notice to his or her immediate supervisor, a qualified employee must be permitted to take an appropriate amount of released time to participate in any examination given by the Division of Human Resource Management or its designated representative during work hours. Such time is equivalent to time which is worked.

2. The time spent participating in an examination which exceeds the normal workday or workweek does not qualify for overtime.

3. For the purpose of this section, an employment interview for a position in the classified service, unclassified service or nonclassified service of the State of Nevada is considered to be part of the examination process.

[Personnel Div., Rule IV § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.322)

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

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

(a) Reemployment lists.

(b) Reassignment lists.

(c) Lists of persons with disabilities who are eligible for temporary limited appointments pursuant to [NRS 284.327](#).

(d) Transfer lists, at the option of the appointing authority.

- (e) Divisional promotional lists.
- (f) Departmental promotional lists.
- (g) Statewide promotional lists.
- (h) Lists of persons determined to be eligible from open competitive recruitments.
- (i) Lists of eligible persons of comparable classes.

2. The names on each list must be used as prescribed in [NAC 284.361](#).

3. Before filling a vacancy, an appointing authority shall contact the Division of Human Resource Management by telephone or electronic mail to determine if eligible persons are available for appointment through the lists referred to in paragraphs (a), (b) and (c) of subsection 1 before using any list referred to in paragraphs (d) to (i), inclusive, of subsection 1.

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

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

(b) Described in the publicized job announcement.

➔ The establishment of any other type of list from the initial recruitment must be in accordance with [NAC 284.367](#).

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

**NAC 284.360 Certification and provision of certain lists by Division of Human Resource Management; certification of eligible persons on ranked or unranked lists or waiver of lists. ([NRS 284.065](#), [284.155](#), [284.250](#), [284.305](#))**

1. After being contacted by an appointing authority pursuant to subsection 3 of [NAC 284.358](#) regarding the availability of eligible candidates in a specific class, the Division of Human Resource Management must verify the availability of a reemployment list for that class. If a reemployment list is available, the Division of Human Resource Management must certify and provide the reemployment list to the appointing authority. Eligible persons who appear on reemployment lists are ranked in order of seniority. Except as otherwise provided in subsection 2 of [NAC 284.6017](#), placement on a reemployment list must be determined using the criteria governing the determination of seniority for layoff pursuant to [NAC 284.632](#).

2. If there is no reemployment list available, the Division of Human Resource Management must certify and provide to the appointing authority any available reassignment lists pursuant to [NAC 284.405](#).

3. If there are no reassignment lists available, the Division of Human Resource Management must certify and provide to the appointing authority any available lists of persons with disabilities who are eligible for temporary limited appointments pursuant to [NRS 284.327](#).

4. If there are no available lists of persons with disabilities who are eligible for temporary limited appointments pursuant to [NRS 284.327](#), the Division of Human Resource Management must certify and provide to the appointing authority any available transfer lists of employees who are entitled to transfer to a position pursuant to [NRS 284.3775](#).

5. If no list described in subsection 1, 2 or 3 is available, the Division of Human Resource Management must, upon request of the appointing authority and in accordance with subsections 6 and 7:

(a) Certify the names of eligible persons on ranked or unranked lists described in paragraphs (e) to (i), inclusive, of subsection 1 of [NAC 284.358](#); or

(b) Waive the list.

6. The names of eligible persons on ranked lists must appear in the order of the total rating which they earned in the examination, including preferences for veterans and residents.

7. The Division of Human Resource Management may certify a list of eligible persons who are not ranked, or may waive the list, for:

(a) A class that is grade 20 or below;

(b) A class designated in the classification plan as entry level;

(c) A class designated in the classification plan as a class for which applicants for promotion are not normally available; or

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

8. Only an eligible person who has indicated the willingness to accept the location of the vacancy and the other conditions of employment may be certified.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004; R024-05, 10-31-2005; R034-17, 12-19-2017, eff. 1-1-2018; R121-17, 6-26-2018; R164-18, 1-30-2019)

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

1. When a reemployment list is certified, persons who are available for appointment and who are certified on reemployment lists, other than seasonal reemployment lists, must be hired in the order in which they appear unless the appointing authority, upon submitting written justification, obtains the written concurrence of the Governor to deviate

from the order of priority or to hire from another list. The appointing authority must make the written justification available for examination by affected persons or their designated representatives.

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

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

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

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

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

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

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

(a) Are in a rank of persons who received the 10 highest scores on the examination; and

(b) Are available for appointment.

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

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

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

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

(c) A new recruitment may be conducted.

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

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

**NAC 284.364 Lists of persons with disabilities who are eligible for temporary limited appointments. ([NRS 284.065](#), [284.155](#), [284.250](#), [284.327](#))**

1. Pursuant to [NRS 284.327](#), the Rehabilitation Division of the Department of Employment, Training and Rehabilitation may provide to the Division of Human Resource Management the names of persons with disabilities certified by the Rehabilitation Division who are eligible for temporary limited appointments of 700 hours' duration. Upon receipt from the Rehabilitation Division of the job applications and job recommendations, the Division of Human Resource Management must evaluate the information against the job requirements and minimum qualifications of the recommended classes. Through noncompetitive means, the names of qualified persons must be placed on a list of persons with disabilities who are eligible for temporary limited appointments pursuant to [NRS 284.327](#) and certified to the requesting agency for consideration. If the list includes more than one qualified person, the appointing authority must appoint the most qualified person based upon a review of the respective qualifications of each person as the qualifications relate to the position or class and the ability of each person to perform the essential functions of the position.

2. A current probationary or permanent state employee who occupies a permanent full-time position is not eligible for the provisions of this section unless his or her disability jeopardizes his or her continued employment in his or her present position and placement on the list does not merely circumvent the provisions of this chapter governing

promotion or transfer.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 12-26-91; 7-6-92; R098-99, 9-27-99; A by Personnel Comm'n by R183-03, 1-27-2004; R034-17, 12-19-2017, eff. 1-1-2018)

**NAC 284.367 Promotional lists: Use; order of names.** ([NRS 284.065](#), [284.155](#), [284.250](#))

1. If a promotional list of eligible persons is used to fill a vacancy after the initial recruitment:

(a) The recruitment which created the list must have been open to employees of the appointing authority which requests the list; and

(b) The order of names must be changed to reflect the priority prescribed by [NAC 284.358](#).

2. Certification may be made from the names highest on the list after promotional or promotional and open lists for the class are combined if either of the following occurs:

(a) The appointing authority certifies in writing to the Division of Human Resource Management that, in accordance with the provisions of [NAC 284.297](#), it is in the best interest of the agency to expand the certification to allow eligible persons from other groups to be considered on the basis of merit.

(b) One or more promotional lists exist for a class which otherwise qualifies for open competition because the class is designated in the classification plan as entry level or as a class which normally has a lack of promotional candidates.

↳ If lists are combined, the names on the list must be in order of merit.

3. At the request of an appointing authority, one or more promotional lists must be established from an existing open competitive list and certified for a vacancy.

4. A list of eligible persons established from a recruitment in which the order of priority was changed must not be certified in that order for a new vacancy unless the appointing authority complies with the provisions of paragraph (a) of subsection 2. These names will be used to establish one or more lists as may be appropriate.

(Added to NAC by Dep't of Personnel, eff. 6-18-86; A 4-20-90; A by Personnel Comm'n by R024-05, 10-31-2005)

**NAC 284.370 Integration of subsequent lists.** ([NRS 284.065](#), [284.155](#), [284.250](#))

1. The names of eligible persons on current lists may be integrated onto subsequent lists for the same class if there has been no material change in the qualification requirements. If the list is a ranked list, the names of eligible persons will be integrated according to the final scores of those eligible persons.

2. As used in this section, "material change" includes, without limitation, a change in the minimum qualifications for the class or the subject matter, scope or weights of various phases of the examination.

[Personnel Div., Rule V § D, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R082-00, 8-2-2000; A by Personnel Comm'n by R183-03, 1-27-2004; R141-07, 1-30-2008)

**NAC 284.371 Correction of errors in certification.** ([NRS 284.065](#), [284.155](#), [284.250](#)) If the Division of Human Resource Management finds that an error occurred which resulted in a failure to properly certify a name to an agency, the Division of Human Resource Management will take appropriate action to correct the error. The correction will not invalidate any appointment which was previously made from the certification unless the Administrator or Commission determines, pursuant to subsection 2 of [NAC 284.345](#), that the appointment should be invalidated because the error was intentional.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.380)

**NAC 284.373 Inquiry of availability of eligible person.** ([NRS 284.065](#), [284.155](#), [284.250](#))

1. While an eligible person may be contacted to determine his or her availability, no attempt may be made to obtain a waiver in order to alter the ranking of any person on the list.

2. An eligible person must respond to an inquiry of availability within:

(a) Six days after an inquiry by mail has been postmarked;

(b) Two days after an inquiry by electronic mail has been sent;

(c) Twenty-four hours after a written inquiry is hand-delivered;

(d) Twenty-four hours after an oral inquiry has been made if the oral inquiry was made during a conversation with the eligible person; or

(e) If an oral inquiry by telephone was attempted and a voicemail or other similar kind of electronic message was left, 2 days after that message was left.

3. An exception to a time limit may be granted by the originating agency.

[Personnel Div., Rule V § G, eff. 8-11-73; A 4-4-78]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004; R024-13, 10-23-2013)—(Substituted in revision for NAC 284.382)

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

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



- (a) Appointment after certification to fill a full-time permanent position in the class for which the examination was given;
- (b) Expiration of the term of eligibility;
- (c) Separation of a person who is eligible for promotion from the state service;
- (d) Failure by an eligible person to respond within the required time to an inquiry of availability;
- (e) A statement by the eligible person that he or she is not willing to accept any type of appointment from the eligible list;
- (f) Any of the causes listed in [NRS 284.240](#) pursuant to which the Administrator may refuse to examine an applicant or, after examination, may refuse to certify an eligible person; or
- (g) If the eligible person is an employee who has been laid off and placed on the statewide reemployment list, reemployment pursuant to subsection 7 of [NAC 284.630](#).

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

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

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

- (a) If the employee does not notify the appointing authority of a discrepancy, until after the end of the period pursuant to which the employee may notify the appointing authority of a discrepancy; or
- (b) If the employee notifies the appointing authority of a discrepancy, until after the appointing authority determines whether the removal of the employee from consideration pursuant to this subsection was appropriate.

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

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

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

#### **NAC 284.3745 Refusal to examine applicant or certify eligible person: Review of action; appeal. ([NRS 284.065](#), [284.155](#), [284.245](#))**

1. An applicant affected by a refusal to examine the applicant or an eligible person affected by a refusal to certify the eligible person may request a review of the action by the supervisor of recruitment of the Division of Human Resource Management not later than 30 calendar days after the applicant or eligible person receives notification of the refusal to examine or the refusal to certify, as applicable.

2. The supervisor of recruitment of the Division of Human Resource Management shall conduct the review and return it to the applicant or eligible person within 10 days after receipt of the request for review. If the applicant or eligible person is not satisfied with the review by the supervisor of recruitment of the Division of Human Resource Management, the applicant or eligible person may request that the Administrator provide, in accordance with [NRS 284.245](#), a statement of the reasons for the refusal to examine or the refusal to certify, as applicable. Such a request must be made within 30 calendar days after receipt of the response by the supervisor of recruitment.

3. An applicant or eligible person may, within 30 working days after receipt of the statement of the Administrator provided pursuant to subsection 2, appeal the decision to the Commission. The appeal must:

- (a) Be in writing;
- (b) Be addressed to the Administrator;
- (c) Address the points outlined in the statement issued pursuant to subsection 2 regarding the refusal to examine or certify the applicant or eligible person; and
- (d) Indicate the points in the statement with which the applicant or eligible person disagrees and express the reasons for the disagreement.

(Added to NAC by Personnel Comm'n by R100-16, eff. 11-2-2016; A by R039-17, 10-31-2017)

## Appointments

### **NAC 284.375 Appointing authority prohibited from appointing related persons under certain circumstances; exceptions. ([NRS 284.065](#), [284.155](#))**

1. Except as otherwise provided in subsection 2 and [NRS 281.210](#), an appointing authority shall not appoint a person to a position in the classified service on or after:

- (a) October 1, 1996, if, upon his or her appointment, the person will be in the direct line of authority of:
  - (1) A spouse, child, parent or sibling of the person;
  - (2) The spouse of a child, parent or sibling of the person; or
  - (3) An aunt, uncle, niece, nephew, grandparent, grandchild or first cousin of the person.

(b) September 6, 2001, if, upon his or her appointment, the person will be in the direct line of authority of a person with whom he or she is in a dating relationship.

2. An appointing authority may adopt a written policy authorizing the appointment of persons to a position or class of positions that would otherwise be prohibited by the provisions of subsection 1 if the appointing authority determines that, for the positions for which the policy applies, the enforcement of the provisions of subsection 1 will be impracticable and cause an undue hardship to the appointing authority. In making this determination, the appointing authority may consider, among other factors, the difficulty in recruiting applicants for the positions for which the policy applies.

3. A written policy adopted pursuant to subsection 2:

- (a) Must comply with the provisions of [NRS 281.210](#); and
- (b) Is effective upon approval by the Commission.

(Added to NAC by Dep't of Personnel, 8-16-96, eff. 10-1-96; A by R058-01, 9-6-2001; A by Personnel Comm'n by R183-03, 1-27-2004)

### **NAC 284.377 Persons who become related after appointment: Appointing authority required to take corrective action; notification of appointing authority required. ([NRS 284.065](#), [284.155](#))**

1. Except for relationships allowed pursuant to [NRS 281.210](#) and [NAC 284.375](#), if a supervisor and an employee who is in the direct line of authority of the supervisor become related or involved in a dating relationship after the supervisor and employee have been appointed to their respective positions, the appointing authority shall ensure that, as soon as practicable, the employees do not continue to hold positions in which one of the employees is in the direct line of authority of the other employee.

2. A supervisor who becomes related to, or involved in a dating relationship with, an employee in the direct line of authority of the supervisor shall notify the appointing authority within 10 working days after the supervisor and employee become related or involved in the dating relationship.

3. Upon receiving notification of a relationship from a supervisor pursuant to subsection 2, the appointing authority shall request from each of the employees involved a recommendation for action to be taken to ensure that the employees do not continue to hold positions in which one of the employees is in the direct line of authority of the other employee.

4. In determining the manner in which to comply with the provisions of subsection 1, the appointing authority is not required to accept a recommendation for action to be taken submitted pursuant to this section.

(Added to NAC by Dep't of Personnel, 8-16-96, eff. 10-1-96; A by R058-01, 9-6-2001)

### **NAC 284.386 Reinstatement of former permanent employee. ([NRS 284.065](#), [284.155](#), [284.305](#))**

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

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

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

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

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

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

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

### **NAC 284.390 Transfers initiated by employees. ([NRS 284.065](#), [284.155](#), [284.375](#))**

1. An employee may request a transfer from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority if the positions are in the same class or a comparable class.

2. An employee who wishes a transfer to a position in the same class must:

(a) Make his or her interest known to the hiring agency; or

(b) Submit a request for a transfer to the Division of Human Resource Management to have his or her name placed on a transfer list for a position in the same class.

3. For a transfer to a position in a comparable class:

(a) The employee must submit an application to the hiring agency; and

(b) The Division of Human Resource Management must approve the request for a transfer.

4. An employee may not transfer through noncompetitive means to underfill a position allocated at grade 30 or higher if that position is allocated at a higher grade than the position the employee currently occupies.

[Personnel Div., Rule VI § D subsecs. 1-4, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 6-18-86; 7-21-89; 8-1-91; 10-27-97; A by Personnel Comm'n by R183-03, 1-27-2004)

#### **NAC 284.394 Transfers initiated by appointing authorities. ([NRS 284.065](#), [284.155](#), [284.375](#))**

1. Except as otherwise provided in subsection 2, an appointing authority may, after giving 5 working days' notice, transfer for the convenience of this State any employee to another position in:

(a) The same class; or

(b) A comparable class with the approval of the Division of Human Resource Management.

2. The notice required by subsection 1 need not be given if the transfer does not exceed 10 working days. If a bona fide or justifiable emergency exists, a transfer may be made immediately with the prior approval of the Division of Human Resource Management.

3. A transfer pursuant to this section must not be made to harass or discipline an employee.

4. A permanent employee who is required to transfer to a different geographical location and who declines the transfer has the same rights provided in [NAC 284.630](#) as an employee who is laid off.

5. If an employee requests a hearing to appeal an involuntary transfer pursuant to [NRS 284.376](#), the appointing authority may temporarily assign the employee, on a per diem basis, to transfer pending disposition of the appeal.

6. As used in this section, "geographical location" has the meaning ascribed to it in [NAC 284.612](#).

[Personnel Div., Rule VI § D subsec. 5, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-18-89; A by Personnel Comm'n by R183-03, 1-27-2004; R042-15, 12-21-2015)

#### **NAC 284.398 Transfers to classified service; certain transfers to unclassified service. ([NRS 284.065](#), [284.155](#), [284.375](#))**

1. An unclassified employee who has less than 4 months of service and whose appointment was immediately preceded by an appointment in the classified service in which the person was a permanent employee may transfer back into the classified service under the same conditions and with the same benefits as classified employees, except that the duties and compensation of the position to which the person is transferred must be similar, as determined by the Division of Human Resource Management, to either the unclassified position or to a previously held classified position.

2. Employees of any governmental agency which is acquired for administration by the State pursuant to [NRS 284.022](#) may transfer into the classified service or unclassified service with the rights and benefits authorized by the Legislature.

3. An employee who transfers into the classified service:

(a) Must complete an application and meet the minimum qualifications for the class of the position to which he or she is transferring;

(b) Must have his or her date of transfer and appointment to the classified position effective immediately following the last day of employment in the unclassified or nonclassified position unless he or she was employed as a legislative employee at the conclusion of a regular session of the Legislature to whom subsection 8 of [NRS 284.3775](#) applies; and

(c) May retain the credits which he or she has earned for annual and sick leave.

[Personnel Div., Rule VI § D subsec. 6, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-14-88; 1-22-90; 8-1-91; 3-23-94; R146-01, 1-18-2002; A by Personnel Comm'n by R183-03, 1-27-2004; R043-15, 12-21-2015)

#### **NAC 284.400 Acceptance of new appointment: Notice to current appointing authority. ([NRS 284.065](#), [284.155](#))**

An employee who accepts an appointment to a position under the jurisdiction of another appointing authority shall provide not less than 2 weeks' written notice to his or her current appointing authority before beginning service in the new position, unless the employee and both appointing authorities mutually agree to a shorter period of notice.

(Added to NAC by Dep't of Personnel, eff. 11-16-95; A by Personnel Comm'n by R183-03, 1-27-2004)

#### **NAC 284.402 Voluntary demotions. ([NRS 284.065](#), [284.155](#), [284.305](#))**

1. Except as otherwise provided in this section, an employee may request or accept a demotion to a position in a

class with a lower grade. The demotion may be permitted if the employee meets the minimum qualifications and if the appointing authority approves.

2. An employee may not be demoted through noncompetitive means to underfill a position at grade 30 or higher if the position for which the employee is requesting or accepting a demotion is allocated at a higher grade than the position the employee currently occupies.

[Personnel Div., Rule VI § E, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 10-27-97; A by Personnel Comm'n by R183-03, 1-27-2004)

**NAC 284.404 Reappointments.** ([NRS 284.065](#), [284.155](#), [284.305](#))

1. A current employee may be reappointed to a class he or she formerly held or to a comparable class if:

(a) The employee meets the current minimum qualifications and the appointing authority approves the reappointment; and

(b) For a reappointment to a comparable class, the Division of Human Resource Management approves the reappointment.

2. An employee who desires reappointment must make his or her interest known to the hiring agency.

3. The grade of the class to which an employee is reappointed may only exceed the grade of the class he or she formerly held or a comparable class if the former or comparable class has been reallocated.

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

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91; 10-27-97; A by Personnel Comm'n by R183-03, 1-27-2004)

**NAC 284.405 Reassignment of employee with disability who is unable to perform essential functions of position with or without reasonable accommodation.** ([NRS 284.065](#), [284.155](#), [284.305](#))

1. The Division of Human Resource Management shall assist an appointing authority with the reassignment of an employee with a disability who is unable to perform the essential functions of his or her position with or without reasonable accommodation by identifying any vacant or soon to be vacant positions for which the employee meets the minimum qualifications. Those vacant or soon to be vacant positions may include positions that are outside of the geographical location of the employee. A refusal by the employee of an offer of a position that is outside of the geographical location of the employee will not affect the employee's reassignment rights pursuant to this section.

2. Before an appointing authority commences the reassignment of an employee pursuant to this section, the appointing authority shall notify the employee in writing that the employee will continue to be referred to positions pursuant to this section until the reassignment rights of the employee are exhausted in accordance with subsection 11.

3. The appointing authority of the employee shall, through the interactive process, determine if a vacant or soon to be vacant position at the employee's current grade exists within the employee's agency. If such a position is identified and the employee meets the minimum qualifications, as determined by the Division of Human Resource Management pursuant to [NAC 284.317](#), and is able to perform the essential functions of the position with or without reasonable accommodation, the appointing authority shall offer the employee the position unless the appointing authority demonstrates that such an appointment would cause an undue hardship to the appointing authority.

4. If the appointing authority of the employee is not able to reassign the employee pursuant to subsection 3, the appointing authority of the employee shall notify the Division of Human Resource Management. For at least 30 days after receipt of the notification, the Division of Human Resource Management shall place the employee on reassignment lists for any vacant or soon to be vacant positions being filled at the grade of the current position of the employee if the employee meets the minimum qualifications for the positions and has expressed an interest in those positions. If such a position is determined to be available and it is determined through the interactive process that the employee is able to perform the essential functions of the position with or without reasonable accommodation, the employee must be offered the position unless it is demonstrated that such an appointment would cause an undue hardship.

5. If reassignment is not available pursuant to subsection 3 or 4, the appointing authority of the employee shall, through the interactive process, determine if a vacant or soon to be vacant position below the grade of the current position of the employee exists within the employee's agency. If such a position is identified and the employee meets the minimum qualifications, as determined by the Division of Human Resource Management pursuant to [NAC 284.317](#), and is able to perform the essential functions of the position with or without reasonable accommodation, the appointing authority shall:

(a) Consider the employee for any such positions in the order of the grade of the positions beginning with the grade closest to the grade of the current position of the employee if multiple positions with different grades are determined to be available within the employee's agency; and

(b) Offer the employee such a position unless the appointing authority demonstrates that such an appointment would cause an undue hardship to the appointing authority.

6. If reassignment is not available pursuant to subsection 3, 4 or 5, the appointing authority of the employee shall notify the Division of Human Resource Management. For at least 30 days after receipt of the notification, the Division

of Human Resource Management shall place the employee on reassignment lists for vacant or soon to be vacant positions being filled at or below the grade of the current position of the employee if the employee meets the minimum qualifications for the positions and has expressed an interest in those positions. If such a position is determined to be available and it is determined through the interactive process that the employee is able to perform the essential functions of the position with or without reasonable accommodation, the employee must be offered the position unless it is demonstrated that such an appointment would cause an undue hardship.

7. The appointing authority of an employee to whom subsection 1 applies may offer the employee a position in the employee's agency below the grade of the current position of the employee if:

(a) A vacant or soon to be vacant position at the grade of the current position of the employee is not identified within the employee's agency;

(b) The employee meets the minimum qualifications of the position as determined by the Division of Human Resource Management pursuant to [NAC 284.317](#); and

(c) It is determined that the employee is able to perform the essential functions of the position with or without reasonable accommodation unless it is demonstrated that such an appointment would cause an undue hardship.

➔ If the employee accepts the position offered pursuant to this subsection, the employee may continue to exercise his or her reassignment rights pursuant to subsections 1 to 6, inclusive, and subsections 8 to 13, inclusive, for a period of 60 days following the appointment.

8. An employee may not be reassigned to underfill a vacant or soon to be vacant position allocated at grade 30 or higher if that position is allocated at a higher grade than the position the employee currently occupies.

9. After the reassignment of an employee is made pursuant to this section, the status of appointment of the employee will be determined in accordance with [NAC 284.444](#).

10. The reassignment of an employee which is made pursuant to this section will take precedence over all other types of appointments and use of lists, including, without limitation, the lists, other than reemployment lists, set forth in [NAC 284.358](#).

11. Except as otherwise provided in subsection 7, reassignment rights pursuant to this section are exhausted when an employee:

(a) Accepts a reassignment at or below the grade of the current position of the employee;

(b) Accepts a position through a competitive or noncompetitive appointment;

(c) Notifies the appointing authority in writing that he or she no longer wishes to seek reassignment;

(d) Has not been appointed from any of the lists on which his or her name was included in accordance with this section and the Division of Human Resource Management determines that there are no other positions available;

(e) Refuses a position within his or her geographical location that is at or below the grade of the current position of the employee; or

(f) Accepts reemployment pursuant to [NAC 284.6014](#).

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

13. As used in this section:

(a) "Agency" includes:

(1) A department as defined in [NAC 284.055](#);

(2) Any other entity of the Executive Branch of State Government which employs persons in the classified service, including, without limitation, the office of an elected officer;

(3) A division of the Department of Health and Human Services; and

(4) Any division or institution of the Nevada System of Higher Education.

(b) "Geographical location" has the meaning ascribed to it in [NAC 284.612](#).

(c) "Soon to be vacant" means a position in which:

(1) The Division of Human Resource Management is aware will have an imminent vacancy;

(2) A list has not been certified for the position; and

(3) The employee will be able and available to fill the position within 30 days after the position becomes open.

(d) "Undue hardship" has the meaning ascribed to it in 29 C.F.R. § 1630.2.

(Added to NAC by Personnel Comm'n by R097-16, eff. 11-2-2016; A by R015-19, 12-30-2019)

#### **NAC 284.406 Provisional appointments. ([NRS 284.065](#), [284.155](#))**

1. An appointing authority may make a provisional appointment pursuant to [NRS 284.310](#) if there are fewer than five ranks of eligible persons available for appointment to the position.

2. The Division of Human Resource Management will begin the recruitment within 30 days after the effective date of the provisional appointment.

3. A provisional appointment may not continue for longer than 30 days after a list of five or more ranks of eligible persons who are available for appointment has been certified.

[Personnel Div., Rule VI § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 11-16-95; A by Personnel Comm'n by R183-03, 1-27-2004)

**NAC 284.410 Emergency appointments.** ([NRS 284.065](#), [284.155](#))

1. In the case of an emergency, an appointing authority may make an appointment pursuant to [NRS 284.315](#).
2. For the purposes of this section, an emergency exists when the appointment is necessary to prevent the stoppage of public business, loss of life, or extensive damage to persons or property.

[Personnel Div., Rule VI § H, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004)

**NAC 284.414 Temporary appointments.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.325](#), [284.345](#))

1. A temporary appointment must not exceed 6 months in any 12-month period unless the appointment is authorized:

(a) As a replacement for an employee who is:

(1) Receiving benefits for temporary total disability pursuant to [chapters 616A to 616D](#), inclusive, or [617](#) of NRS; or

(2) On a leave of absence for active military service pursuant to [NRS 281.145](#).

(b) To allow an employee to perform duties below the journey level while he or she is studying or training for advancement to an entry level professional class.

➤ The appointing authority shall indicate the probable duration of employment on its request for certification. Upon receipt of this request, the Division of Human Resource Management will certify the names of eligible persons from the appropriate eligible list who have noted that they will accept employment for the duration of the employment indicated.

2. Service under a temporary appointment immediately preceding appointment to a permanent position must be credited towards annual leave and merit pay increases. Sick leave may be earned for each month of service pursuant to [NRS 284.355](#).

3. A special temporary appointment to a position within the Nevada System of Higher Education may not be used to fill regularly budgeted positions. Such appointments may be made without regard to the rules on certification or appointment and may be made on forms and under procedures prescribed by the Nevada System of Higher Education and approved by the Division of Human Resource Management. Time served under a special temporary appointment pursuant to this subsection may be credited towards annual leave, sick leave or merit pay increases if the temporary appointment is immediately followed by a probationary or a permanent appointment.

[Personnel Div., Rule VI § I, eff. 8-11-73]—(NAC A by Dep't of Personnel, 7-22-87; 7-21-89; R147-01, 1-22-2002; A by Personnel Comm'n by R096-03, 10-30-2003)

**NAC 284.416 Temporary limited appointment of persons with disabilities.** ([NRS 284.065](#), [284.155](#), [284.327](#)) The status of the appointment of an employee appointed pursuant to [NRS 284.327](#) is that of special disabled.

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

**NAC 284.425 Positions created by temporary projects.** ([NRS 284.065](#), [284.155](#))

1. An employee hired for a project of limited duration will not be afforded rights relating to layoffs at the end of the funding period if, in the judgment of the appointing authority, there is no assurance of refunding. If the appointing authority determines that these rights are in the best interest of State Government, he or she may so designate all appointments as having these rights on the appointment document.

2. Such an employee may be reinstated if he or she is eligible for this right. Details concerning temporary funding, time limits, and layoffs must be included on the original appointment document and at each successive time the project is renewed.

3. A project originally designated as including or as not including rights relating to layoffs may not be redesignated upon refunding unless the funding status of the project has changed.

[Personnel Div., Rule VI § L, eff. 8-11-73; A 3-15-76]—(Substituted in revision for NAC 284.438)

**NAC 284.434 Seasonal positions.** ([NRS 284.065](#), [284.155](#))

1. An appointment to a seasonal position may not exceed 9 months of full-time equivalent service in any 12-month period. A separation from a seasonal position which is a result of the lack of money or the lack of work must be made in accordance with [NAC 284.608](#).

2. Persons eligible for seasonal reemployment must be offered employment in the order that they appear on the seasonal reemployment list before another type of list of eligible persons may be used.

3. Reemployment rights extending 1 year from the date of a seasonal employee's date of separation:

(a) Must be granted if the employee has attained permanent status; or

(b) May be granted, at the discretion of the appointing authority, if the employee has not attained permanent status,

➤ if the employee's last rating of performance was standard or better.

4. For the purposes of this section, a person's right to reemployment is limited to a seasonal position in the same class, option and department in which he or she last worked, except that an appointing authority may:

(a) Reemploy a former employee who held a seasonal position in another department if he or she is otherwise eligible.

(b) Reemploy a former employee who held a seasonal position in a comparable class if he or she is otherwise eligible and the Division of Human Resource Management approves.

5. To be eligible for reemployment, the former employee must:

(a) Notify the agency, in writing, stating the locations where he or she seeks reemployment; and

(b) Be available for the entire term of employment.

6. Seasonal reemployment lists must be maintained by the employing department, taking into account the provisions in subsection 1 of [NAC 284.360](#) and subsections 3, 4 and 5 of this section.

7. An incumbent in a permanent position may request a seasonal position. By the voluntary acceptance of a seasonal position, an employee gives up any right to return to his or her former permanent position but, if eligible, may be reappointed.

[Personnel Div., Rule VI part § J, eff. 3-3-77]—(NAC A by Dep't of Personnel, 10-26-84; 8-1-91; 11-16-95; A by Personnel Comm'n by R183-03, 1-27-2004)

**NAC 284.436 Intermittent positions.** ([NRS 284.065](#), [284.155](#), [284.340](#), [284.384](#))

1. An intermittent position is a position:

(a) That is filled by a person who may be called to work at any time;

(b) That is used to supplement the agency's full-time staff; and

(c) The compensation of which is separately identified in the budget of the agency.

2. An appointing authority may hire an employee in an intermittent position to supplement the full-time staff of an agency when the staffing needs of the agency fluctuate because of changes in the amount of work.

3. If a position is budgeted as an intermittent position, that position may only be underfilled pursuant to this chapter by an intermittent employee. An intermittent employee may only underfill a position that has been budgeted as an intermittent position.

4. An employee in an intermittent position who has attained permanent status:

(a) Must be given notice of any layoff affecting him or her not less than 1 week before the layoff; and

(b) Has a right of reemployment if his or her last report on performance was standard or better. The right of reemployment is based on the same formula as that used for other employees except that it extends only to the cost center or division from which his or her employment was terminated. This right must not operate to the detriment of a permanent full-time employee.

5. As used in this section, "cost center" means an organizational unit or group of organizational units within the Employment Security Division of the Department of Employment, Training and Rehabilitation.

(Added to NAC by Dep't of Personnel, eff. 8-28-85; A 8-1-91; A by Personnel Comm'n by R183-03, 1-27-2004; R007-11, 10-26-2011)

**NAC 284.437 Underfilling of positions.** ([NRS 284.065](#), [284.155](#), [284.305](#))

1. The appointing authority may underfill a position at or below the journey level at the discretion of the appointing authority.

2. The appointing authority may underfill a position above the journey level upon written approval of the Administrator or his or her designee.

3. An employee or former employee may not be selected through noncompetitive means to underfill a position allocated at grade 30 or higher if that position is allocated at a higher grade than:

(a) The position the employee currently holds; or

(b) In the case of a former employee, the current grade of the position the person formerly held.

(Added to NAC by Dep't of Personnel, eff. 8-28-85; A by Personnel Comm'n by R183-03, 1-27-2004; R164-18, 1-30-2019)

**NAC 284.4375 Automatic advancement.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. For the purposes of this section, "automatic advancement" or "automatically advanced" means the progression of an employee to the authorized grade of the position, but not exceeding the journey level. Automatic advancement occurs without recruitment and may occur without examination. It is based upon the employee's:

(a) Meeting minimum qualifications;

(b) Satisfactory performance; and

(c) Endorsement by his or her appointing authority.

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

(a) The provisions in [NAC 284.172](#), governing an employee's pay on promotion, apply.

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

(c) If the employee had not attained permanent status in the class from which he or she was automatically advanced,

the employee must remain in probationary status in the new class until he or she has worked in that class for a period equal to the remaining portion of the probationary period that is required for the new class.

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

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

**NAC 284.439 Reports of appointments.** ([NRS 284.065](#), [284.121](#), [284.155](#), [284.305](#)) Reports of appointments made pursuant to [NRS 284.121](#) must include the type of position, the type of appointment and the employee's status of appointment as follows:

1. The type of classified position must be:

- (a) Permanent;
- (b) Special project;
- (c) Temporary;
- (d) Seasonal; or
- (e) Intermittent.

2. The type of appointment to a classified position must be:

- (a) Demotion;
- (b) Reemployment;
- (c) Transfer;
- (d) Reappointment;
- (e) Reassignment;
- (f) Promotion;
- (g) Reinstatement; or
- (h) New hire.

3. The status of appointment in a classified position must be:

- (a) Probationary for a nonpermanent employee;
- (b) Permanent;
- (c) Trial period for a permanent employee;
- (d) Provisional;
- (e) Emergency;
- (f) Temporary; or
- (g) Special disabled.

4. In the unclassified service, the type of position, type of appointment and status of appointment are each "unclassified."

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 8-1-91; 7-6-92; A by Personnel Comm'n by R183-03, 1-27-2004; R097-16, 11-2-2016)—(Substituted in revision for NAC 284.383)

#### ESSENTIAL FUNCTIONS OF POSITIONS

**NAC 284.441 Provision of description to candidates for vacant position; consideration for appointment.** ([NRS 284.065](#), [284.155](#))

1. The appointing authority shall provide a description of the essential functions of a position to each candidate who is being considered for a vacant position. The information must be provided in a timely manner to allow a candidate with a disability to determine his or her need for reasonable accommodation.

2. The appointing authority shall consider the essential functions of the position when determining which candidate will be offered employment. If the disability of a candidate prevents or impedes the performance of one or more of the functions of the position that are not identified as essential, the appointing authority shall not consider those functions when determining which candidate will be offered employment.

3. The provisions of this section apply to all competitive and noncompetitive appointments to classified positions.

(Added to NAC by Dep't of Personnel, eff. 7-6-92; A 10-27-97; A by Personnel Comm'n by R135-12, 10-4-2013)—(Substituted in revision for NAC 284.357)

#### PROBATIONARY AND TRIAL PERIODS

**NAC 284.442 Length of probationary or trial period.** ([NRS 284.065](#), [284.155](#), [284.290](#)) All classes at grade 20 or higher must be assigned a 1-year (full-time equivalent) probationary period or trial period. All classes lower than grade 20 will be assigned a 6-month (full-time equivalent) probationary period or trial period.



[Personnel Div., Rule VIII § A part subsec. 1, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, 10-26-84; R146-01, 1-18-2002; A by Personnel Comm'n by R068-19, 6-8-2020)

**NAC 284.444 Application of probationary or trial period.** ([NRS 284.065](#), [284.155](#), [284.290](#), [284.300](#))

1. A probationary employee who transfers:
  - (a) Within the same class must serve the remaining portion of the probationary period.
  - (b) From one class to another class must serve a new probationary period.
2. A permanent employee must serve a trial period if he or she voluntarily transfers:
  - (a) Within the same class; or
  - (b) From one class to another class and such classes are comparable classes,
    - ↪ unless the trial period is waived in writing by the appointing authority. If the appointing authority waives the trial period, the employee is entitled to the status of appointment held at the time he or she transferred.
3. Promotion to a vacant position requires a new probationary period or trial period. A promotion that results from a reclassification is governed by [NAC 284.134](#) and [284.138](#).
4. Except as otherwise provided in subsection 11:
  - (a) No probationary period will be required if a permanent employee is demoted.
  - (b) A new probationary period will be required if a probationary employee is demoted.
5. An employee who is reinstated must serve a new probationary period unless it is waived in writing by the appointing authority. If an appointing authority waives the probationary period, the status of the appointment of the employee is permanent.
6. A probationary employee who is reappointed must serve a new probationary period.
7. A permanent employee who is reappointed to a class:
  - (a) At a higher grade level must serve a trial period unless it is waived in writing by the appointing authority.
  - (b) At the same grade level or a lower grade level is not required to serve a trial period.
8. An employee who is laid off, but who is reemployed within 1 year, must serve a new probationary period if reemployed in a different class or in a different department than that from which he or she was laid off, and the employee is subject to the provisions of subsection 8 of [NAC 284.630](#).
9. A person with a permanent disability arising from a work-related injury or occupational disease who is reemployed in a different class or option than his or her regular position must serve a new probationary period as required by [NAC 284.6018](#).
10. A person who is on a military leave of absence pursuant to [NRS 284.359](#) is entitled to return to the status of appointment held at the time he or she commenced the military leave of absence. If the employee did not complete the probationary period, he or she will only be required to complete the remaining portion thereof. Upon successful completion of the probationary period, permanent status must be granted to the employee as of the date on which permanent status would have been granted if the employee had not taken a military leave of absence.
11. An employee who is restored to his or her former position or class pursuant to [NAC 284.462](#) following a promotional appointment must serve the portion of the trial period which was remaining at the time of the promotion. No probationary period is required if, pursuant to subparagraph (1) of paragraph (c) of subsection 2 of [NAC 284.462](#), an employee is placed in a position in a class equal to or lower than the class held by the employee immediately before the promotion.
12. An employee who transfers from the unclassified or nonclassified service to the classified service must serve a new probationary period. Except for those unclassified employees who transfer pursuant to subsection 2 of [NAC 284.398](#), the status of a permanent employee may not be attained until the satisfactory completion of the probationary period.
 

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-21-89; 8-1-91; 12-26-91; 3-1-96; A by Personnel Comm'n by R142-05 & R143-05, 12-29-2005; R141-07, 1-30-2008; R102-15, 12-21-2015, eff. 1-1-2016; R163-18, 1-30-2019; R068-19, 6-8-2020)

**NAC 284.446 Time counted toward completion of probationary period.** ([NRS 284.065](#), [284.155](#), [284.290](#))

1. Except as otherwise provided in subsection 4 and in [NAC 284.4375](#), a probationary employee must perform his or her duties continuously in the classified service for either 6 months or 1 year (full-time equivalent) as required for the class in which he or she is employed to attain permanent status.
2. Service in provisional, emergency, or special disabled status must be credited towards a probationary period if it is immediately followed by probationary or permanent status in the same class.
3. Service in a seasonal position must be credited towards the probationary period for the class.
4. If an employee of a governmental agency transfers to the classified service pursuant to [NRS 284.022](#) and subsection 2 of [NAC 284.398](#), the time which he or she spent in the comparable class in the governmental agency counts toward the probationary period which is required for the state class. If the employee has satisfactorily completed the equivalent of the State's probationary period for the new class, the employee is entitled to transfer with permanent status. All continuous service which is equivalent to full-time employment in the governmental agency before the

transfer counts towards permanent employee status.

[Personnel Div., Rule VIII § A part subsec. 1, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, 10-26-84; 1-22-90; 8-1-91; 7-6-92; 3-1-96)

**NAC 284.448 Time not counted toward completion of probationary or trial period.** ([NRS 281.145](#), [284.065](#), [284.155](#), [284.290](#), [284.345](#)) The following types of leave or temporary status do not count toward the completion of any probationary period or trial period:

1. Authorized military leave for active service, as set forth in subsection 10 of [NAC 284.444](#).
  2. Authorized military leave for training beyond the 15 paid working days authorized by [NRS 281.145](#) during a 12-month period, as prescribed in [NAC 284.5875](#).
  3. Except as otherwise provided in [NAC 284.580](#), any leave without pay and catastrophic leave, combined, in excess of 240 hours or, in the case of an exempt classified employee, 30 working days, in a year if the regular work schedule of the employee is 80 hours or less biweekly. If the regular work schedule of an employee is more than 80 hours biweekly, the employee must be allotted additional leave without pay and catastrophic leave in proportion to the number of hours his or her regular work schedule exceeds 80 hours biweekly. As used in this subsection, "year" means a period equal to 12 months of full-time equivalent service measured backward from the employee's pay progression date.
  4. Time which is served in a temporary position pursuant to [NAC 284.414](#).
  5. Any hours worked which exceed 40 in a week.
- (Added to NAC by Dep't of Personnel, eff. 10-26-84; A 5-27-86; 3-27-92; 9-16-92; 11-16-95; 3-1-96; R147-01, 1-22-2002; A by Personnel Comm'n by R182-03, 1-27-2004; R141-07, 1-30-2008; R039-15, 10-27-2015; R163-18, 1-30-2019; R068-19, 6-8-2020)

**NAC 284.450 Adjustment of probationary or trial period.** ([NRS 284.065](#), [284.155](#), [284.290](#))

1. Except as otherwise provided in [NAC 284.448](#), if a probationary employee or a permanent employee serving a trial period has not, during his or her prescribed probationary period or trial period, worked the required number of months (full-time equivalent) which are established for the probationary period or trial period for the class, his or her probationary period or trial period must be extended until he or she has worked the required number of months.
  2. An employee who changes from working full-time to part-time or the reverse will have his or her probationary period or trial period adjusted to equal the required number of months of service which are applicable to the probationary period or trial period of the class.
- [Personnel Div., Rule VIII § A part subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 3-1-96; A by Personnel Comm'n by R068-19, 6-8-2020)

**NAC 284.458 Rejection of probationary employees; rejection of permanent employees on trial period; removal of ineligible request for adjustment of grievance or appeal from procedure; notice; satisfactory completion of probation.** ([NRS 284.065](#), [284.155](#), [284.290](#))

1. During a probationary period, a probationary employee may be rejected for any lawful reason, as determined by his or her appointing authority. A probationary employee rejected pursuant to this subsection has no appeal rights or rights to file a grievance using the procedure set forth in [NAC 284.658](#) to [284.6957](#), inclusive, concerning the decision by the appointing authority to reject the probationary employee.
2. A permanent employee who is serving a trial period may not:
  - (a) File a grievance using the grievance procedure set forth in [NAC 284.658](#) to [284.6957](#), inclusive, concerning the decision by the appointing authority to reject the permanent employee during his or her trial period; or
  - (b) Appeal the decision by the appointing authority to reject the permanent employee during his or her trial period.
3. If the Division of Human Resource Management determines pursuant to subsection 1 or 2 that a request for the adjustment of a grievance is not eligible for the procedure set forth in [NAC 284.658](#) to [284.6957](#), inclusive, or that a request for an appeal of a decision by the appointing authority is not eligible for appeal, the Division must:
  - (a) Remove the request from the procedure for the adjustment of grievances set forth in [NAC 284.658](#) to [284.6957](#), inclusive, or from the appeal process, as applicable; and
  - (b) Provide to the person who submitted the request and the appointing authority in which the rejection arose:
    - (1) Notice that the Division has determined that the request is not eligible for the procedure for the adjustment of grievances set forth in [NAC 284.658](#) to [284.6957](#), inclusive, or for the appeal process, and an explanation of that determination; and
    - (2) Notice that the Division has removed the request from the procedure for the adjustment of grievances set forth in [NAC 284.658](#) to [284.6957](#), inclusive, or from the appeal process, as applicable.
4. A probationary period does not create a contractual relationship between the employee and employer.
5. If a report of separation is not received by the employee or the Division of Human Resource Management by the close of business on the last day of the probationary period, the employee is considered to have satisfactorily completed the probationary period and acquired permanent status.

[Personnel Div., Rule VIII § C subsecs. 1-3, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 10-18-89; 11-12-93; 11-16-95; A by Personnel Comm'n by R098-17, 6-26-2018)

**NAC 284.460 Failure of permanent employee who voluntarily transferred to complete trial period: Restoration to former position or other placement; required notifications; exception. ([NRS 284.065](#), [284.155](#), [284.375](#))**

1. If a permanent employee voluntarily transfers and the permanent employee fails to complete his or her trial period in the position to which he or she voluntarily transferred or voluntarily chooses to revert to his or her previous position, the permanent employee must, in the following order, be:

(a) Restored to the position from which the employee voluntarily transferred, if that position is vacant;

(b) If the position from which the employee voluntarily transferred is not vacant, appointed to another position in the agency from which the employee voluntarily transferred:

(1) For which a vacancy exists; and

(2) Which is in the same class as the position held by the employee immediately before he or she voluntarily transferred;

(c) If the position from which the employee voluntarily transferred is not vacant and a position described in paragraph (b) does not exist, appointed to a position in the agency from which the employee voluntarily transferred:

(1) For which a vacancy exists;

(2) Within a comparable class to the class of the position held by the employee immediately before he or she voluntarily transferred; and

(3) For which the employee meets the minimum qualifications;

(d) If the position from which the employee voluntarily transferred is not vacant and a position described in paragraph (b) or (c) does not exist, appointed to a position in the agency from which the employee voluntarily transferred:

(1) For which a vacancy exists;

(2) Within a class lower than the class of the position held by the employee immediately before he or she voluntarily transferred; and

(3) For which the employee meets the minimum qualifications; or

(e) If the position from which the employee voluntarily transferred is not vacant and a position described in paragraph (b), (c) or (d) does not exist, placed on the reemployment list for other classes:

(1) Which are equal to or lower than the class of the position held by the employee immediately before he or she voluntarily transferred; and

(2) For which the employee meets the minimum qualifications.

2. If an employee fails to complete the trial period and is restored to his or her former position or otherwise placed pursuant to subsection 1, the appointing authority which takes such action must give written notice to the agency from which the employee voluntarily transferred at least 30 calendar days before the effective date of the action. The agency which is taking the action is liable for the payment of the employee during this 30-day period unless the agency receiving the employee agrees to accept the employee before the expiration of that period. An employee does not gain permanent status if notice of the action has been provided to the employee and filed with the Division of Human Resource Management on or before the last day of his or her trial period, even though the action takes place after the last day of the trial period.

3. If an employee voluntarily chooses to revert to his or her previous position and is restored to his or her former position or otherwise placed pursuant to subsection 1, the employee must notify the agency to which the employee voluntarily transferred. The agency to which the employee voluntarily transferred must then give written notice to the agency from which the employee voluntarily transferred at least 30 calendar days before the effective date of the action. The agency which is taking the action is liable for the payment of the employee during this 30-day period unless the agency receiving the employee agrees to accept the employee before the expiration of that period. An employee does not gain permanent status if notice of the action has been filed with the Division of Human Resource Management on or before the last day of his or her trial period, even though the action takes place after the last day of the trial period.

4. The provisions of this section do not apply to an employee described in [NAC 284.462](#).

5. As used in this section, "voluntarily transfer" means any movement into a vacant position in the same class or a comparable class by a permanent employee, including, without limitation, transfers governed by [NAC 284.390](#).

(Added to NAC by Personnel Comm'n by R163-18, eff. 1-30-2019)

**NAC 284.462 Placement of promoted employee who fails to attain permanent status or is dismissed for certain causes from position to which employee was promoted; placement of displaced employee. ([NRS 284.065](#), [284.155](#), [284.290](#), [284.300](#))**

1. For the purposes of this section only, "promotion" means any movement into a vacant position which has a higher grade than the position previously occupied by a classified employee who has completed an initial probationary period.

2. An employee who is promoted and fails to attain permanent status in the position to which he or she was promoted or who is dismissed for a cause other than misconduct or delinquency on his or her part from the position to which he or she was promoted, either during the probationary period for that position or at its conclusion, must, in the following order, be:

(a) Restored to the position from which the employee was promoted, unless that position is held by an employee with greater seniority;

(b) If the position from which the employee was promoted is held by an employee with greater seniority, appointed to another position in the agency from which the employee was promoted:

(1) For which a vacancy exists; and

(2) Which is in the same class as the position held by the employee immediately before the promotion; or

(c) If the position from which the employee was promoted is held by an employee with greater seniority and a position described in paragraph (b) does not exist:

(1) Appointed to a position in the agency from which the employee was promoted:

(I) For which a vacancy exists;

(II) Within a class equal to or lower than the class of the position held by the employee immediately before the promotion; and

(III) For which the employee meets the minimum qualifications; or

(2) Placed on the reemployment list for other classes for which the employee meets the minimum qualifications.

3. If an employee fails to attain permanent status and is restored to his or her former position or otherwise placed pursuant to subsection 2, the appointing authority which takes such action must give written notice to the agency from which the employee was promoted at least 30 calendar days before the effective date of the action. The agency which is taking the action is liable for the payment of the employee during this 30-day period unless the agency receiving the employee agrees to accept the employee before the expiration of that period. An employee does not gain permanent status if notice of the action has been provided to the employee and filed with the Division of Human Resource Management on or before the last day of his or her trial period, even though the action takes place after the last day of the trial period.

4. If an employee is restored to the position from which he or she was promoted and displaces an employee with less seniority pursuant to paragraph (a) of subsection 2, the displaced employee must be placed, in the following order, unless the displaced employee waives his or her rights to be placed pursuant to this subsection:

(a) In a vacant position in the agency with which the displaced employee is employed in the same class;

(b) In a vacant position in the agency with which the displaced employee is employed in a comparable class for which the employee meets the minimum qualifications;

(c) In a vacant position in the agency with which the displaced employee is employed in a class with a lower grade that is closest to the grade most recently held by the employee for which the employee meets the minimum qualifications; or

(d) If a vacant position is not available for the employee pursuant to paragraph (a), (b) or (c) and the employee has attained permanent status with the State, the employee must be placed on the reemployment list for other classes for which the employee meets the minimum qualifications.

5. A demotion from probationary status in a higher class to the former lower level class may not be appealed.

6. For the purposes of calculating an employee's seniority for paragraph (a) of subsection 2:

(a) Except as otherwise provided in this section, the total number of years of continuous full-time equivalent service up to the effective date of the rejection from probationary status must be included.

(b) Except as otherwise provided in subsection 7, the sum of the calculation made pursuant to paragraph (a) or, if applicable, subsection 10 must be reduced by the following periods if those periods occurred during the 36 months immediately preceding the date of the notification of rejection from probationary status:

(1) For a nonexempt employee, any combination of leave without pay and catastrophic leave in excess of 240 hours in the period preceding the date of the notification of rejection from probationary status equal to 12 months of full-time equivalent service;

(2) For an exempt classified employee, any combination of leave without pay and catastrophic leave in excess of 30 working days in the period preceding the date of the notification of rejection from probationary status equal to 12 months of full-time equivalent service; and

(3) Any time covered by a report on performance which rated the employee below standard, excluding evaluations received within 75 calendar days before the notification of rejection from probationary status.

7. For the purposes of the reduction in the calculation of seniority required by paragraph (b) of subsection 6:

(a) The reduction may not include:

(1) A leave of absence without pay during a fiscal emergency of the State or an agency pursuant to [NAC 284.580](#);

(2) A leave of absence without pay for a work-related injury or illness pursuant to [NRS 281.390](#); or

(3) A military leave of absence pursuant to [NRS 284.359](#).

(b) As set forth in subparagraphs (1) and (2) of paragraph (b) of subsection 6, an employee whose base hours are

more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his or her pay class designation.

8. For the purposes of calculating an employee's seniority for paragraph (a) of subsection 2, if seniority is otherwise equal, seniority must be determined in the following order:

- (a) Total time within the occupational group;
- (b) Total time within the department; and
- (c) By lot.

9. For the purposes of calculating seniority for reemployment, if seniority is otherwise equal, seniority must be determined by lot.

10. A department may request from the Commission approval to calculate the number of years of continuous full-time equivalent service of an employee of the department by doubling the time spent by the employee in his or her present occupational group as categorized by [NRS 284.171](#) and adding that amount to the time spent by the employee in all former occupational groups up to the date of rejection from probationary status. If the Commission approves the request of the department to calculate the number of years of service pursuant to this section, the department shall use this method to calculate the number of years of service:

(a) Only to determine whether an employee will be restored to the position from which the employee was promoted and not for the placement of an employee on a reemployment list; and

(b) Until the department seeks from and is granted approval by the Commission to revert to the method of calculating the number of years of service set forth in paragraph (a) of subsection 6.

[Personnel Div., Rule VIII § C subsec. 4, eff. 8-11-73; A 4-14-76]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; A by Personnel Comm'n by R102-15, 12-21-2015, eff. 1-1-2016)

#### REPORTS ON PERFORMANCE AND LETTERS OF INSTRUCTION

##### **NAC 284.468 Standards for performance of work. ([NRS 284.065](#), [284.155](#), [284.335](#))**

1. A standard for the performance of work is a written statement prepared on a form prescribed by the Division of Human Resource Management of the results or behavior, or both, expected of an employee when the job elements of the employee's position are satisfactorily performed under existing working conditions. Standards are required for all classified positions.

2. The appointing authority is responsible for ensuring that each position has standards and that each employee is evaluated using those standards. The supervisor has responsibility for establishing the initial standards, but the employee must be given the opportunity to provide comments when the standards for his or her position are revised.

3. The appointing authority has final approval of the standards for a position.

4. Standards must be reviewed annually and amended when appropriate.

5. Each employee must be provided with a copy of the standards for his or her position.

6. As used in this section, "job elements" means:

(a) Quality of work;

(b) Quantity of work;

(c) Work habits;

(d) Relationships with other persons;

(e) Taking action independently;

(f) Meeting work commitments;

(g) Analyzing situations and materials; and

(h) If supervising the work of other persons is part of the responsibilities of an employee, supervising the work of other persons.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; A by Personnel Comm'n by R038-03 & R068-03, 10-30-2003; R166-18, 1-30-2019)

##### **NAC 284.470 Preparation, filing, contents, discussion and distribution of reports; powers and duties of employees; review; adjustment of grievances. ([NRS 284.065](#), [284.155](#), [284.335](#), [284.340](#), [284.383](#), [284.384](#))**

1. A person shall not complete a report on performance unless he or she has completed the training provided or approved by the Administrator concerning the preparation of a report on performance.

2. A report on performance must be prepared on the form prescribed by the Division of Human Resource Management.

3. A report on performance must be filed at the times prescribed by [NRS 284.340](#), but may be filed more frequently at the discretion of the supervisor of the employee.

4. If a report on performance is filed on or before the times specified in [NRS 284.340](#), the overall rating of performance of the employee will be reflected in the employee's record of employment and the employee will receive a merit pay increase if he or she is otherwise eligible for the increase pursuant to [NAC 284.194](#).

5. If a report on performance is not filed on or before the times specified in [NRS 284.340](#), the performance of the employee shall be deemed to be standard for the purpose of determining the salary of the employee and the employee

will receive a merit pay increase if he or she is otherwise eligible for the increase pursuant to [NAC 284.194](#). If an untimely report on performance:

(a) Is filed thereafter, the employee's record of employment will be updated to reflect the overall rating of performance of the employee as reported, but that rating will not affect any merit pay increase to which the employee is otherwise entitled.

(b) Is not filed thereafter, the employee's record of employment will not include an overall rating of performance of the employee for that period of evaluation.

6. If the performance of an employee falls below standard, his or her supervisor shall inform the employee promptly and specifically of the deficiencies in the performance of the employee regardless of whether a report on performance of the employee is completed or filed.

7. If any information that would have affected the rating of performance of an employee during a period of evaluation becomes available after the date on which the report on performance of the employee is filed for that period, the information may be included in the report on performance for the current period of evaluation and taken into consideration in determining the rating of performance for the current period of evaluation.

8. When a report on performance is given which reports the overall rating of performance of an employee as substandard:

(a) The report must contain a written notice that such reports affect merit pay increases; and

(b) An additional report on the performance of the employee must, in accordance with subsection 4 of [NRS 284.340](#), be filed at least once every 90 days after the initial report that includes the substandard rating until the performance of the employee improves to standard or disciplinary action is taken against the employee.

9. Except as otherwise provided in subsection 10, the preparation of each report on performance must include a discussion between the employee and his or her immediate supervisor. Within 10 working days after the discussion takes place:

(a) The employee must complete and sign the appropriate section on the report on performance and return the report to the supervisor for forwarding to the reviewing officer or appointing authority.

(b) If the employee contests the report on performance and requests a review, he or she must respond to the report in writing, identify the specific points of contention, if such specificity is provided, and return the response to the supervisor. Except as otherwise provided in this paragraph, the reviewing officer shall respond in writing on a form prescribed by the Division of Human Resource Management within 10 working days after the supervisor receives the request for review. If the reviewing officer is not the appointing authority, the reviewing officer must submit to the appointing authority a recommendation to uphold or modify the report on performance. The appointing authority shall review the recommendation of the reviewing officer regarding the contested report on performance and render a final decision to the employee within 10 working days after receiving the recommendation.

10. If an employee is unavailable for a discussion of the report on performance pursuant to subsection 9 because of an extended absence, the immediate supervisor of the employee shall cause the report to be mailed to the employee. Within 10 working days after the date on which the employee receives the report:

(a) The employee must complete and sign the appropriate section on the report on performance and mail the report to the supervisor for forwarding to the appointing authority or reviewing officer.

(b) If the employee contests the report on performance and requests a review, he or she must respond to the report in writing, identify any specific point of contention, if the report provides such specificity, and mail the response to the supervisor. Except as otherwise provided in this paragraph, the reviewing officer shall respond in writing on a form prescribed by the Division of Human Resource Management within 10 working days after the supervisor receives the request for review. If the reviewing officer is not the appointing authority, the reviewing officer must submit to the appointing authority a recommendation to uphold or modify the report on performance. The appointing authority shall review the recommendation of the reviewing officer regarding the report on performance and render a final decision to the employee within 10 working days after receiving the recommendation. For the purposes of this paragraph, a report on performance or request for review is deemed to have been received on the sixth day after the date on which the report or request is postmarked.

11. A copy of each report on performance and, if applicable, any written response to such a report requested by an employee pursuant to subsection 9 or 10 must be provided to the employee and filed with the Division of Human Resource Management.

12. If any written comments are added to a report on performance after a copy of the report has been provided to the employee pursuant to subsection 11:

(a) A copy of the revised report which includes the written comments must be provided to the employee; and

(b) The employee may respond, in writing, to the additional comments in the revised report not later than 10 working days after receiving a copy of the revised report and submit the response to the Division of Human Resource Management for inclusion in his or her record of employment.

13. An employee and his or her appointing authority or the designee of the appointing authority may agree in writing to extend one or more of the periods prescribed in subsection 9 or 10.

14. If a reviewing officer fails to respond to a request for review from an employee within the time required by this

section, the employee may institute the procedure for the adjustment of a grievance pursuant to [NAC 284.658](#) to [284.6957](#), inclusive.

[Personnel Div., Rule IX § A, eff. 8-11-73; A 12-28-75]—(NAC A by Dep't of Personnel, 10-26-84; 9-17-87; 10-18-89; 11-16-95; R031-98, 4-17-98; A by Personnel Comm'n by R065-98, 7-24-98; A by Dep't of Personnel by R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm'n by R069-02, 8-14-2002; R096-03, 10-30-2003; R144-05, 12-29-2005; R174-08, 9-29-2008; R056-10 & R007-11, 10-26-2011; R041-15 & R043-15, 12-21-2015; R175-18, 1-30-2019; R125-21, 9-28-2022)

**NAC 284.474 Employee entitled to copy of report.** ([NRS 284.065](#), [284.155](#), [284.340](#)) Each employee must be given a copy of the report prepared by the supervisor measuring the employee's performance and development on the job. The report will not become official until signed by the rater. If requested, a copy must be provided to the employee at the time of the discussion between the supervisor and the employee. After the processing has been completed, a copy with all appropriate signatures will be provided the employee.

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

**NAC 284.478 Appeal of decision of reviewing officer.** ([NRS 284.065](#), [284.155](#), [284.340](#), [284.384](#)) Upon completion of the review process conducted pursuant to [NAC 284.470](#), a permanent employee may appeal a contested report on performance through the procedure for the adjustment of a grievance pursuant to [NAC 284.658](#) to [284.6957](#), inclusive.

[Personnel Div., Rule IX § D, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-18-89; R197-99, 1-26-2000; A by Personnel Comm'n by R007-11, 10-26-2011)

**NAC 284.480 Letters of instruction: Authorized use as coaching or performance management tool; contents; discussion; retention in working file of supervisor.** ([NRS 284.065](#))

1. A letter of instruction is a document that is in written or electronic form and that:
  - (a) A supervisor of an employee may provide to the employee as a coaching or performance management tool to:
    - (1) Address the job performance or behavior of the employee; and
    - (2) Provide evidence of the job performance or behavior expected of the employee; and
  - (b) Is not part of the formal disciplinary process.
2. A letter of instruction must include at least the following elements:
  - (a) A brief statement identifying the deficiency or area of concern in the job performance or behavior of the employee;
  - (b) An outline of the expectations of the supervisor of the employee relating to the job performance or behavior of the employee;
  - (c) Instructions or a recommended course of action for overcoming the deficiency or area of concern and a description of any additional training that will be provided to the employee; and
  - (d) A time frame for the completion of any recommended action items and for the proposed improvement in the job performance or behavior of the employee.
3. A letter of instruction must not include any reference to disciplinary action or consequences for failure to comply with the expectations of the supervisor of the employee relating to the job performance or behavior of the employee.
4. The supervisor of the employee and the employee must meet to discuss the expectations of the supervisor relating to the job performance or behavior of the employee outlined in the letter of instruction.
5. The supervisor of the employee shall retain a copy of the letter of instruction in the supervisor's working file for the employee. The supervisor must attach any written response by the employee to the letter of instruction. These documents must not be retained in the permanent personnel file of the employee unless they are attached to documentation of a subsequent disciplinary action taken against the employee as documentation of a nondisciplinary action that was taken before a specified disciplinary action was taken against the employee.

(Added to NAC by Personnel Comm'n by R098-17, eff. 6-26-2018)

## TRAINING AND EDUCATION

**NAC 284.482 Types of training.** ([NRS 284.065](#), [284.155](#), [284.343](#)) Each employee is responsible for improving his or her own professional competence. The employing agency shall, within budgetary constraints, complement the employee's own efforts by providing the following kinds of training:

1. Training which is beneficial to the agency's operation or is required by the State, the appointing authority, or the Federal Government.
2. Training which is needed to enable the employee to meet the standards of performance for his or her position.
3. Training which is needed to update the employee's skills, knowledge, and techniques of his or her current position.

[Personnel Div., Rule X § B, eff. 1-18-82]—(NAC A by Dep't of Personnel, 10-26-84)

**NAC 284.484 Release time or leave to attend training. ([NRS 284.065](#), [284.155](#), [284.343](#), [284.345](#))**

1. When training is required by the appointing authority, the authority must grant release time to attend the training. Release time is considered time worked. The agency is responsible for any overtime earned as a result of such training.

2. When training is requested by the employee, the appointing authority may:

(a) Grant the employee release time, but not overtime;

(b) Require the employee to take approved leave for the work time spent to attend the training; or

(c) Deny the request. Approval must not be unreasonably withheld and reasons for denial must be provided the employee in writing.

➔ In making the determination to approve or deny training pursuant to this subsection, the appointing authority must consider the appropriateness of the training in accordance with [NAC 284.485](#).

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by R082-00, 8-2-2000)

**NAC 284.485 Criteria for approving or denying training or education requested. ([NRS 284.065](#), [284.155](#), [284.343](#))** In determining whether to approve or deny training or education requested by an employee, an appointing authority shall consider whether the training or education:

1. Is required by or related to the job of the employee;

2. Is relevant to the prospective duties of the employee; or

3. Is a benefit to both the agency and the employee participating by:

(a) Preparing the agency and employee for technological and legal developments;

(b) Increasing the work capabilities of the agency and employee;

(c) Increasing the number of qualified employees in areas for which the agency has difficulty in recruiting or retaining employees; or

(d) Increasing the professional competence of the employees of the agency.

(Added to NAC by Dep't of Personnel by R082-00, eff. 8-2-2000)

**NAC 284.486 Money for training to be used to produce greatest benefit in relation to cost of training. ([NRS 284.065](#), [284.155](#), [284.343](#))** Money for training must be used to produce the greatest benefit in relation to the cost of the training. This requirement applies to money which is administered by the Division of Human Resource Management and to money which is administered by other agencies.

[Personnel Div., Rule X § C, eff. 1-18-82]—(NAC A by Dep't of Personnel, 10-26-84; R082-00, 8-2-2000)

**NAC 284.490 Reimbursement or prepayment for training or education. ([NRS 284.065](#), [284.155](#), [284.343](#))**

1. If an employee receives approval to take training or education that he or she requested to take, including, without limitation, a course or workshop:

(a) The employing agency may reimburse the employee for the expense of the training or education only after the successful completion of the training; or

(b) The employing agency may elect to prepay the cost of the training or education.

2. An employing agency may enter into an agreement with an employee requiring the employee to repay any money paid to him or her or on his or her behalf for the cost of training or education if:

(a) The employee fails to complete the training successfully; or

(b) Within 1 year after the successful completion of training or education that is not required by his or her job, the employee terminates his or her employment with the agency.

➔ Any repayment from wages owed by the employee must not be taken from any payment for overtime owed to the employee and must not reduce the pay of the employee below the minimum wage required by federal law.

3. For the purposes of this section, "successful completion of training and education" means:

(a) Receiving a grade of C or better;

(b) Receiving a passing grade if the students are designated only as passing or failing the course;

(c) Receiving a certificate of completion; or

(d) Receiving other evidence of completion as predetermined by the appointing authority.

[Personnel Div., Rule X § D, eff. 1-18-82]—(NAC A by Dep't of Personnel, 10-26-84; R082-00, 8-2-2000; A by Personnel Comm'n by R022-05, 10-31-2005)

**NAC 284.494 Request for training. ([NRS 284.065](#), [284.155](#), [284.343](#))** A request for training to be provided by the Division of Human Resource Management must be completed on a form provided by the Division of Human Resource Management and approved before the training is begun if:

1. The cost involved will be charged to the budgetary category for training; or

2. Release time from the employee's regular job will be granted for the training.

[Personnel Div., Rule X § E, eff. 1-18-82]—(NAC A by Dep't of Personnel, 10-26-84; 5-27-86)

**NAC 284.496 Classes and training concerning prevention of sex- or gender-based harassment. ([NRS](#)**



[284.065](#), [284.155](#), [284.343](#), [284.4082](#))

1. Within 30 days after an employee is initially appointed to state service, the employee shall attend a certified class concerning the prevention of sex- or gender-based harassment.

2. At least once every 2 years after his or her initial appointment to state service, an employee shall attend a certified refresher class or training concerning the prevention of sex- or gender-based harassment.

3. An appointing authority may require an employee to retake any part or all of the classes or training required by subsections 1 and 2, or to participate in any additional classes or training deemed necessary by the appointing authority.

4. The appointing authority shall retain the proof of completion by an employee of a class or training required by this section.

5. The Division of Human Resource Management will certify the classes and training concerning the prevention of sex- or gender-based harassment required by this section.

(Added to NAC by Personnel Comm'n by R096-03, 10-30-2003, eff. 1-1-2004; A by R016-21, 9-28-2022)

**NAC 284.498 Training of supervisory and managerial employees.** ([NRS 284.065](#), [284.155](#), [284.343](#), [284.4082](#))

1. Except as otherwise provided in this section:

(a) Within 30 days after an agency initially appoints an employee to a supervisory position or managerial position, the employee shall attend a training class concerning sex- or gender-based harassment.

(b) Within 6 months after an agency initially appoints an employee to a supervisory position or managerial position, the employee shall attend a training class concerning work performance standards and the evaluation of the performance of employees.

(c) Within 12 months after an agency appoints an employee to a supervisory position or managerial position, the employee shall attend at least one training class which has been approved by the Division of Human Resource Management in each of the following areas:

(1) The following:

(I) Equal employment opportunity; and

(II) Unlawful discrimination and sex- or gender-based harassment;

(2) Interviewing and hiring;

(3) Alcohol and drug testing;

(4) Progressive disciplinary procedures;

(5) Handling grievances; and

(6) The following:

(I) Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12111-12117;

(II) The ADA Amendments Act of 2008, Public Law 110-325;

(III) The development of essential functions of positions that are described to each candidate and considered by the appointing authority pursuant to [NAC 284.441](#); and

(IV) The Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

2. Every 3 years, a supervisor or managerial employee shall complete training which is approved by the Division of Human Resource Management in each of the topic areas described in subsection 1.

3. The appointing authority, at its discretion, may accept, in lieu of the training required by subsection 1, supervisory or managerial training classes in each of the topic areas described in subsection 1 which are approved by the Division of Human Resource Management and taken by the employee during the 3 years immediately preceding the employee's appointment.

4. In addition to the training otherwise required by this section, the Division of Human Resource Management or an appointing authority may require a supervisor or managerial employee to retake any part or all of the training required by this section, or to participate in any additional training or other classes deemed necessary by the Division of Human Resource Management or appointing authority.

5. As used in this section:

(a) "Managerial position" means a position which is held by an employee who:

(1) Formally evaluates supervisors;

(2) Is involved in the hiring and firing of subordinate staff;

(3) Determines organizational structure within a component of the organization; and

(4) Develops, monitors and implements policies to accomplish long-range goals.

(b) "Supervisory position" means a position which is held by an employee who:

(1) Formally evaluates staff;

(2) Is involved in the hiring and firing of subordinate staff; and

(3) Establishes policies which affect the performance or behavior of subordinate staff.

[Personnel Div., Rule X part § F, eff. 1-18-82]—(NAC A by Dep't of Personnel, 10-26-84; 5-27-86; 10-18-89; 3-23-94; R197-99, 1-26-2000; A by Personnel Comm'n by R182-03, 1-27-2004; R057-10, 10-15-2010; R139-12, 10-4-2013; R018-19, 6-8-2020; R016-21, 9-28-2022)

**NAC 284.504 Certification of employees who prepare forms for Records or Payroll Sections of Division of Human Resource Management.** ([NRS 284.065](#), [284.155](#), [284.343](#))

1. An employee of the State who performs the work involving the preparation of forms for the Records or Payroll Sections of the Division of Human Resource Management must be certified in the preparation of forms and the procedures which are used in the respective sections. The certification must be obtained within 6 months of the employee's appointment to the position and is accomplished by the employee's attendance at the appropriate training class which is offered by the Division of Human Resource Management.

2. Continued certification requires biennial attendance at a class in payroll and records procedures sponsored by the Division of Human Resource Management.

3. The appointing authority and the supervisor of an employee described in subsection 1 are responsible for ensuring that the employee complies with the provisions of subsections 1 and 2.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-14-88)

**NAC 284.506 Responsibilities of Division of Human Resource Management.** ([NRS 284.065](#), [284.155](#), [284.343](#)) The responsibilities of the Division of Human Resource Management include:

1. Reviewing the training records of state agencies which have approved training to check for compliance with [NRS 284.343](#) and [NAC 284.482](#) to [284.522](#), inclusive.

2. Providing consultative services, when requested, to assist state agencies in assessing the needs for training, developing training plans and establishing systems of records for training.

3. Providing training which applies throughout the State and specialized training which is based on the expertise and resources available.

4. Making recommendations for the improvement of an agency's training program when requested.

5. Reviewing requests for training and making the final approval or disapproval for training provided, paid for or coordinated by the Division of Human Resource Management.

[Personnel Div., Rule X § G, eff. 1-18-82]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R189-09, 4-20-2010)

**NAC 284.510 Responsibilities of appointing authorities.** ([NRS 284.065](#), [284.155](#), [284.343](#)) The responsibilities of the appointing authority of each state agency include:

1. Ensuring that its training activities comply with the provisions of [NRS 284.343](#) and [NAC 284.482](#) to [284.522](#), inclusive.

2. Ensuring that sufficient money is available before approving training requests.

3. Making the final approval or disapproval of requests for training except for training provided, paid for or coordinated by the Division of Human Resource Management.

4. Ensuring that the agency's training program is based on a systematic approach.

5. Providing training opportunities for all job categories in the agency.

6. Ensuring that a system exists for evaluating the effectiveness of training activities.

7. Keeping adequate statistical records of training activities.

[Personnel Div., Rule X § H, eff. 1-18-82]—(NAC A by Dep't of Personnel, 10-26-84)

**NAC 284.514 Educational leave stipends.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.343](#), [284.345](#))

1. A stipend for an educational leave of up to three-fourths of an employee's base rate of pay may be paid if money is available for that purpose and the course of study meets the requirements set forth in [NAC 284.485](#).

2. An employee's request for such a stipend must be endorsed by his or her appointing authority and be accompanied by a copy of the employee's agreement to return to work for the State. The request will be reviewed, and a recommendation made, by the Division of Human Resource Management. Before the employee is given the stipend to engage in the proposed college program, the request must be approved by the State Board of Examiners.

3. An agency may not have more than 2 percent of its full-time workforce receiving such a stipend at any one time except that an agency with less than 50 full-time employees may have one employee receiving such a stipend.

[Personnel Div., Rule X § I, eff. 1-18-82]—(NAC A by Dep't of Personnel, 10-26-84; R082-00, 8-2-2000; R147-01, 1-22-2002)

**NAC 284.518 Requirements for educational leave stipends.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.343](#), [284.345](#)) With the exception of intermittent course work not leading to the awarding of a degree, no person may be granted a stipend for an educational leave until he or she has, in addition to fulfilling the requirements set forth in [NRS 284.343](#):

1. Completed 1 year of continuous employment in the state service; and

2. Agreed to return to the agency within 30 working days after the completion of the course.

[Personnel Div., Rule X § J, eff. 1-18-82]

**NAC 284.522 Procedure for appeal.** ([NRS 284.065](#), [284.155](#), [284.343](#), [284.384](#)) Except in a matter concerning stipends for educational leaves as to which a decision of the State Board of Examiners is final, any appeal concerning a matter under [NAC 284.482](#) to [284.522](#), inclusive, must be made in accordance with the grievance procedure set forth in [NAC 284.658](#) to [284.6957](#), inclusive.

[Personnel Div., Rule X § K, eff. 1-18-82]—(NAC A by Dep’t of Personnel by R082-00, 8-2-2000)

#### ATTENDANCE AND LEAVES

**NAC 284.523 Definitions.** ([NRS 284.065](#), [284.155](#), [284.345](#)) As used in [NAC 284.523](#) to [284.598](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 284.5231](#) to [284.52375](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Dep’t of Personnel, eff. 3-23-94; A by R082-00, 8-2-2000; A by Personnel Comm’n by R060-09, 11-25-2009; R017-16, 11-2-2016; R033-17, 10-31-2017)

**NAC 284.5231 “Care” defined.** ([NRS 284.065](#), [284.155](#), [284.345](#)) “Care” means the activities performed or attention provided when an employee:

1. Provides psychological comfort and reassurance to his or her spouse, child or parent with a serious health condition who is receiving inpatient or home care;
2. Substitutes for another person who is caring for the employee’s spouse, child or parent who has a serious health condition;
3. Makes arrangements for any change in the care of his or her spouse, child or parent with a serious health condition; or
4. Provides physical or psychological care to his or her spouse, child, parent or other member of his or her immediate family who is unable to provide for his or her own:
  - (a) Basic medical, hygienic or nutritional needs;
  - (b) Safety; or
  - (c) Transportation to a provider of health care.

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

**NAC 284.52315 “Child” defined.** ([NRS 284.065](#), [284.155](#), [284.345](#))

1. “Child” means a person who is:
  - (a) A biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis to that child; and
  - (b) Except as otherwise provided in [NAC 284.5235](#) and [284.562](#), under 18 years of age or who is 18 years of age or older and incapable of self-care because of a physical or mental disability at the time the requested leave is to commence.
2. The term includes a person who meets the definition of “child” as interpreted by the Division of Human Resource Management pursuant to [NAC 284.52317](#).
3. As used in this section:
  - (a) “Incapable of self-care” means that a person requires active assistance or supervision to provide daily self-care in three or more of the:
    - (1) Activities of daily living which include adaptive activities, including, without limitation, caring appropriately for personal grooming and hygiene, bathing, dressing and eating; or
    - (2) Instrumental activities of daily living which include, without limitation, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories and using a post office.
  - (b) “Physical or mental disability” means a physical or mental impairment that substantially limits one or more of the major life activities of a person, as those terms are defined in 29 C.F.R. § 1630.2(h), (i) and (j).

(Added to NAC by Dep’t of Personnel, eff. 3-23-94; A by Personnel Comm’n by R096-03, 10-30-2003; R017-16, 11-2-2016)

**NAC 284.52317 “Child” interpreted.** ([NRS 284.065](#), [284.155](#), [284.345](#)) Except for the purposes of [NAC 284.5235](#) and [284.562](#), the Division of Human Resource Management shall interpret and construe the definition of “child” set forth in [NAC 284.52315](#) in a manner that is consistent with the interpretation by the Wage and Hour Division of the United States Department of Labor of the definition of “son or daughter” set forth in 29 C.F.R. § 825.122(d).

(Added to NAC by Personnel Comm’n by R017-16, eff. 11-2-2016)

**NAC 284.52345 “Family and Medical Leave Act” defined.** ([NRS 284.065](#), [284.155](#), [284.345](#)) “Family and Medical Leave Act” means the Family and Medical Leave Act of 1993 adopted by reference in [NAC 284.581](#).

(Added to NAC by Dep’t of Personnel by R082-00, eff. 8-2-2000)

**NAC 284.5235 “Immediate family” defined. ([NRS 284.065](#), [284.155](#), [284.345](#))** “Immediate family” means:

1. The employee’s parents, spouse, children, regardless of age, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren and stepparents.
2. If they are living in the employee’s household, the employee’s father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law, granddaughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law and great-granddaughter-in-law.
3. The employee’s next of kin if the employee is entitled to take leave pursuant to the Family and Medical Leave Act to care for a covered service member.

(Added to NAC by Dep’t of Personnel, eff. 3-23-94; A by Personnel Comm’n by R060-09, 11-25-2009)

**NAC 284.5237 “Parent” defined. ([NRS 284.065](#), [284.155](#), [284.345](#))**

1. “Parent” means a biological, adopted or foster parent or stepparent of an employee or a person who stood in loco parentis to the employee when the employee was a child.
2. The term includes a person who meets the definition of “parent” as interpreted by the Division of Human Resource Management pursuant to [NAC 284.52373](#).
3. The term does not include a parent of the spouse of an employee.

(Added to NAC by Dep’t of Personnel, eff. 3-23-94; A by Personnel Comm’n by R017-16, 11-2-2016)

**NAC 284.52373 “Parent” interpreted. ([NRS 284.065](#), [284.155](#), [284.345](#))** The Division of Human Resource Management shall interpret and construe the definition of “parent” set forth in [NAC 284.5237](#) in a manner that is consistent with the interpretation by the Wage and Hour Division of the United States Department of Labor of the definition of “parent” set forth in 29 C.F.R. § 825.122(c).

(Added to NAC by Personnel Comm’n by R017-16, eff. 11-2-2016)

**NAC 284.52374 “Person standing in loco parentis” and “person who stood in loco parentis” defined. ([NRS 284.065](#), [284.155](#), [284.345](#))**

1. “Person standing in loco parentis” or “person who stood in loco parentis” means:
  - (a) For the purposes of [NAC 284.52315](#), a person who has day-to-day responsibilities to care for or financially support a child; and
  - (b) For the purposes of [NAC 284.5237](#), a person who had the day-to-day responsibilities to care for or financially support an employee when the employee was a child.
2. For the purposes of this section, a biological or legal relationship between the person and the child or between the person and the employee when the employee was a child, as applicable, is not necessary.

(Added to NAC by Personnel Comm’n by R017-16, eff. 11-2-2016)

**NAC 284.52375 “Provider of health care” defined. ([NRS 284.065](#), [284.155](#), [284.345](#))** “Provider of health care” means:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state or country in which the doctor practices.
2. A podiatric physician, a dentist, a clinical psychologist, an optometrist or a chiropractic physician who is authorized to practice as a podiatric physician, a dentist, a clinical psychologist, an optometrist or a chiropractic physician by the state or country in which he or she practices and who is performing within the scope of his or her practice as defined by the law of that state or country.
3. A nurse practitioner, nurse midwife, physician assistant or clinical social worker who is authorized to practice as a nurse practitioner, nurse midwife, physician assistant or clinical social worker by the state or country in which he or she practices and who is performing within the scope of his or her practice as defined by the law of that state or country.
4. A practitioner in Christian Science who is listed with The First Church of Christ, Scientist, in Boston, Massachusetts. The list of practitioners may be obtained from the Christian Science Committee on Publication for Nevada, 2994 Talbot Street, Las Vegas, Nevada 89169, by telephone at (702) 807-8026, by electronic mail at [nevada@compub.org](mailto:nevada@compub.org) or on the on-line directory located at [www.christianscience.com](http://www.christianscience.com).

5. A provider of health care, as defined in [NRS 629.031](#), acting within the scope of his or her license whose certification of the existence of a serious health condition is acceptable to substantiate a claim for benefits under the Public Employees’ Benefits Program.

(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 R135-12, 10-4-2013)

**NAC 284.524 Reporting for work; workweeks and workdays; periods for meals and rest. ([NRS 284.065](#), [284.155](#), [284.345](#))**

1. An employee shall report for a work shift on time and ready to perform the duties and tasks assigned to his or

her position.

2. Except as otherwise provided in this subsection, the workweek for state employees is 40 hours. A workweek of a different number of hours may be established to meet the needs of state agencies in compliance with the provisions of [NRS 281.100](#), [281.110](#) and [284.180](#). The workday for a full-time state employee who works a standard or nonstandard work schedule consists of two work periods separated by a 1/2- to 1-hour meal period. Insofar as practicable, the meal period must occur in the middle of the work shift. A rest period of 15 minutes must be granted for each 4-hour period of work and, except as otherwise provided in [NAC 284.5242](#) and insofar as practicable, must occur in the middle of the period of work.

3. Except as otherwise provided in subsections 4 and 5, an appointing authority shall provide a meal period and rest period to an employee who has an innovative work schedule during each workday as follows:

(a) A 1/2- to 1-hour meal period must be provided during each period of work that exceeds 6 hours. Insofar as practicable, the meal period must occur in the middle of the work shift.

(b) A rest period of 15 minutes must be provided for each 4-hour period of work and, except as otherwise provided in [NAC 284.5242](#) and insofar as practicable, must occur in the middle of the period of work.

4. The requirement to relieve an employee for a 1/2- to 1-hour meal period does not apply to an employee who receives a paid meal period.

5. The requirement for a rest period does not apply to an employee who works:

(a) Directly with the inmates at a correctional institution.

(b) For the Division of Public and Behavioral Health of the Department of Health and Human Services and who:

(1) Maintains or monitors the equipment in a heat plant which operates 24 hours a day; and

(2) Works a straight 8-hour work shift.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-20-90; 8-1-91; 11-12-93; R031-98, 4-17-98; R098-99, 9-27-99; A by Personnel Comm'n by R068-03, 10-30-2003; R145-05, 12-29-2005; R033-17, 10-31-2017)

**NAC 284.5242 Break times and place for mother of a child under 1 year of age to express breast milk: Duties of appointing authority. ([NRS 281.755](#), [284.065](#), [284.384](#))**

1. Except as otherwise provided by [NRS 281.755](#), the appointing authority of an employee who is the mother of a child under 1 year of age shall:

(a) Authorize the employee to take reasonable break times to express breast milk as needed, including, without limitation, modifying the timing of the normal rest periods of an employee so that the normal rest periods occur at a time other than in the middle of a 4-hour period of work; and

(b) Provide a place, other than a bathroom, that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others.

2. If an employee described in subsection 1 determines that the normal rest periods of the employee do not provide sufficient time to express breast milk as needed, the appointing authority of the employee shall, except as otherwise provided by [NRS 281.755](#):

(a) Approve the use of accrued annual leave, accrued compensatory time or leave without pay to make up the difference, if any, between the normal rest periods of the employee and the time the employee uses to express breast milk; or

(b) Authorize the employee to modify her work schedule to make up the difference, if any, between the normal rest periods of the employee and the time the employee uses to express breast milk.

3. As used in this section, "normal rest periods" means the rest periods required pursuant to [NAC 284.524](#).

(Added to NAC by Personnel Comm'n by R033-17, eff. 10-31-2017)

**NAC 284.5243 Break times and place for mother of a child under 1 year of age to express breast milk: Procedures for employee to request break times and place; efforts to address employee's needs; date of receipt of request; response to request by department or agency. ([NRS 281.755](#), [284.065](#), [284.384](#))**

1. Except as otherwise provided by [NRS 281.755](#), each department or agency of the Executive Department of State Government shall:

(a) Develop a procedure for an employee who is the mother of a child under 1 year of age to request reasonable break times and a place for the employee to express breast milk as needed; and

(b) Make every effort to address the needs of such an employee including attempting to contact and consult with an employee who is on leave at the time the request is received, including, without limitation, leave granted pursuant to the Family and Medical Leave Act.

2. A request made pursuant to this section is deemed to be received by a department or agency:

(a) On the date on which the employee or her chosen representative personally delivers the request, transmits it by facsimile machine or submits it by electronic mail.

(b) If the employee mails the request, 6 days after:

(1) The date on which the request was postmarked; or

(2) The date on the return receipt if sent by certified mail.

3. The department or agency shall respond to a request made pursuant to this section within 5 working days after the request is deemed to have been received by the department or agency.

(Added to NAC by Personnel Comm'n by R033-17, eff. 10-31-2017; A by R125-21, 9-28-2022)

**NAC 284.525 Reduction of hours by mutual agreement.** ([NRS 284.065](#), [284.155](#), [284.345](#)) Except with respect to a leave of absence without pay during a fiscal emergency of the State or an agency pursuant to [NAC 284.580](#), an appointing authority and an employee may reduce the employee's working hours to less than full time by mutual agreement.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R096-03, 10-30-2003)

**NAC 284.5255 Time sheets.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.345](#))

1. Except as otherwise provided in subsection 2, an employee shall provide an accurate accounting of the hours worked and leave used during a pay period on the appropriate form provided by his or her employer, including, without limitation, the specific times at which his or her work shifts started and ended. Entries must be made to account for all hours in the pay period, as prescribed by the employer. The employee shall submit the form in a timely manner to his or her supervisor or the designated representative of the supervisor.

2. An exempt classified employee or exempt unclassified employee shall provide on the appropriate form an accurate accounting of leave used pursuant to [NAC 284.5895](#).

3. An employee who falsifies his or her time sheet or who causes or attempts to cause another employee to falsify a time sheet may be subject to disciplinary action pursuant to [NAC 284.650](#).

4. An employee's supervisor is responsible for reviewing the employee's time sheet and verifying the accuracy of all hours worked and leave used by the employee.

5. The supervisor or the person who is responsible for coordinating the payroll of the agency may change an entry on an employee's time sheet in accordance with the policy of the agency. If a change is made to an entry on the employee's time sheet, the employee must be notified of the change. If the employee contests a change to an entry on his or her time sheet, he or she is entitled only to his or her base pay for the workweek in question. The contested entry must be resolved as soon as practicable, and any adjustment must be made during the next pay period following the resolution of the contested entry.

6. A supervisor who is negligent in reviewing and certifying the accuracy of an employee's time sheet may be subject to disciplinary action pursuant to [NAC 284.650](#).

(Added to NAC by Dep't of Personnel, eff. 11-16-95; A 10-27-97; R031-98, 4-17-98; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005)

**NAC 284.538 Annual leave: Computation; part-time employees; long-term employees.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.350](#))

1. Except as otherwise provided in this subsection and [NAC 284.5415](#), to compute the amount of annual leave to which an employee is entitled, an employee must be considered to work not more than 40 hours each week. If an employee occupies more than one position in different departments, he or she must be considered to work not more than 40 hours each week in each position.

2. A part-time employee is entitled to receive annual leave that is prorated based on the number of hours he or she is in paid status, excluding overtime.

3. An employee who holds two or more part-time positions in state service may combine the number of hours he or she is in paid status for all positions to compute annual leave, excluding overtime.

4. The basis for the computation of annual leave to which an exempt classified employee or exempt unclassified employee is entitled must not exceed the number of hours authorized in the biennial operating budget of this State for his or her position.

5. For each calendar month of full-time service, an employee is entitled to accrue annual leave at the rate of:

(a) One and one-half days per month for an employee who has completed 10 years or more but less than 15 years of continuous full-time or part-time state service; or

(b) One and three-fourths days per month for an employee who has completed 15 years or more of continuous full-time or part-time state service.

➔ If an employee has not been in continuous public service, the period before the interruption will not be counted except as otherwise provided in [NAC 284.5405](#).

[Personnel Div., Rule VII § C, eff. 8-11-73; A 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 3-27-92; 9-16-92; 11-16-95; 10-27-97; R031-98, 4-17-98; A by Personnel Comm'n by R145-05, 12-29-2005)

**NAC 284.5385 Annual leave: Leave of absence without pay; catastrophic leave; receipt of benefits for temporary total disability.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.350](#), [284.355](#), [284.3626](#))

1. Except as otherwise provided in [NAC 284.580](#), an employee does not accrue annual leave during the time he or she is on leave of absence without pay or on catastrophic leave.

2. A person who is receiving benefits for a temporary total disability pursuant to [chapters 616A to 616D](#), inclusive, or [617](#) of NRS and makes the election provided in subparagraph (1), (2) or (3) of paragraph (a) of subsection 1 of [NAC 284.5775](#) is entitled to accrue annual leave during the period he or she is receiving those benefits and is being paid an amount of paid leave equal to the difference between his or her normal pay and the benefits received. The employee accrues annual leave only for the time he or she is in paid status, excluding overtime.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 12-17-87; 7-14-88; 7-21-89; 8-1-91; 3-27-92; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005; R151-17, 6-26-2018)

**NAC 284.539 Annual leave: Written request; approval or denial; authorized use.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.350](#), [608.0198](#))

1. Except as otherwise provided by the Family and Medical Leave Act, an appointing authority shall determine the time when annual leave is taken after considering the needs of the agency and the seniority and wishes of the employee. Annual leave may not be granted in excess of the accumulated annual leave.

2. A written request for annual leave that is submitted by an employee within a reasonable time before the date upon which the annual leave is requested to commence must be approved or denied by the appointing authority, in writing, before the date upon which the annual leave is requested to commence or within 15 days after the appointing authority receives the request, whichever is sooner.

3. Except as otherwise provided in subsection 7, the appointing authority may deny a request for annual leave for good and sufficient reason. The appointing authority may not prohibit an employee from using at least 5 consecutive days of annual leave in any calendar year.

4. An employee shall request annual leave at least 30 days in advance if the need for leave is foreseeable and the annual leave is to be taken in conjunction with a planned leave of absence without pay.

5. An employee who has accumulated both annual leave and compensatory time off, and who may lose annual leave at the end of the calendar year, may elect to use the annual leave instead of the compensatory time for approved leave. In all other instances, compensatory time must, as far as practicable, be exhausted before annual leave is used.

6. An employee who is receiving benefits for a temporary total disability pursuant to [chapters 616A to 616D](#), inclusive, or chapter [617](#) of NRS may use his or her accrued annual leave pursuant to [NAC 284.5775](#).

7. An appointing authority shall approve a request for annual leave of an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator if:

(a) In accordance with [NRS 284.350](#), the employee has been employed in public service for at least 6 months;

(b) The employee has accrued the amount of annual leave necessary to cover the time requested; and

(c) The combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence occurred.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 6-18-86; 9-17-87; 7-14-88; 4-20-90; 3-23-94; 11-16-95; R031-98, 4-17-98; R082-00, 8-2-2000; A by Personnel Comm'n by R145-05, 12-29-2005; R037-17, 10-31-2017, eff. 1-1-2018)

**NAC 284.5395 Annual leave: Payment upon separation from service.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.350](#)) An employee who has completed 6 months of continuous service and who has separated from state service must be paid a lump-sum payment for any unused annual leave which he or she has earned through the date of separation.

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

**NAC 284.540 Records of earned and used leave.** ([NRS 284.065](#), [284.155](#), [284.345](#)) Each appointing authority shall keep accurate records of earned and used leave unless these records are maintained by a centralized time and attendance system.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R069-02, 8-14-2002)

**NAC 284.5405 Annual leave: Credit upon reinstatement, rehiring, reemployment or transfer.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.350](#))

1. Except as otherwise provided in this section, any employee who returns to state service following a separation is eligible to accrue annual leave based on his or her total service with the State after he or she has completed 3 years of continuous service. The employee must requalify after each break in service.

2. An employee who is rehired within 1 year after being laid off accrues annual leave at a rate based on his or her total state service. He or she may use the annual leave immediately upon accruing it if he or she has completed a total of 6 months of employment.

3. An employee with a permanent disability arising from a work-related injury or occupational disease who is reemployed following a separation from state service within 1 year after the date on which he or she sustained the

permanent disability as determined pursuant to [NAC 284.6013](#) accrues annual leave at a rate based on his or her total state service. He or she may use the annual leave immediately upon accruing it if he or she has completed a total of 6 months of employment.

4. An employee who is rehired within 1 year after being laid off is entitled to buy back the balance of the annual leave for which he or she received payment in a lump sum on the date of the layoff. The rate of pay at which he or she is rehired applies to the buying back of annual leave.

5. An employee with a permanent disability arising from a work-related injury or occupational disease who is reemployed following a separation from state service within 1 year after the date on which he or she sustained the permanent disability as determined pursuant to [NAC 284.6013](#) is entitled to buy back the balance of the annual leave for which he or she received payment in a lump sum at the time of separation. The rate of pay at which he or she is reemployed applies to the buying back of annual leave.

6. If an employee who was laid off before completing 6 months of employment is rehired within 1 year after the layoff, the amount of the unpaid annual leave he or she had earned before the layoff must be restored.

7. If a person eligible for military reemployment is reemployed, he or she accrues annual leave at the rate which he or she would have earned if he or she had not left state service.

8. If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority, the balance of the employee's annual leave is charged to the agency to which he or she is appointed.

9. If a nonclassified employee, an employee occupying a position within the Nevada System of Higher Education, or an employee included in the State Human Resources System pursuant to [NRS 284.022](#) is appointed without a break in service to the nonclassified, classified or unclassified service, his or her annual leave will be transferred to the new appointment. The amount of annual leave transferred by the employee pursuant to this subsection may not exceed the maximum amount which is permitted by the classified or unclassified rate of accrual as set forth in [NRS 284.350](#) and [NAC 284.538](#). The agency to which the employee is appointed is not responsible for payment of any annual leave in excess of the amount which is transferable. It is the responsibility of the employee who is transferring annual leave to seek payment of any excess amount of annual leave remaining to his or her credit from his or her former employer.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-19-88; 3-27-92; 11-12-93; 3-1-96; R031-98, 4-17-98; A by Personnel Comm'n by R096-03, 10-30-2003; R022-05, 10-31-2005; R142-05 & R145-05, 12-29-2005; R024-16, 12-21-2016)

**NAC 284.541 Annual leave: Service in provisional, special disabled, emergency or temporary status; seasonal employees. ([NRS 284.065](#), [284.155](#), [284.345](#), [284.350](#))**

1. Service in a provisional, special disabled, emergency or temporary status must be credited toward annual leave if it is immediately preceded or followed by a status of appointment which enables the employee to obtain the required 6 months of continuous service.

2. Service in a special position, which is temporary, in the University may be credited toward annual leave if it is immediately followed by probationary or permanent status.

3. An employee in a seasonal position who works a combined amount of time which equals 6 months is eligible for annual leave. The employee may choose to maintain the balance of the annual leave or receive a payment in lieu of annual leave upon separation from the seasonal position if he or she has completed the qualifying period of 6 months. An employee who is not paid for his or her annual leave upon separation from a seasonal position and who does not return to state service within 1 year must be paid the balance of his or her annual leave no later than 1 year after termination if he or she has completed the qualifying period of 6 months.

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

**NAC 284.5415 Annual leave and sick leave: Exception employees. ([NRS 284.065](#), [284.155](#), [284.180](#), [284.345](#), [284.350](#), [284.355](#))**

1. As used in this section:

(a) "Exception employee" means an employee whose normally scheduled hours of work are more than 80 hours biweekly; and

(b) "Regular employee" means an employee whose normally scheduled hours of work are 8 hours per day, 40 hours per week, or 80 hours biweekly.

2. An exception employee is entitled to accrue annual leave and sick leave based on his or her average workday. The average workday of such an employee must be determined by dividing the total scheduled hours of work per year by 2,088 and multiplying the quotient by 8.

3. When an exception employee is appointed to a job classification with a schedule of work as a regular employee, the accrued annual leave and sick leave of the exception employee must be converted to the amount of annual leave and sick leave that would have been accrued as a regular employee.

4. When a regular employee is appointed to a job classification with a schedule of work as an exception employee, the accrued annual leave and sick leave of the regular employee must be converted to the amount of annual leave and



sick leave that would have been accrued as an exception employee.

5. For the purposes of this section, a firefighter is an exception employee and shall be deemed to work an average of 56 hours per week and 2,912 hours per year.

(Added to NAC by Dep't of Personnel, 9-13-91, eff. 10-1-91; A 3-1-96)

**NAC 284.542 Sick leave: Part-time employees.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.355](#))

1. A part-time employee is entitled to accrue sick leave at the rate of 1 1/4 days per month, which is prorated based on the number of hours the employee is in paid status, excluding overtime.

2. An employee who holds two or more part-time positions in the state service may combine the time in all positions for the purpose of computing the hours of accrued sick leave.

[Personnel Div., Rule VII § D subsec. 2, eff. 8-11-73; A and renumbered as subsec. 1, 2-5-82; § D subsec. 3, eff. 2-5-82]—(NAC A by Personnel Comm'n by R145-05, 12-29-2005)

**NAC 284.544 Sick leave: Leave of absence without pay; catastrophic leave; receipt of benefits for temporary total disability; computation.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.350](#), [284.355](#), [284.3626](#))

1. Except as otherwise provided in [NAC 284.580](#), an employee does not accrue sick leave during the time he or she is on leave of absence without pay or on catastrophic leave.

2. A person who is receiving benefits for a temporary total disability pursuant to [chapters 616A to 616D](#), inclusive, or [617](#) of NRS and makes the election provided in subparagraph (1), (2) or (3) of paragraph (a) of subsection 1 of [NAC 284.5775](#) is entitled to accrue sick leave during the period he or she is receiving those benefits and is being paid an amount of paid leave equal to the difference between his or her normal pay and the benefits received. The employee accrues sick leave only for the time he or she is in paid status, excluding overtime.

3. To compute the amount of sick leave to which an employee is entitled, an employee must be considered to work not more than 40 hours each week. If an employee occupies more than one position in different departments, the amount of sick leave to which the employee is entitled must be computed based on not more than 40 hours each week in each position.

4. The basis for the computation of the amount of sick leave to which an exempt classified employee or exempt unclassified employee is entitled must not exceed the number of hours authorized in the biennial operating budget of this State for his or her position.

(Added to NAC by Dep't of Personnel, eff. 12-17-87; A 7-14-88; 7-21-89; 8-1-91; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005; R151-17, 6-26-2018)

**NAC 284.546 Sick leave: Unused credit; special sick leave.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.355](#)) Unused sick leave accrued but not carried forward pursuant to the provisions of [NRS 284.355](#) must be placed in a separate account. Sick leave accrued in a separate account pursuant to this section is designated as special sick leave. Special sick leave may be used if an employee has used all the sick leave otherwise available to him or her and meets the conditions, as applicable, of [NAC 284.554](#), [284.566](#) and [284.568](#).

[Personnel Div., Rule VII § D subsec. 3, eff. 8-11-73; A and renumbered as subsec. 2, 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 8-22-86; 11-16-95; A by Personnel Comm'n by R145-05, 12-29-2005)

**NAC 284.548 Sick leave: Reinstatement of dismissed employee.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.345](#), [284.355](#)) An employee who is dismissed and later reinstated by an order of a hearing officer must repay any money the employee received for payment of sick leave benefits. The amount of the payment may be deducted from the first available wage payments or any back pay owed to the employee. After the money is fully repaid pursuant to this section, the balance of the amount of sick leave that the employee had before he or she was dismissed must be restored to the employee.

(Added to NAC by Dep't of Personnel, eff. 4-20-90; A by Personnel Comm'n by R145-05, 12-29-2005)

**NAC 284.550 Sick leave: Separation from service.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.355](#))

1. An employee who is being separated from service earns sick leave only through the last working day for which he or she is entitled to pay. If the last working day occurs earlier than the last day of the month, the sick leave must be prorated.

2. Except as otherwise provided in subsection 1 of [NAC 284.551](#), an employee who is rehired is not entitled to the restoration of accrued and unused sick leave which remains in his or her account at the time of his or her separation.

[Personnel Div., Rule VII § D subsec. 5, eff. 8-11-73; A and renumbered as subsec. 4, 2-5-82; Rule VII § D subsec. 5, eff. 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 4-19-88; 7-14-88)

**NAC 284.551 Sick leave: Credit upon rehiring, reemployment or transfer.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.355](#))

1. An employee who is rehired within 1 year after he or she is laid off is entitled to the restoration of the accrued

and unused sick leave remaining in his or her account at the time of the layoff.

2. The balance of a seasonal employee's sick leave must be restored to him or her for each subsequent term of appointment if the employee is rehired within 1 year after the date of his or her last seasonal separation.

3. An employee who is reemployed within 1 year after sustaining a permanent disability arising from a work-related injury or occupational disease as determined pursuant to [NAC 284.6013](#) is entitled to restoration of the accrued and unused sick leave that remained in his or her account at the time of separation.

4. If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority, the balance of his or her sick leave is charged to the agency to which he or she is appointed.

5. If a nonclassified employee, an employee occupying a position within the Nevada System of Higher Education, or an employee covered by [NRS 284.022](#) is appointed to the nonclassified, classified or unclassified service without a break in service, his or her sick leave will be transferred to the new appointment.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-19-88; 3-1-96; A by Personnel Comm'n by R142-05 & R145-05, 12-29-2005; R024-16, 12-21-2016)

**NAC 284.552 Sick leave: Service in provisional, emergency or temporary status; seasonal employees. ([NRS 284.065](#), [284.155](#), [284.345](#), [284.355](#))**

1. Service in provisional, emergency or temporary status, including, without limitation, temporary limited appointments pursuant to [NRS 284.327](#) of persons with disabilities who are certified by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation and service provided by an employee who has a work-related injury or occupational disease pursuant to a temporary assignment as set forth in [NAC 284.6004](#), must be credited towards sick leave.

2. Service in a special position which is temporary in the Nevada System of Higher Education may be credited towards sick leave if it is immediately followed by probationary or permanent status.

3. An employee in a seasonal position must be credited with sick leave.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-6-92; A by Personnel Comm'n by R145-05, 12-29-2005)

**NAC 284.554 Sick leave: Authorized use. ([NRS 284.065](#), [284.155](#), [284.345](#), [284.355](#), [608.0198](#))**

1. An employee is entitled to use sick leave if the employee:

(a) Is unable to perform the duties of his or her position because he or she is sick, injured or physically incapacitated due to a medical condition;

(b) Is physically incapacitated due to pregnancy or childbirth and is therefore unable to perform the duties of the employee's position;

(c) Is quarantined;

(d) Is receiving required medical, psychological, optometric or dental service or examination;

(e) Is receiving counseling through an employee assistance program for a condition which would otherwise qualify pursuant to the provisions of this section;

(f) Has an illness, death or other authorized medical need in his or her immediate family and he or she complies with the requirements of [NAC 284.558](#) or [284.562](#); or

(g) Meets the requirements set forth in subsection 2.

2. An appointing authority shall approve a request for sick leave of an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator if:

(a) The employee has been employed in public service for at least 90 days;

(b) The employee has accrued the amount of sick leave necessary to cover the time requested; and

(c) The combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence occurred.

[Personnel Div., Rule VII § D part subsec. 6, eff. 8-11-73; A 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 4-20-90; 11-16-95; A by Personnel Comm'n by R141-07, 1-30-2008; R037-17, 10-31-2017, eff. 1-1-2018)

**NAC 284.558 Sick leave: Illness in employee's immediate family. ([NRS 284.065](#), [284.155](#), [284.345](#), [284.355](#))**

1. Except as otherwise provided in this section, if an employee is needed to provide care for a member of his or her immediate family with an illness or other authorized medical need, the employee may use his or her accumulated sick leave, not to exceed 120 hours in any 1 calendar year. An employee is not subject to this 120-hour limitation if the leave is approved under the Family and Medical Leave Act.

2. The appointing authority may approve an exception to the 120-hour limitation or the requirement that the immediate family member be living in the employee's household. To obtain an exception, the employee must submit a request in writing to the appointing authority, accompanied by a certification from a provider of health care that substantiates the need for the employee's participation.

3. The appointing authority may require the employee to submit supplemental information which includes a second

and third medical opinion as provided in subsection 2 of [NAC 284.566](#).

[Personnel Div., Rule VII § D part subsec. 6, eff. 8-11-73; A and renumbered as subsec. 7, 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 3-23-94; 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R145-05, 12-29-2005)

**NAC 284.562 Sick leave or catastrophic leave: Death in employee's immediate family.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.355](#), [284.3626](#))

1. If a member of the employee's immediate family dies, he or she may use his or her accumulated sick leave, or request approval for catastrophic leave pursuant to [NAC 284.576](#), not to exceed 5 working days for each death.

2. For the purposes of this section, "immediate family" means the employee's parents, spouse, children, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law, grand-daughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law, great-granddaughter-in-law, stepparents and stepchildren.

3. If a reasonable amount of additional time is needed for traveling related to funeral arrangements, the appointing authority shall approve an exception to this limitation.

[Personnel Div., Rule VII § D part subsec. 6, eff. 8-11-73; A and renumbered as subsec. 8, 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 11-16-95)

**NAC 284.566 Sick leave: Approval by appointing authority; medical certification.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.355](#))

1. An appointing authority may approve sick leave only after having ascertained that the absence was for an authorized reason. For absences in excess of 3 consecutive working days, or for cases of suspected abuse, the appointing authority may require that the employee submit substantiating evidence, which may include, but is not limited to, a certificate from a provider of health care of the need for the absence.

2. For absences for which medical certification is required, the appointing authority may require the employee to provide a second medical opinion. If a second medical opinion is required, an employee shall obtain the opinion from a provider of health care designated by the appointing authority. The employing agency shall pay for the consultation. The provider of health care who provides the second opinion of an employee's health condition shall certify as to the ability of the employee to perform his or her duties and responsibilities and when he or she believes the employee can return to work. The provider of health care who provides the second opinion of an immediate family member's health condition shall certify as to the health condition of the family member, the probable duration of the health condition and incapacity, and the need for the employee's assistance or presence. A copy of each opinion must be provided to the employee, the patient and the appointing authority, as appropriate. If the first and second opinions differ, the appointing authority may require the employee to provide a third medical opinion.

3. If a third medical opinion is required, an employee shall obtain the opinion from a provider of health care approved jointly by the employee and the appointing authority. If necessary, a list of three providers of health care from which the selection must be made may be requested from the medical society of the county in which the employee or, if applicable, the member of his or her immediate family, resides or works. If such a list is used, the selection of the third provider of health care must be made by the employee and appointing authority alternately striking one name off the list. The third opinion is final and binding. The employing agency shall pay for the consultation.

4. An employee shall request sick leave at least 30 days in advance if the need for leave is foreseeable and the sick leave is to be taken in conjunction with a planned leave of absence without pay.

5. An appointing authority may require a statement from a provider of health care that an employee is able to resume work if the requirement is related to the employee's ability to perform one or more of the essential functions of his or her position.

[Personnel Div., Rule VII § D subsec. 8, eff. 8-11-73; A and renumbered as subsec. 9, 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 3-23-94; 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R135-12, 10-4-2013)

**NAC 284.568 Sick leave: Placing employee on sick leave; conditions for return to work.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.355](#))

1. An appointing authority may place an employee on sick leave if:

(a) Due to a known or suspected illness or injury, the employee is not performing at the level required by his or her position or is not able to perform the essential functions of the position with or without reasonable accommodation, as determined by the appointing authority pursuant to [NAC 284.441](#); or

(b) The illness appears to be contagious.

2. If the appointing authority places the employee on sick leave pursuant to subsection 1, the appointing authority may require the employee, before the employee may return to work, to provide documentation from a provider of health care which verifies that the employee is medically able to perform the essential functions of the job with or without reasonable accommodation and does not have a contagious illness.

3. Except as otherwise provided in [NRS 281.390](#), the appointing authority may require an eligible employee to use sick leave during the time family and medical leave is granted.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-6-92; 3-23-94; R082-00, 8-2-2000; A by Personnel Comm'n by R145-05, 12-29-2005; R135-12, 10-4-2013)

**NAC 284.575 Catastrophic leave: Interpretation of certain statutory terms.** ([NRS 284.065](#), [284.155](#), [284.362](#), [284.3626](#)) As used in [NRS 284.362](#):

1. "Lengthy convalescence" means a period of disability which an attending physician expects to exceed 10 consecutive weeks.

2. "Life threatening" means a condition which is diagnosed by a physician as creating a substantial risk of death.

(Added to NAC by Dep't of Personnel, eff. 8-14-90; A by R146-01, 1-18-2002)

**NAC 284.576 Catastrophic leave: Use and administration; appeal of denial.** ([NRS 284.065](#), [284.155](#), [284.3621](#), [284.3626](#))

1. An account for catastrophic leave may be established for an employee when he or she or a member of his or her immediate family experiences a catastrophe and the employee has used all of his or her accrued leave.

2. An employee who is affected by a catastrophe and has used or is about to use all of his or her leave may request, on the appropriate form, the transfer of leave to an account for catastrophic leave for his or her personal use after the balance of all of his or her leave has been used. Such a request must be accompanied by a statement from a physician on a form provided by the Committee on Catastrophic Leave created pursuant to [NRS 284.3627](#) which substantiates the necessity of the leave.

3. When a member of the immediate family of an employee is affected by a catastrophe, the appointing authority of the employee may require substantiating evidence that the member of the immediate family requires the employee's attendance before approving the transfer of leave to an account for catastrophic leave for use by the employee. Such evidence may include a statement by an attending physician regarding the status of the catastrophe.

4. The appointing authority shall approve or deny a request for catastrophic leave, taking into consideration the nature of the catastrophe and the expected duration of the leave. The decision of the appointing authority may be appealed to the Committee on Catastrophic Leave pursuant to [NRS 284.3629](#).

5. An employee who wishes to donate hours to an account for catastrophic leave for use by another employee who has been approved to receive the donated hours shall notify his or her appointing authority on the appropriate form of his or her intent to donate the leave. The appointing authority of the employee donating the leave shall submit a copy of the form to the appointing authority of the employee receiving the leave. The appointing authority of the recipient shall use the notice to effect a transfer of leave from the account of the donor to the account of the recipient when the recipient needs to use those hours. If more than one notice of intent to donate leave is received by the recipient's appointing authority on behalf of the recipient, the notices must be maintained in chronological order and used, one at a time as needed, according to the date in which they were received.

6. A donor and his or her appointing authority must be notified on the appropriate form when the donated leave specifically designated for use by another employee has been used or if the amount of leave donated is in excess of the amount approved for use by the recipient. Except as otherwise provided in this subsection, excess leave must be restored to the account of the donor within 30 working days after the last day on which the recipient was eligible to receive catastrophic leave. If the donor is separated from state service before the excess leave is restored pursuant to this subsection, the excess leave must be transferred to the account for catastrophic leave of the appointing authority of the donor when the donation of leave was made.

7. For each employee who donates or uses catastrophic leave, the appointing authority shall annually, or as requested by the Administrator, provide to the Administrator the number assigned to each employee in accordance with subsection 8 and the grade and rate of pay and the number of hours and dollar value of the leave donated, excluding any excess leave restored to the account of a donor, pursuant to subsection 6, or used by each such employee.

8. The appointing authority shall assign numbers to employees for the purposes of subsection 7 in a sequential order and in such a manner that ensures the confidentiality of the identity of those employees.

9. Hours donated to an account for catastrophic leave must be donated in increments of 8 hours.

10. As used in this section, "immediate family" has the meaning ascribed to it in [NAC 284.562](#).

(Added to NAC by Dep't of Personnel, eff. 10-18-89; A 8-14-90; 3-23-94; R146-01, 1-18-2002; A by Personnel Comm'n by R145-05, 12-29-2005; R136-12, 10-4-2013; R166-18, 1-30-2019)

**NAC 284.577 Catastrophic leave: Repayment for hours used; receipt of workers' compensation benefits.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.345](#), [284.3626](#))

1. Except as otherwise provided in subsection 2, an employee who has used hours from an account for catastrophic leave may voluntarily repay the account for those hours.

2. An employee who is entitled to catastrophic leave and workers' compensation benefits may not receive more than 100 percent of his or her pay for the period of the leave. An employee must repay the account for catastrophic leave

when the combined benefit of catastrophic leave and workers' compensation exceeds his or her normal rate of pay.

3. The amount required to repay the hours from an account for catastrophic leave must be based on the employee's normal rate of pay at the time he or she used the hours.

(Added to NAC by Dep't of Personnel, eff. 11-16-95; A by Personnel Comm'n by R069-02, 8-14-2002)

**NAC 284.5775 Temporary total disability: Use of sick leave, compensatory time, annual leave and catastrophic leave; leave of absence without pay.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.350](#), [284.355](#), [284.3626](#))

1. An employee who is receiving benefits for a temporary total disability pursuant to [chapters 616A to 616D](#), inclusive, or chapter [617](#) of NRS may:

(a) Elect to receive payment for all or part of the difference between his or her normal pay and the benefits received by:

(1) Using his or her accrued sick leave as provided in subsection 1 or 3 of [NRS 281.390](#);

(2) Using his or her accrued compensatory time;

(3) Using his or her accrued annual leave if he or she:

(I) Is on family and medical leave for a serious health condition that prevents him or her from performing one or more of the essential functions of his or her position; or

(II) Elected to use his or her accrued sick leave pursuant to [NRS 281.390](#) and has exhausted all of his or her accrued sick leave; or

(4) Using catastrophic leave if he or she has exhausted all of his or her accrued annual leave, sick leave and compensatory time and his or her request for catastrophic leave has been approved pursuant to [NAC 284.576](#); or

(b) Elect to be placed on leave of absence without pay in accordance with subsection 5 of [NRS 281.390](#).

2. An employee who does not have enough paid leave to make up the difference between his or her normal pay and the benefits for a temporary total disability pursuant to paragraph (a) of subsection 1 must be placed on leave of absence without pay for the time he or she is receiving such benefits and the balance of time not covered by paid leave.

(Added to NAC by Dep't of Personnel by R031-98, eff. 4-17-98; A by R082-00, 8-2-2000; A by Personnel Comm'n by R151-17, 6-26-2018)

**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 or her 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 or she is a nonexempt employee, his or her regular hourly rate of pay for each hour that he or she is absent from his or her place of employment for such leave.

(b) If he or she is an exempt classified employee or an exempt unclassified employee and is absent from his or her place of employment for a full day for such leave, his or her 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: Conditions for approval; restrictions on use; revocation.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.360](#), [608.0198](#))

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 or her 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](#).

8. An appointing authority shall grant leave without pay, upon request, to an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator, if:

(a) The employee has been employed in public service for at least 90 days; and

(b) The combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence occurred.

[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; R037-17, 10-31-2017, eff. 1-1-2018; R063-18, 9-27-2018)

**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](#), [284.448](#), [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; R043-15, 12-21-2015)

**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 Division of Human Resource Management 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)

**NAC 284.5811 Family and medical leave: Maximum amount in 12-month period; use.** ([NRS 284.065](#), [284.155](#), [284.345](#), [284.350](#), [284.355](#), [284.3626](#), [608.0198](#))

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 service member is limited to a total of 26 weeks of such leave during a single 12-month period.

3. Except as otherwise provided in subsections 4 and 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 using 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.

4. If an employee is absent from work as the result of a work-related injury or illness and 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 or she is not being compensated for the work-related injury or illness.

5. If an employee is absent from work as the result of a non-work-related injury or illness, the employee is receiving compensation for the injury or illness from a disability benefit plan and the employee 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 use paid leave for the time that the employee is being compensated for the non-work-related injury or illness if the employee has entered into an agreement with the appointing authority to use the paid leave. If the employee and the appointing authority have not entered into such an agreement, the employee may not elect to use and the appointing authority may not require the employee to use paid leave for that time.

6. If an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator, is absent from work and meets the requirements for eligibility pursuant to the Family and Medical Leave Act, 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.

7. An appointing authority may require an employee to provide medical or other appropriate documentation to support his or her 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; R021-13, 10-23-2013; R037-17, 10-31-2017, eff. 1-1-2018; R015-21, 9-28-2022)

**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)

**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 or her 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 or she is not a party to the action and the action is not related to his or her job.

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

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

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

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

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

**NAC 284.586 Civil leave with pay to vote.** ([NRS 284.065](#), [284.155](#), [284.345](#)) Civil leave with pay must be granted to allow an employee time off to vote during the period for early voting or on the day of an election subject to the conditions established in [NRS 293.463](#). If an employee determines he or she will need such time off to vote, he or she must submit a request for civil leave with pay to the person authorized to grant such leave before the day on which

the employee wishes to take such leave.

[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; R015-19, 12-30-2019)

**NAC 284.587 Civil leave with pay for certain public officers or employees or when absence is necessary to meet state of emergency or declaration of disaster.** ([NRS 284.065](#), [284.155](#), [284.345](#)) Civil leave with pay must be granted to an employee who meets the requirements of [NRS 281.149](#) or [284.357](#), and may also be granted by the appointing authority to an employee whose absence from the job is necessary to meet a state of emergency or declaration of disaster proclaimed by the Governor or by resolution of the Legislature pursuant to [NRS 414.070](#).

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by R146-01, 1-18-2002; A by Personnel Comm'n by R133-12, 10-4-2013)

**NAC 284.5875 Military leave with pay: Annual period of eligibility.** ([NRS 281.145](#), [284.065](#), [284.155](#), [284.345](#))

1. Except as otherwise provided in subsection 2, the 12-month period during which a public officer or employee of an agency of the State is eligible to take the number of working days of leave set forth in subsection 1 or 2 of [NRS 281.145](#) is a calendar year.

2. The 12-month period during which a public officer or employee of the Office of the Military is eligible to take the number of working days of leave set forth in subsection 1 or 2 of [NRS 281.145](#) is a federal fiscal year.

(Added to NAC by Personnel Comm'n by R138-13, eff. 6-23-2014; A by R039-15, 10-27-2015)

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

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

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

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

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

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

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

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

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

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

↳ during regular business hours.

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

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

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

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

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

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

(f) Up to 2 hours for donating blood.

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

(h) His or her appearance as an aggrieved employee, an employee who filed a complaint described in [NAC 284.658](#)



or a witness at a hearing of the Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**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 or her 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 he or she:

(a) Is on family and medical leave; or

(b) 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 or she 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)

**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 [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 or she 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 or she 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)

#### REASONABLE ACCOMMODATIONS FOR EMPLOYEES OR FAMILY OR HOUSEHOLD MEMBERS OF EMPLOYEES WHO ARE VICTIMS OF ACTS OF DOMESTIC VIOLENCE IN CERTAIN CIRCUMSTANCES

##### **NAC 284.599 Requirements.** ([NRS 284.065](#), [613.222](#))

1. Except as otherwise provided in subsection 2, the appointing authority of an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator, shall, upon the request of the employee, provide reasonable accommodation to the employee.

2. Reasonable accommodation provided pursuant to this section must not cause an undue hardship to the operations of the appointing authority and must be deemed by the appointing authority to ensure the safety of the employee, the workplace, the employer or other employees. Such accommodation may include, without limitation:

(a) Relocating the employee, including, without limitation, providing a different work area for the employee or changing the location to which the employee reports;

(b) Modifying the schedule of the employee; or

(c) Providing the employee a new telephone number for work.

3. For the purposes of this section, a relocation of an employee must not be construed:

(a) As a transfer as defined in [NAC 284.106](#); or

(b) To authorize the employee to appeal the relocation using the process for an appeal of a transfer set forth in [NRS 284.376](#).

(Added to NAC by Personnel Comm'n by R037-17, 10-31-2017, eff. 1-1-2018)

#### WORK-RELATED INJURIES AND OCCUPATIONAL DISEASES

**NAC 284.600 Definitions.** ([NRS 284.065](#), [284.155](#)) As used in [NAC 284.600](#) to [284.6019](#), inclusive, unless the context otherwise requires:

1. "Employee" means an employee who is in the classified service of the State. The term does not include an employee of the Nevada System of Higher Education who is in a temporary appointment as described in subsection 4 of [NRS 284.325](#).

2. "Regular position" means the position an employee held at the time:

(a) Of his or her work-related injury; or

(b) He or she became aware of his or her occupational disease and its relationship to his or her employment in the classified service of the State.

(Added to NAC by Dep't of Personnel, eff. 7-1-94; A 3-1-96; A by Personnel Comm'n by R142-05, 12-29-2005)

##### **NAC 284.6002 Physical assessments.** ([NRS 284.065](#), [284.155](#))

1. An appointing authority shall require an employee who has a work-related injury or occupational disease to submit to the appointing authority a physical assessment prepared by the employee's treating physician or chiropractic physician. The appointing authority may require the employee to submit a physical assessment after each visit to the physician or chiropractic physician or after only those visits designated by the appointing authority.

2. Each physical assessment must:

(a) Be reported on a form that provides at least the same information as the form for physical assessments prescribed by the Division of Industrial Relations of the Department of Business and Industry; and

(b) Contain all restrictions imposed on the employee's ability to work by the treating physician or chiropractic physician.

3. An employee who is required to submit a physical assessment shall deliver or mail the assessment to the appointing authority within 3 working days after the date of the employee's visit to his or her treating physician or chiropractic physician.

(Added to NAC by Dep't of Personnel, eff. 7-1-94; A by R082-00, 8-2-2000; A by Personnel Comm'n by R142-05, 12-29-2005)

**NAC 284.6004 Temporary assignment: Conditions for offer; termination; subsequent assignment; medical examination. (NRS 284.065, 284.155, 284.327)**

1. The appointing authority shall prepare a written description of the duties of a temporary assignment to be offered to an employee with a work-related injury or occupational disease. If the employee's treating physician or chiropractic physician approves the return of the employee to work, the appointing authority shall offer, in writing, a temporary assignment that is modified according to any restrictions imposed by the employee's treating physician or chiropractic physician if:

- (a) The restrictions prevent the employee from performing the duties of his or her regular position;
- (b) The employee has an accepted or pending claim for compensation pursuant to [NRS 616C.065](#) or [617.356](#);
- (c) An appropriate temporary assignment is available;
- (d) The temporary assignment is not prohibited by the source that funds the employee's regular position; and
- (e) The employee would otherwise be employed by the appointing authority if he or she had not incurred the work-related injury or occupational disease.

2. A temporary assignment offered pursuant to subsection 1 must be terminated if any of the following occurs:

- (a) Ninety days have elapsed after the date on which the employee began the assignment;
- (b) The employee's treating physician or chiropractic physician certifies that the employee has permanent restrictions that prevent him or her from returning to his or her regular position;
- (c) The assignment is no longer available;
- (d) The employee's treating physician or chiropractic physician certifies that the employee can perform the duties of his or her regular position; or
- (e) The employee terminates his or her employment or retires.

3. If the employee's claim for compensation pursuant to [NRS 616C.065](#) or [617.356](#) is denied, the temporary assignment may be terminated at the discretion of the appointing authority.

4. An appointing authority may offer an employee who has a work-related restriction imposed by the employee's treating physician or chiropractic physician one subsequent temporary assignment if:

(a) The recovery period for the work-related injury or occupational disease continues to prevent the employee from performing all the duties of his or her regular position, but the employee is performing at least 51 percent of such duties; or

(b) The employee returns to work at his or her regular position but again becomes temporarily unable to perform the duties of the position due to restrictions imposed by the employee's treating physician or chiropractic physician because of the work-related injury or occupational disease.

5. The subsequent temporary assignment must be recommended by the appointing authority's insurer.

6. Any additional temporary assignment must be limited in accordance with subsection 2.

7. An employee with a work-related injury or occupational disease may be required to submit himself or herself for medical examination pursuant to the requirements set forth in [NRS 616C.140](#) or [617.370](#) if his or her treating physician or chiropractic physician does not approve a temporary assignment to be offered to the employee.

(Added to NAC by Dep't of Personnel, eff. 7-1-94; A by Personnel Comm'n by R142-05, 12-29-2005)

**NAC 284.6008 Temporary assignment: Location; jurisdiction of appointing authority; effect of jurisdiction of another appointing authority; classification and payment of employee. (NRS 284.065, 284.155, 284.175, 284.327)**

1. A temporary assignment offered to an employee pursuant to [NAC 284.6004](#) must be located less than 25 miles from the location of his or her regular position, unless the employee accepts a temporary assignment in a different geographical location.

2. A temporary assignment offered to an employee must be under the jurisdiction of the employee's appointing authority if such an assignment is available. If such an assignment is not available, the appointing authority shall:

- (a) Contact the Risk Management Division or the office of the Nevada System of Higher Education that assists with claims for a work-related injury or occupational disease;
- (b) Contact the Division of Human Resource Management; and
- (c) Determine if an appropriate temporary assignment is available under the jurisdiction of another appointing

authority.

3. If the employee is offered a temporary assignment under the jurisdiction of another appointing authority, the employee shall be deemed to remain in his or her regular position as the temporary assignment does not constitute a transfer to that position.

4. For the duration of the temporary assignment, the duties assigned to the employee may not be used as a basis to:

- (a) Reclassify the employee's regular position; or
- (b) Reallocate the class in which the employee is employed.

5. An employee who accepts a temporary assignment offered pursuant to [NAC 284.6004](#) is entitled to receive the base rate of pay he or she received for his or her regular position for the number of hours he or she works or is on paid leave during the temporary assignment. The appointing authority at the time of the work-related injury or occupational disease shall continue to pay the employee for the duration of the temporary assignment.

(Added to NAC by Dep't of Personnel, eff. 7-1-94; A by R147-01, 1-22-2002; A by Personnel Comm'n by R142-05, 12-29-2005)

**NAC 284.6012 Temporary assignment: Effect of family and medical leave.** ([NRS 284.065](#), [284.155](#), [284.327](#), [284.345](#)) Except as otherwise provided by the Family and Medical Leave Act, an employee who is granted family and medical leave because a work-related injury or occupational disease prevents him or her from performing one or more of the essential duties of his or her regular position:

1. Is not required to accept a temporary assignment offered pursuant to [NAC 284.6004](#).

2. May voluntarily accept a temporary assignment pursuant to [NAC 284.6004](#). An employee who voluntarily accepts such a temporary assignment retains a limited right to be returned to the position he or she held before the temporary assignment or an equivalent position subject to the provisions set forth in the Family and Medical Leave Act.

(Added to NAC by Dep't of Personnel, eff. 7-1-94; A 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R142-05, 12-29-2005)

**NAC 284.6013 Determination of effective date of permanent disability.** ([NRS 284.065](#), [284.155](#)) For the purposes of [NAC 284.6013](#) to [284.6019](#), inclusive, the effective date an employee shall be deemed to have a permanent disability arising from a work-related injury or occupational disease is the date the insurer delivers notice to the employee stating that his or her treating physician or chiropractic physician has informed the insurer pursuant to [NRS 616C.490](#) that the employee has permanent restrictions which prevent him or her from returning to work in his or her regular position.

(Added to NAC by Dep't of Personnel, eff. 3-1-96; A by R197-99, 1-26-2000; A by Personnel Comm'n by R142-05, 12-29-2005)

**NAC 284.6014 Eligibility of employee with permanent disability for reemployment.** ([NRS 284.065](#), [284.155](#), [284.305](#))

1. An employee is eligible for reemployment under this section if:

- (a) He or she is a permanent employee;
- (b) He or she would otherwise have continued in his or her regular position;

(c) He or she is unable to perform the essential functions of his or her regular position, even with reasonable accommodation, because he or she has a permanent disability arising from a work-related injury or occupational disease;

(d) The Risk Management Division receives notification from the insurer certifying that the employee has a medical condition which, in the opinion of the medical adviser to the insurer, will result in a permanent partial disability;

(e) The Risk Management Division receives notification from the insurer certifying that the employee has permanent physical restrictions as a result of the permanent disability and that he or she is eligible for vocational rehabilitation benefits;

(f) The Risk Management Division receives notification from the insurer certifying that the employee's claim for benefits from the insurer is not being contested through the hearing and appeal process provided pursuant to [chapters 616A](#) to [617](#), inclusive, of NRS; and

(g) He or she submits to the Division of Human Resource Management a completed job development form supplied by the Division of Human Resource Management not later than 30 days after the date on which he or she sustained the permanent disability.

2. A person is entitled to reemployment under this section only within the department that employed him or her at the time he or she sustained the permanent disability. Such entitlement to reemployment applies to the class and option of his or her regular position and to any class for which the employee qualifies that does not exceed the grade level of his or her regular position.

3. A person is entitled to reemployment under this section only in a full-time position if his or her regular position was on a full-time basis. A person whose regular position was on a part-time, seasonal or intermittent basis only is entitled to reemployment on the same basis as his or her regular position. A person who is entitled to reemployment on a

full-time basis may be reemployed on either a full-time or part-time basis, as appropriate, based on his or her permanent physical restrictions as certified by the insurer.

4. The employee, his or her appointing authority and his or her vocational rehabilitation counselor shall provide any necessary information for job development and reemployment on the forms prescribed by the Division of Human Resource Management.

(Added to NAC by Dep't of Personnel, eff. 3-1-96; A by R197-99, 1-26-2000; A by Personnel Comm'n by R142-05, 12-29-2005)

**NAC 284.6015 Risk Management Division to provide certain information regarding permanent disability of employee to Division of Human Resource Management and appointing authority. ([NRS 284.065](#), [284.155](#))** The Risk Management Division shall provide to the Division of Human Resource Management and to an employee's appointing authority the following information regarding the employee when the information becomes known to the Risk Management Division:

1. The date on which the employee sustained a permanent disability arising from a work-related injury or occupational disease;

2. The date on which the employee will no longer be eligible for vocational rehabilitation benefits;

3. Any written agreement signed by the employee for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation benefits; and

4. Any determination by the insurer that the employee is not entitled to compensation for a permanent partial disability.

(Added to NAC by Dep't of Personnel, eff. 3-1-96; A by R197-99, 1-26-2000; A by Personnel Comm'n by R142-05, 12-29-2005)

**NAC 284.6017 Placement on reemployment list of name of employee with permanent disability. ([NRS 284.065](#), [284.155](#), [284.250](#), [284.305](#))**

1. The name of a person who is eligible for reemployment pursuant to [NAC 284.6014](#) will be placed on a reemployment list in the order of seniority and, if applicable, will be integrated with the names of employees who are placed on a reemployment list pursuant to [NAC 284.630](#), whenever there is a list certified to the department that employed the person in his or her regular position.

2. The Division of Human Resource Management will use the same criteria for determining seniority for placement on a reemployment list pursuant to subsection 1 as that used for determining the seniority for a layoff, except that the length of employment for determining seniority must be counted up to the date that the person sustained his or her permanent disability.

(Added to NAC by Dep't of Personnel, eff. 3-1-96)

**NAC 284.6018 Status following reemployment of person with permanent disability; restoration of name to reemployment list following failure of such person to complete probationary period; rights of employee after expiration of right to reemployment. ([NRS 284.065](#), [284.155](#), [284.305](#))**

1. An employee who is separated from state service and is reemployed pursuant to [NAC 284.6014](#) in the same department, class and option as his or her regular position will have his or her permanent status restored immediately upon reemployment.

2. An employee who is reemployed pursuant to [NAC 284.6014](#) in a class or option that is different from the class or option of his or her regular position must serve a new probationary period. If the employee does not complete the probationary period and is otherwise eligible for reemployment, his or her name must be restored to the appropriate reemployment list for any remaining part of the year following the date on which he or she sustained his or her permanent disability.

3. When the right to reemployment expires, the person affected retains the right to reinstatement or reappointment pursuant to [NAC 284.386](#) or [284.404](#), respectively.

(Added to NAC by Dep't of Personnel, eff. 3-1-96)

**NAC 284.6019 Limitations on eligibility for reemployment of person with permanent disability. ([NRS 284.065](#), [284.155](#), [284.305](#))**

1. Except as otherwise provided in [NAC 284.6018](#), a person is no longer eligible for reemployment pursuant to [NAC 284.6014](#):

(a) If he or she signs a written agreement providing for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation benefits, unless such an agreement is subsequently rescinded in the manner set forth in [NRS 616C.595](#);

(b) When he or she is no longer eligible for vocational rehabilitation benefits;

(c) When it is determined that the employee is not entitled to compensation for a permanent partial disability;

(d) If he or she accepts an offer of employment with the State of Nevada or another employer which accommodates

his or her permanent restrictions or he or she is otherwise unavailable for employment;

(e) If he or she declines an offer of employment which accommodates his or her permanent restrictions and which is located in the same geographical location as his or her regular position;

(f) If he or she is dismissed from the position in which he or she is reemployed for disciplinary reasons or because he or she retires;

(g) If he or she states the intention not to seek reemployment; or

(h) On or after the 1-year anniversary of the date on which he or she sustained his or her permanent disability as determined pursuant to [NAC 284.6013](#).

2. Reemployment rights must not be offered more than one time for the same disability resulting from a work-related injury or occupational disease.

3. As used in this section, “geographical location” has the meaning ascribed to it in [NAC 284.612](#).

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

## SEPARATIONS FROM SERVICE

### **NAC 284.602 Resignations.** ([NRS 284.065](#), [284.155](#))

1. Unless the appointing authority and employee agree to a shorter period of time, an employee who wishes to resign shall submit his or her resignation in writing at least 2 weeks before resigning and notify the appointing authority of the reason for and the effective date of the resignation. If an employee fails to comply with this subsection, the appointing authority may note the insufficient notice in the employee’s record of employment.

2. The employee shall report and the appointing authority shall acknowledge the resignation to the Division of Human Resource Management on a form provided by the Division of Human Resource Management. The form must contain a statement of the employee’s right to revoke the resignation pursuant to [NRS 284.381](#).

[Personnel Div., Rule XIII § A subsec. 1, eff. 8-11-73; A 2-5-82; Rule XIII § A part subsec. 2, eff. 8-11-73; A 4-14-76; 2-5-82]—(NAC A by Dep’t of Personnel, 10-26-84; 12-17-87; R043-99, 9-27-99; A by Personnel Comm’n by R143-05, 12-29-2005; R175-18, 1-30-2019)

**NAC 284.608 Termination of seasonal employee.** ([NRS 284.065](#), [284.155](#)) An employee in a seasonal position must receive at least 1 week’s notice of separation due to lack of money or a lack of work. The provisions of this chapter which relate to layoffs, including rights of displacement, do not apply to seasonal separations.

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

### **NAC 284.611 Separation for physical, mental or emotional disorder.** ([NRS 284.065](#), [284.155](#), [284.305](#), [284.355](#), [284.383](#), [284.385](#), [284.390](#))

1. Before separating an employee because of a physical, mental or emotional disorder which results in the inability of the employee to perform the essential functions of his or her job, the appointing authority must:

(a) Verify with the employee’s physician or by an independent medical evaluation paid for by the appointing authority that the condition does not, or is not expected to, respond to treatment or that an extended absence from work will be required;

(b) Determine whether reasonable accommodation can be made to:

(1) Enable the employee to perform the essential functions of his or her job; or

(2) Reassign the employee if it has been determined that:

(I) There is no reasonable accommodation that can be made to enable the employee to perform the essential functions of his or her job; or

(II) All other reasonable accommodations would cause an undue hardship to the appointing authority.

(c) Make a request to the Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to obtain the services provided by that Division, or if the employee is receiving worker’s compensation, request the services of the rehabilitation provider, to evaluate the employee’s condition and to provide any rehabilitative services possible; and

(d) Ensure that all reasonable efforts have been made to retain the employee.

2. A separation pursuant to this section is only justified when:

(a) The information obtained through the procedures specified in subsection 1 supports the decision to separate;

(b) The employee is not on sick leave or other approved leave; and

(c) A referral has been made to the Public Employees’ Retirement System and the employee has been determined to be ineligible for, or has refused, disability retirement.

3. A permanent employee separated pursuant to this section is entitled to the same rights and privileges afforded permanent employees who are dismissed for disciplinary reasons. The procedures contained in [NAC 284.656](#), [284.6561](#) and [284.6563](#) must be followed, and he or she may appeal the separation to the hearing officer.

4. A permanent employee who is separated because of a physical, mental or emotional disorder is eligible for reinstatement pursuant to [NAC 284.386](#) if he or she recovers from the disorder.

5. As used in this section, “undue hardship” has the meaning ascribed to it in 29 C.F.R. § 1630.2.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 8-1-91; 12-26-91; 7-6-92; R197-99, 1-26-2000; A by Personnel Comm’n by R182-03, 1-27-2004; R143-05, 12-29-2005; R063-09, 11-25-2009; R009-14, 6-23-2014; R097-16, 11-2-2016)

**NAC 284.612 Layoffs: Definitions.** ([NRS 284.065](#), [284.155](#), [284.380](#)) For the purposes of [NAC 284.612](#) to [284.632](#), inclusive:

1. “Geographical location” means:

- (a) Clark, Lincoln, Nye and Esmeralda Counties;
- (b) Carson City, Lyon, Churchill, Storey, Douglas, Mineral and Washoe Counties;
- (c) Pershing, Humboldt, Elko, Lander, Eureka and White Pine Counties; or
- (d) Any city located outside of this State.

2. “Option” means a clearly identified subclassification mentioned in the class specification approved by the Commission.

(Added to NAC by Dep’t of Personnel, eff. 8-26-83; A 10-26-84; 7-21-89; 11-16-95; R146-01, 1-18-2002; A by Personnel Comm’n by R096-03, 10-30-2003)

**NAC 284.614 Layoffs: Procedure.** ([NRS 284.065](#), [284.155](#), [284.380](#))

1. Except as otherwise provided in [NAC 284.425](#), if it becomes necessary for a classified employee to be laid off because of a shortage of work or money, the abolition of a position, or some other material change in duties or organization:

(a) The director of the department shall determine in what geographical location, class series, class and option the reductions in staff will have the least detrimental effect on the operations of the department and shall specify layoffs accordingly. In the Department of Health and Human Services and the Nevada System of Higher Education, the administrator of a division may be designated to make these determinations with the approval of the director of the department.

(b) Within the department, geographical location, class series, class and option selected, all employees of the department who are not permanent must be separated from service before any permanent employees in the following order:

- (1) Emergency employees.
- (2) Temporary employees.
- (3) Provisional employees.
- (4) Probationary employees.

(c) If additional reductions are necessary, permanent employees must be laid off on the basis of seniority pursuant to [NAC 284.632](#).

(d) In the department, geographical location, class series, class and option where layoffs are to take place, those employees with the least seniority must be laid off, transferred as set forth in subsection 2 or voluntarily demoted as set forth in [NAC 284.618](#).

(e) An appointing authority may consider limiting layoffs to employees in full-time or part-time positions. Similar considerations may be given to and limitations placed on positions requiring selective certification pursuant to [NAC 284.361](#).

2. If a permanent employee must be laid off for one of the reasons set forth in subsection 1, the appointing authority shall notify the employee that he or she may choose to:

(a) Transfer within his or her department, class and option into the position of the employee in his or her department, class and option with the least seniority;

(b) Be voluntarily demoted as set forth in [NAC 284.618](#); or

(c) Exercise his or her reemployment rights as set forth in [NAC 284.630](#).

3. Within 3 working days after an employee has been notified of his or her choices pursuant to subsection 2, he or she must designate in writing to the appointing authority the choice he or she will exercise.

4. For the purposes of this section, divisions of the Department of Health and Human Services and the Nevada System of Higher Education shall be deemed to be departments.

[Personnel Div., Rule XIII § B subsec. 1, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 8-26-83; 8-28-85; 8-22-86; 7-21-89; 8-1-91; 3-27-92; 9-16-92; 11-16-95; 10-27-97; R031-98, 4-17-98; R043-99, 9-27-99; R146-01, 1-18-2002; R147-01, 1-22-2002; A by Personnel Comm’n by R096-03, 10-30-2003; R143-05, 12-29-2005)

**NAC 284.618 Layoffs: Voluntary demotions.** ([NRS 284.065](#), [284.155](#), [284.175](#), [284.380](#))

1. In lieu of being laid off, a permanent employee may choose to be voluntarily demoted to a vacant position or displace an employee within the department and geographical location where employed to one of the next lower classes:

(a) Within his or her current class series and option; or

(b) Within the class series and option from which he or she was appointed to his or her current position during

current continuous service if he or she cannot be demoted pursuant to paragraph (a).

➤ For the purposes of this subsection, divisions of the Department of Health and Human Services and the Nevada System of Higher Education shall be deemed to be departments.

2. No employee in a higher class may displace an employee in a lower class who has more seniority. If an employee chooses to displace another, he or she must displace the member of the next lower class who has the least seniority. If that member has more seniority, the displacing employee must descend further in the class series.

3. The employees displaced reestablish the layoff class.

4. An employee may choose to displace another only if he or she meets the minimum qualifications for the class, option and position. For the purposes of this subsection, qualifications for a position may be different from those of the class and option only when selective certification is required pursuant to subsection 4 of [NAC 284.361](#).

5. Full-time, part-time and seasonal employees must be treated separately and can only displace like employees.

6. Displacement is always a movement to a class at a lower grade.

7. A current employee who elects to displace another employee has priority over former employees already on reemployment lists.

8. The pay of the employee who is taking a voluntary demotion cannot exceed the highest step for the class to which the employee is being demoted. If the current pay falls within the lower rate range, no reduction in pay may occur unless money is not available as certified by the Chief of the Budget Division or, in the case of an agency which is not supported from the State General Fund, as certified by the administrator of that agency.

[Personnel Div., Rule XIII § B subsec. 2, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 7-21-89; 8-1-91; R146-01, 1-18-2002; A by Personnel Comm'n by R096-03, 10-30-2003; R143-05, 12-29-2005; R034-17, 12-19-2017, eff. 1-1-2018; R121-17, 6-26-2018)

**NAC 284.626 Layoffs: Notice.** ([NRS 284.065](#), [284.155](#), [284.380](#)) All permanent employees to be laid off must be given written notice of the layoff at least 30 calendar days before the effective date of the layoff. A copy of the seniority calculations and layoff notice must be sent to the Division of Human Resource Management. The notice must specifically list the positions and locations where the employee has a current right to displace another employee, if those positions and locations are known at the time of notification.

[Personnel Div., Rule XIII § B subsec. 5, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 8-1-91; A by Personnel Comm'n by R143-05, 12-29-2005)

**NAC 284.630 Layoffs: Reemployment.** ([NRS 284.065](#), [284.155](#), [284.250](#), [284.380](#))

1. Names of permanent employees who have received a layoff notice will be placed on the statewide reemployment list for the class and option of the position involved in the layoff, in order of seniority.

2. Names of permanent employees who have received a layoff notice will also be placed on the statewide reemployment list for other classes for which they qualify at or below the grade of the class held at the time of layoff, in order of seniority but behind those identified in subsection 1.

3. The employee shall provide an employment application and a list of classes and options he or she is seeking for reemployment to the Division of Human Resource Management within 30 days after his or her layoff date. The agency shall provide the seniority calculations to the Division of Human Resource Management.

4. Names of permanent employees who have received a layoff notice will be integrated with names of employees who are eligible for reemployment pursuant to [NAC 284.6014](#).

5. Part-time employees are not entitled to be reemployed in full-time positions, and full-time employees are not entitled to be reemployed in part-time positions.

6. Seniority must be projected and counted up to the layoff date, or transfer date if the provisions of subsection 4 of [NAC 284.394](#) apply. Seniority determines ranking on all reemployment lists and will not be recalculated unless the employee is affected by a subsequent layoff.

7. Each person on the list retains reemployment eligibility for 1 year after the layoff date. Except as otherwise provided in this section, reemployment rights are exhausted when a person accepts or declines an offer of employment in the class or a comparable class with the same grade in the department and geographical location of the layoff. Any exception to this provision must be approved by the Division of Human Resource Management. When a person accepts a position at a grade lower than that held at the time of layoff, his or her name will be removed from all reemployment lists that are equal to or below the grade accepted.

8. A permanent employee who has been laid off and is being reemployed in the department, class and option from which he or she was laid off must have his or her permanent status restored. A permanent employee who is reemployed in a different class or in a different department must serve a new probationary period. If the employee does not complete the probationary period, his or her name must be restored to the appropriate reemployment list for any remaining part of the year following the layoff date. When the right to reemployment expires, the person affected retains the right to reinstatement or reappointment pursuant to [NAC 284.386](#) or [284.404](#).

[Personnel Div., Rule XIII § B subsec. 6, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 7-21-89; 8-1-91; 11-12-93; 3-1-96; A by Personnel Comm'n by R183-03, 1-27-2004; R143-05, 12-29-2005)



**NAC 284.632 Layoffs: Calculation of seniority.** ([NRS 284.065](#), [284.155](#), [284.335](#), [284.380](#))

1. For the purposes of calculating an employee's seniority for [NAC 284.614](#), [284.618](#) and [284.630](#):

(a) Except as otherwise provided in this section, the total number of years of continuous full-time equivalent service up to the effective date of the layoff must be included.

(b) Except as otherwise provided in subsection 2, the sum of the calculation made pursuant to paragraph (a) or, if applicable, subsection 5 must be reduced by the following periods if those periods occurred during the 36 months immediately preceding the date of the notification of layoff:

(1) For a nonexempt employee, any combination of leave without pay and catastrophic leave in excess of 240 hours in the period preceding the date of the notification of layoff equal to 12 months of full-time equivalent service;

(2) For an exempt classified employee or exempt unclassified employee, any combination of leave without pay and catastrophic leave in excess of 30 working days in the period preceding the date of the notification of layoff equal to 12 months of full-time equivalent service; and

(3) Any time covered by a report on performance which rated the employee below standard, excluding evaluations received within 75 calendar days before the notification of layoff.

2. For the purposes of the reduction in the calculation of seniority required by paragraph (b) of subsection 1:

(a) The reduction may not include:

(1) A leave of absence without pay during a fiscal emergency of the State or an agency pursuant to [NAC 284.580](#);

(2) A leave of absence without pay for a work-related injury or illness pursuant to [NRS 281.390](#); or

(3) A military leave of absence pursuant to [NRS 284.359](#).

(b) As set forth in subparagraphs (1) and (2) of paragraph (b) of subsection 1, an employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his or her pay class designation.

3. For the purposes of calculating seniority for layoff, if seniority is otherwise equal, seniority must be determined in the following order:

(a) Total time within the occupational group;

(b) Total time within the department; and

(c) By lot.

4. For the purposes of calculating seniority for reemployment, if seniority is otherwise equal, seniority must be determined by lot.

5. A department may request from the Commission approval to calculate the number of years of continuous full-time equivalent service of an employee of the department by doubling the time spent by the employee in his or her present occupational group as categorized by [NRS 284.171](#) and adding that amount to the time spent by the employee in all former occupational groups up to the date of layoff. If the Commission approves the request of the department to calculate the number of years of service pursuant to this section, the department shall use this method to calculate the number of years of service:

(a) Only to determine which employees will receive a layoff notice and not for the placement of those employees on the reemployment list; and

(b) Until the department seeks from and is granted approval by the Commission to revert to the method of calculating the number of years of service set forth in paragraph (a) of subsection 1.

(Added to NAC by Personnel Comm'n by R096-03, eff. 10-30-2003; A by R182-03, 1-27-2004; R143-05, 12-29-2005)

**DISCIPLINARY PROCEDURES****NAC 284.638 Warnings and written reprimands.** ([NRS 284.065](#), [284.155](#), [284.383](#))

1. If an employee's conduct comes under one of the causes for action listed in [NAC 284.650](#), the supervisor shall inform the employee promptly and specifically of the conduct.

2. If appropriate and justified, following a discussion of the matter, a reasonable period of time for improvement or correction may be allowed before initiating disciplinary action.

3. In situations where an oral warning does not cause a correction of the condition or where a more severe initial action is warranted, a written reprimand prepared on a form prescribed by the Division of Human Resource Management must be sent to the employee and a copy placed in the employee's personnel folder which is filed with the Division of Human Resource Management.

[Personnel Div., Rule XII § A, eff. 8-11-73; + Rule XV part § A, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 10-18-89; 11-16-95; A by Personnel Comm'n by R056-10, 10-26-2011)

**NAC 284.642 Suspensions and demotions.** ([NRS 284.065](#), [284.155](#), [284.383](#), [284.385](#), [284.390](#))

1. If other forms of disciplinary or corrective action have proved ineffective, or if the seriousness of the offense or condition warrants, an employee may be:

- (a) Suspended without pay for a period not to exceed 30 calendar days for any cause set forth in this chapter; or
- (b) Demoted for any cause set forth in this chapter.

2. An exempt classified employee may only be suspended without pay in increments of one or more full workweeks.

3. The rights and procedures set forth in [NAC 284.655](#) to [284.6563](#), inclusive, apply to any disciplinary action taken pursuant to this section.

[Personnel Div., Rule XII § B, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; 3-23-94; R147-01, 1-22-2002; A by Personnel Comm’n by R147-06, 12-7-2006; R063-09, 11-25-2009; R027-11, 12-30-2011; R150-17, 6-26-2018)

**NAC 284.646 Dismissals.** ([NRS 284.065](#), [284.155](#), [284.383](#), [284.385](#), [284.390](#))

1. An appointing authority may dismiss an employee for any cause set forth in [NAC 284.650](#) if:

(a) The agency with which the employee is employed has adopted any rules or policies which authorize the dismissal of an employee for such a cause; or

(b) The seriousness of the offense or condition warrants such dismissal.

2. An appointing authority may immediately dismiss an employee pursuant to the standards and procedures set forth in [NAC 284.6563](#) for the following causes, unless the conduct is authorized pursuant to a rule or policy adopted by the agency with which the employee is employed:

(a) Intentionally viewing or distributing pornographic material at the premises of the workplace, including, without limitation, intentionally viewing or distributing pornographic material on any computer owned by the State, unless such viewing or distributing is a requirement of the employee’s position;

(b) Unauthorized release or use of confidential information;

(c) Participation in sexual conduct on the premises of the workplace, including, without limitation, participation in sexual conduct in a vehicle that is owned by the State;

(d) Absence without approved leave for 3 consecutive days during which the employee is scheduled to work;

(e) The suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver’s license if the possession of the professional or occupational license, certificate or permit or driver’s license is a requirement of the position at the time of appointment as stated in the standards of work performance, essential functions or class specifications for the position, or in other documentation provided to the employee at the time of appointment, or required thereafter pursuant to federal or state law;

(f) Threatening another person with a deadly weapon during any time in which the employee is:

(1) On the premises of the workplace; or

(2) Conducting state business or otherwise performing any duties of employment;

(g) Stealing or misappropriating any property that is owned by the State or located on state property; or

(h) Failure to report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver’s license when required pursuant to [NAC 284.652](#).

3. The rights and procedures set forth in [NAC 284.655](#) to [284.6563](#), inclusive, apply to any dismissal made pursuant to this section.

4. As used in this section:

(a) “Material” has the meaning ascribed to it in [NRS 201.2581](#).

(b) “Nudity” has the meaning ascribed to it in [NRS 201.261](#).

(c) “Pornographic material” means material that, all or in part, contains any description or representation of nudity, sexual conduct, sexual excitement or sado-masochistic abuse which predominantly appeals to the prurient, shameful or morbid interest of adults and is without serious literary, artistic, political or scientific value.

(d) “Sado-masochistic abuse” has the meaning ascribed to it in [NRS 201.262](#).

(e) “Sexual excitement” has the meaning ascribed to it in [NRS 201.264](#).

[Personnel Div., Rule XII § C, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; A by Personnel Comm’n by R147-06, 12-7-2006; R063-09, 11-25-2009; R027-11, 12-30-2011; R118-17, 10-25-2018)

**NAC 284.650 Causes for disciplinary or corrective action.** ([NRS 284.065](#), [284.155](#), [284.343](#), [284.383](#), [284.385](#), [284.4082](#)) Appropriate disciplinary or corrective action may be taken for any of the following causes:

1. Activity which is incompatible with an employee’s conditions of employment established by law or which violates a provision of [NAC 284.653](#) or [284.738](#) to [284.771](#), inclusive.

2. Disgraceful personal conduct which impairs the performance of a job or causes discredit to the agency.

3. The employee of any institution administering a security program, in the considered judgment of the appointing authority, violates or endangers the security of the institution.

4. Discourteous treatment of the public or fellow employees while on duty.

5. Incompetence or inefficiency.

6. Insubordination or willful disobedience.

7. Inexcusable neglect of duty.

8. Fraud in securing appointment.
  9. Prohibited political activity.
  10. Dishonesty.
  11. Abuse, damage to or waste of public equipment, property or supplies because of inexcusable negligence or willful acts.
  12. Drug or alcohol misuse as described in [NRS 284.4062](#) and [NAC 284.884](#).
  13. Conviction of any criminal act involving moral turpitude.
  14. Being under the influence of intoxicants, a controlled substance without a medical doctor's prescription or any other illegally used substances while on duty.
  15. Unauthorized absence from duty or abuse of leave privileges.
  16. Violation of any rule of the Commission.
  17. Falsification of any records.
  18. Misrepresentation of official capacity or authority.
  19. Violation of any safety rule adopted or enforced by the employee's appointing authority.
  20. Carrying, while on the premises of the workplace, any firearm which is not required for the performance of the employee's current job duties or authorized by his or her appointing authority.
  21. Failure of an employee who is authorized pursuant to [NRS 202.3673](#) to carry a concealed firearm while on the premises of the public building in which he or she is employed to notify the appointing authority or a designated representative of the appointing authority, in accordance with [NAC 284.768](#), that the employee will be carrying the concealed firearm.
  22. Any act of violence which arises out of or in the course of the performance of the employee's duties, including, without limitation, stalking, conduct that is threatening or intimidating, assault or battery.
  23. Failure to participate in any investigation of alleged discrimination, including, without limitation, an investigation concerning sex- or gender-based harassment.
  24. Failure to participate in an administrative investigation authorized by the employee's appointing authority.
  25. Failure to report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license when required pursuant to [NAC 284.652](#).
- [Personnel Div., Rule XII § D, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-22-87; 12-26-91; 7-1-94; 11-16-95; R031-98, 4-17-98; A by Personnel Comm'n by R065-98, 7-24-98; R147-06, 12-7-2006; R118-17, 10-25-2018; R123-19, 12-29-2020; R016-21, 9-28-2022)

**NAC 284.652 Reporting of suspension, revocation or cancellation of professional or occupational license, certificate or permit or driver's license required under certain circumstances; dismissal or disciplinary or corrective action authorized for failure to report. ([NRS 284.065](#), [284.155](#), [284.383](#), [284.385](#))**

1. An employee must report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license to his or her appointing authority within 5 working days after the suspension, revocation or cancellation occurs if the employee was required to possess the professional or occupational license, certificate or permit or driver's license at the time of appointment as stated in the standards of work performance, essential functions or class specifications for the position, or in other documentation provided to the employee at the time of appointment, or required thereafter pursuant to federal or state law.
  2. If an employee fails to make the report required pursuant to subsection 1:
    - (a) The appointing authority may immediately dismiss the employee pursuant to subsection 2 of [NAC 284.646](#); or
    - (b) Appropriate disciplinary or corrective action may be taken against the employee pursuant to [NAC 284.650](#).
- (Added to NAC by Personnel Comm'n by R118-17, eff. 10-25-2018)

**NAC 284.653 Driving under the influence; unlawful acts involving controlled substance. ([NRS 284.065](#), [284.155](#), [284.383](#), [284.385](#), [284.407](#))**

1. An employee is subject to any disciplinary action set forth in subsection 2, as determined by the appointing authority, if the employee is convicted of any of the following offenses:
  - (a) If the offense occurred while the employee was driving a state vehicle, or a privately owned vehicle on state business:
    - (1) Driving under the influence in violation of [NRS 484C.110](#); or
    - (2) Any offense resulting from an incident in which the employee was:
      - (I) Originally charged with driving under the influence; or
      - (II) Charged with any other offense for which driving under the influence is an element of the offense.
  - (b) The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on the premises of the workplace or on state business.
2. An appointing authority may impose the following disciplinary actions if an employee is convicted of an offense set forth in subsection 1:

(a) For the first offense:

- (1) Dismissal;
- (2) Demotion, if permitted by the organizational structure of the agency for which he or she is employed;
- (3) Suspension for 30 calendar days; or
- (4) Suspension for 30 calendar days and demotion.

(b) For the second offense within 5 years, dismissal.

3. An employee who is suspended or demoted pursuant to subsection 2 must:

- (a) Agree to be evaluated through an employee assistance program; and
- (b) Complete any program of treatment recommended by the evaluation.

4. If an employee fails to complete the program of treatment, the appointing authority must dismiss the employee.

5. Pursuant to [NRS 193.105](#), an employee who is convicted of violating any state or federal law prohibiting the sale of a controlled substance must be dismissed.

6. An employee must report a conviction of any offense described in this section to his or her appointing authority within 5 working days after it occurs. If the employee fails to make that report, he or she must be dismissed.

(Added to NAC by Dep't of Personnel, eff. 7-22-87; A 4-20-90; 3-27-92; A by Personnel Comm'n by R147-06, 12-7-2006; R141-07, 1-30-2008)

**NAC 284.655 Investigation; waiver.** ([NRS 284.065](#), [284.155](#), [284.387](#))

1. Except as otherwise provided in subsection 2, before an appointing authority may dismiss, suspend or demote a permanent employee, the appointing authority must first ensure that an impartial fact-finding investigation has been conducted to determine that evidence exists to justify the dismissal, suspension or demotion.

2. The investigation described in subsection 1 may be waived if the employee agrees in writing with the allegations on which the dismissal, suspension or demotion is based.

(Added to NAC by Personnel Comm'n by R027-11, eff. 12-30-2011)

**NAC 284.6555 Request for extension to complete an internal administrative investigation.** ([NRS 284.065](#), [284.155](#), [284.387](#))

1. Pursuant to subsection 2 of [NRS 284.387](#), if an appointing authority wishes to request an initial extension of not more than 60 days from the Administrator to complete an internal administrative investigation that could lead to disciplinary action against an employee pursuant to [NRS 284.385](#) and make a determination as a result of the investigation, the appointing authority must:

(a) Submit the request to the Administrator on a form prescribed by the Division of Human Resource Management on or before the 90th day after the employee was provided notice of the allegations against the employee;

(b) Explain in the request why the appointing authority is unable to complete the internal administrative investigation and make a determination within 90 days after the employee was provided notice of the allegations; and

(c) Provide a copy of the request to the employee who is the subject of the internal administrative investigation.

2. If an initial extension is granted pursuant to subsection 1 and the appointing authority is unable to complete the internal administrative investigation and make a determination within the period of the extension, the appointing authority may request an additional extension to be approved by the Governor. If the appointing authority wishes to request an additional extension, the appointing authority must:

(a) Submit the request in writing to the Administrator, for submission to the Governor, on or before the expiration date of the initial extension;

(b) Explain in the request why the appointing authority is unable to complete the internal administrative investigation and make a determination within the period of the initial extension; and

(c) Provide a copy of the request to the employee who is the subject of the internal administrative investigation.

3. The Administrator may deny a request for an extension that is not submitted within the period required by paragraph (a) of subsection 1.

4. The Governor may deny a request for an extension that is not submitted within the period required by paragraph (a) of subsection 2.

(Added to NAC by Personnel Comm'n by R076-16, eff. 11-2-2016)

**NAC 284.656 Contents and delivery of notice of proposed action; employee authorized to seek explanation of reasons for proposed action or procedures for disciplinary actions from agency.** ([NRS 284.065](#), [284.155](#), [284.383](#), [284.385](#), [284.390](#)) Except as otherwise provided in [NAC 284.6563](#), if an appointing authority proposes that a permanent employee be dismissed, suspended or demoted, the following procedure for providing notice of the proposed action must be followed:

1. The employee must be given at least 10 working days' written notice of the proposed action on the form provided by the Division of Human Resource Management.

2. The notice may be given in person or by means of any delivery service that provides a written or electronic record of the date the notice was sent and the date the notice was received. If the notice is sent by means of a delivery

service, the notice must be sent to the employee's last known address. The notice must not be given by electronic mail, the use of social media or other electronic means. If the notice is returned without having been received by the employee, the employee's date of receipt shall be deemed to be the sixth day after the date the notice was sent.

3. The notice must:

(a) Specify the proposed date on which the action is effective.

(b) Inform the employee that a predisciplinary review has been scheduled on his or her behalf in the manner prescribed in [NAC 284.6561](#) and specify the date, time and place of the predisciplinary review.

(c) Specify the charges, the reasons for them and the cause of action contained in [NAC 284.646](#) or [284.650](#) on which the proposed action is based.

4. The notice of the proposed action must be signed by the appointing authority or his or her designated representative before the notice is given to the employee.

5. Upon its receipt, the employee must be asked to sign the notice. If he or she refuses to sign the notice, the refusal must be noted on the notice. The employee's signature is not an admission by him or her of any of the allegations set forth in the notice.

6. If the employee does not understand the reasons for the proposed action or the procedures related to disciplinary actions, including, without limitation, the right to notice, a predisciplinary review and a hearing on the appeal, the employee may seek an explanation from the appointing authority or another person in the agency familiar with the procedure.

7. As used in this section, "social media" includes, without limitation, any electronic service or account or electronic content, including, without limitation, any video, photograph, blog, video blog, podcast, instant message, text message, electronic mail program or service, online service or Internet website profile.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 7-21-89; 8-1-91; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 11-12-93; 11-16-95; 11-16-95; A by Personnel Comm'n by R063-09, 11-25-2009; R042-15, 12-21-2015, eff. 1-1-2016; R150-17, 6-26-2018; R125-21, 9-28-2022)

**NAC 284.6561 Predisciplinary review before proposed dismissal, demotion or suspension; waiver by employee.** ([NRS 284.065](#), [284.155](#), [284.383](#), [284.385](#), [284.390](#)) Except as otherwise provided in [NAC 284.6563](#), if an appointing authority proposes that a permanent employee be dismissed, suspended or demoted, the following procedure for a predisciplinary review before the proposed action must be followed:

1. A predisciplinary review must be scheduled on the employee's behalf unless waived in writing by the employee pursuant to subsection 2. The predisciplinary review must be scheduled to take place not earlier than 7 working days after the written notice of the proposed action is delivered or deemed received pursuant to subsection 2 of [NAC 284.656](#). The predisciplinary review must not be scheduled on a day which is not a regular working day for the employee. If the appointing authority or his or her designated representative and the employee agree, the date of the predisciplinary review may be changed.

2. The employee may waive the right to a predisciplinary review before the proposed action in writing. If the employee makes such a waiver, the employee may not be dismissed, suspended or demoted before the proposed effective date. The waiver does not waive the employee's right to a hearing after the action is taken.

3. The appointing authority or his or her designated representative shall conduct the predisciplinary review. The designated representative must be a person with the authority to recommend a final decision to the appointing authority. The appointing authority shall render the final decision.

4. At any time after receiving the notice and before the predisciplinary review, the employee may examine all materials that are to be used by the person conducting the predisciplinary review. The employee is entitled to administrative leave with pay as provided in [NAC 284.589](#) to prepare for a predisciplinary review or hearing regarding his or her suspension, demotion or dismissal.

5. This process is an informal proceeding between the two parties, the appointing authority and his or her designated representative and the employee, who meet together to discuss the proposed action. The employee will be given an opportunity to rebut the allegations against the employee and provide mitigating information. Witnesses are not allowed to attend, but each party may be accompanied by a person of his or her choice.

6. The employee may respond both orally and in writing to the appointing authority or his or her designated representative at the predisciplinary review.

7. The employee must be:

(a) Given a copy of the finding or recommendation, if any, resulting from the predisciplinary review; and

(b) Notified in writing of the appointing authority's decision regarding the proposed action and the reasons therefor on or before the effective date of the action. The effective date of the action is the first day the disciplinary action takes effect.

8. The notice given pursuant to subsection 7 may be given in person or by means of any delivery service that provides a written or electronic record of the date the notice was sent and the date the notice was received. If the notice is sent by means of a delivery service, the notice must be sent to the employee's last known address. The notice must not be given by electronic mail, the use of social media or other electronic means. If the notice is returned without

having been received by the employee, the employee's date of receipt shall be deemed to be the sixth day after the date the notice was sent. As used in this subsection, "social media" has the meaning ascribed to it in subsection 7 of [NAC 284.656](#).

(Added to NAC by Personnel Comm'n by R063-09, eff. 11-25-2009; A by R011-11, 10-26-2011; R076-16, 11-2-2016; R150-17, 6-26-2018; R125-21, 9-28-2022)

**NAC 284.6562 Request for hearing to determine reasonableness of dismissal, demotion or suspension.** ([NRS 284.065](#), [284.155](#), [284.385](#), [284.390](#))

1. A permanent employee who has been dismissed, demoted or suspended may request a hearing before the hearing officer of the Commission, pursuant to [NRS 284.390](#), within 10 working days after the effective date of his or her dismissal, demotion or suspension. For the purpose of determining the time limit for making such a request, the effective date of the dismissal, demotion or suspension is the first day that the disciplinary action takes effect.

2. Except as otherwise provided in subsection 3, such a request must be:

(a) Addressed and submitted as required pursuant to [NAC 284.778](#); and

(b) Accompanied by the written notification of the appointing authority's decision regarding the proposed action provided to the employee pursuant to subsection 7 of [NAC 284.6561](#).

3. If the appointing authority failed to provide the notification required pursuant to subsection 7 of [NAC 284.6561](#) or the disciplinary action imposed was an immediate suspension or dismissal pursuant to the standards and procedures set forth in [NAC 284.6563](#), the written notification of the appointing authority's decision regarding the proposed action need not accompany the request for a hearing.

(Added to NAC by Personnel Comm'n by R150-17, eff. 6-26-2018)

**NAC 284.6563 Notice and predisciplinary review not required in certain circumstances.** ([NRS 284.065](#), [284.155](#), [284.383](#), [284.385](#), [284.390](#))

1. The procedures specified in [NAC 284.656](#) and [284.6561](#) need not be followed before dismissing or suspending a permanent employee if the circumstances give the appointing authority a reasonable cause to believe that the retention of an employee on active duty poses a threat to life, limb or property or may be seriously detrimental to the interests of the State.

2. If the circumstances set forth in subsection 1 are present, the appointing authority may temporarily assign the employee to duties in which those circumstances do not exist or, if the temporary assignment is not feasible:

(a) Immediately place the employee on administrative leave with pay until the procedures specified in [NAC 284.656](#) and [284.6561](#) have been followed; or

(b) Immediately suspend or dismiss the employee. In this case the appointing authority, his or her designated representative, or the employee's supervisor shall attempt to inform the employee before the action is taken of the charges against him or her and provide the employee with an opportunity to rebut the charges. The procedures specified in [NAC 284.656](#) and [284.6561](#) must be followed as soon as practicable after the immediate suspension or dismissal.

(Added to NAC by Personnel Comm'n by R063-09, eff. 11-25-2009)

#### ADJUSTMENT OF CERTAIN GRIEVANCES; COMPLAINTS CONCERNING RIGHTS OF CERTAIN EMPLOYEES TO EXPRESS BREAST MILK UNDER CERTAIN CIRCUMSTANCES

**NAC 284.658 Definitions.** ([NRS 281.755](#), [284.065](#), [284.155](#), [284.340](#), [284.384](#)) As used in [NAC 284.341](#) and [284.658](#) to [284.697](#), inclusive, unless the context otherwise requires:

1. "Complaint" means a written complaint filed by an employee pursuant to [NRS 281.755](#). The term does not include a complaint filed pursuant to paragraph (c) of subsection 1 of [NAC 284.696](#).

2. "Grievance" means an act, omission or occurrence which a permanent classified employee feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement or a contested report on performance. The act, omission or occurrence must be established with factual information including, but not limited to, the date, time and place of the act, omission or occurrence and the names of other persons involved. For the purposes of [NAC 284.341](#) and [284.658](#) to [284.697](#), inclusive, the term "grievance" does not include any grievance for which a hearing is provided by federal law or [NRS 284.165](#), [284.245](#), [284.3629](#), [284.376](#) or [284.390](#).

[Personnel Div., Rule XV part § A, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 8-28-85; 10-18-89; 8-1-91; 3-27-92; R082-00, 8-2-2000; A by Personnel Comm'n by R023-05, 10-31-2005; R007-11, 10-26-2011; R026-11, 12-30-2011, eff. 1-1-2012; R076-15, 4-4-2016; R033-17, 10-31-2017)

**NAC 284.662 Providing assistance or representation to employee; discrimination prohibited relating to seeking or filing request for review of grievance or complaint or testifying or providing assistance or representation to another employee; available resources for assistance.** ([NRS 281.755](#), [284.065](#), [284.155](#), [284.384](#))

1. An employee filing for a review of a grievance or complaint may be assisted or represented by any person of his

or her choosing, if the person agrees to act in this capacity, at any step of the procedure except the initial informal discussion with his or her immediate supervisor.

2. If the assistant is a state employee, he or she may only assist on his or her own time.

3. An employee may not be discriminated against in recruitment, examination, appointment, training, promotion, retention, classification or any other personnel action for informally seeking or formally filing a request to have his or her grievance or complaint reviewed, testifying on behalf of another employee, helping another employee prepare a grievance or complaint or acting as a representative of any employee requesting a review of a grievance or complaint.

4. To assist in resolving an employee's grievance or complaint, the resources and consultation available from the Division of Human Resource Management and the personnel offices of the agency must be made available to all parties.

[Personnel Div., Rule XV part § A, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R096-03, 10-30-2003; R033-17, 10-31-2017)

**NAC 284.678 Submission, form and contents of grievance; informal discussions.** ([NRS 284.065](#), [284.155](#), [284.340](#), [284.384](#))

1. Except as otherwise provided in subsections 3 and 4 and [NAC 284.692](#), an employee who feels aggrieved and wishes to file a formal grievance must submit the grievance in writing to his or her immediate supervisor on the official form, or in a letter if the official form is not available, within 20 working days after the date of the event leading to the grievance or the date the employee learns of the event leading to the grievance. The parties should make every effort to resolve the grievance through informal discussions within these 20 working days.

2. If the employee submits a letter, it must include:

- (a) His or her name;
- (b) His or her most recent date of hire;
- (c) His or her position;
- (d) His or her department, division and section;
- (e) His or her mailing address;
- (f) His or her business telephone number;
- (g) A statement that he or she is filing a formal grievance;

(h) The date, time and place of the event leading to the grievance or the date the employee learns of the event leading to the grievance;

- (i) A concise statement of the grievance;
- (j) A detailed description of the grievance, including the names of other persons involved in the event, if any;
- (k) A proposed solution of the grievance;
- (l) His or her signature; and
- (m) The date he or she signed the statement.

3. Except as otherwise provided in [NAC 284.692](#), if a grievance relates to a contested report on performance, an employee must file a grievance that identifies the specific points of contention, if such specificity is provided, not later than 10 working days after the date the employee receives a decision regarding the review conducted by the appointing authority pursuant to [NAC 284.470](#). Except as otherwise provided in [NAC 284.692](#), if the grievance relates to the failure of a reviewing officer or appointing authority to respond to a request for a review within the time required by [NAC 284.470](#), an employee must file a grievance not later than 10 working days after the date on which the time for such a response expired.

4. A grievance filed pursuant to subsection 3 must be filed with:

(a) The person who is at the next appropriate level of the grievance process; or

(b) If the person who is at the next appropriate level of the grievance process is the reviewing officer or other person who prepared or reviewed the report on performance, the person who is at the next appropriate level of the grievance process above such reviewing officer or other person who prepared or reviewed the report on performance.

5. A grievance regarding a report on performance must be filed with the highest administrator in the department pursuant to [NAC 284.690](#) before being submitted to the Committee pursuant to [NAC 284.695](#).

[Personnel Div., Rule XV § A part subsec. 1, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 10-18-89; 3-23-94; R197-99, 1-26-2000; A by Personnel Comm'n by R023-05, 10-31-2005; R191-09, 4-20-2010; R007-11, 10-26-2011; R076-15, 4-4-2016)

**NAC 284.680 Date of receipt of grievance or complaint.** ([NRS 281.755](#), [284.065](#), [284.155](#), [284.384](#))

1. For the purposes of [NAC 284.682](#), [284.686](#) and [284.690](#), a grievance is deemed to have been received at each step in the grievance procedure on the date on which the employee or his or her chosen representative personally delivers the grievance, transmits it by facsimile machine or submits it via the Internet using the Employee Incident Tracking System within the Nevada Employee Action and Timekeeping System developed by the Division of Human Resource Management, which is available at <https://nvapps.state.nv.us/NEATS/admin/Home.aep>.

2. For the purposes of [NAC 284.6951](#), a complaint is deemed to have been received by the Committee on the date on which the employee or the chosen representative of the employee personally delivers the complaint, transmits it by

facsimile machine or submits it by electronic mail.

3. If the employee mails the grievance or complaint, the grievance or complaint is deemed to have been received 6 days after:

- (a) The date on which the grievance or complaint was postmarked; or
- (b) The date on the return receipt if sent by certified mail.

(Added to NAC by Personnel Comm'n by R065-98, eff. 7-24-98; A by R044-08, 8-26-2008; R033-17, 10-31-2017; R125-21, 9-28-2022)

**NAC 284.682 Appeal of grievance to next appropriate level. ([NRS 284.065](#), [284.155](#), [284.384](#))**

1. If the employee and the employee's appointing authority agree that the correction of the matter under appeal is beyond the control of a level of supervision contemplated in this procedure or if the Administrator or his or her designee, in consultation with the employee's appointing authority, determines that the submission of the grievance to the supervisor would be a useless act, the aggrieved employee may appeal directly to the next appropriate level.

2. Except as otherwise provided in [NAC 284.692](#), an employee has 10 working days to refer his or her grievance to the next level after:

- (a) He or she receives notification of the action; or
- (b) The passage of 10 working days after the grievance is deemed to have been received,

↪ whichever occurs first, at each step in the procedure.

[Personnel Div., Rule XV § A part subsec. 1, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R065-98, 7-24-98; R023-05, 10-31-2005; R064-09, 10-27-2009)

**NAC 284.686 Submission of grievance to head of division or department. ([NRS 284.065](#), [284.155](#), [284.384](#))**

1. Except as otherwise provided in [NAC 284.692](#), if, within 10 working days after the employee's grievance is deemed to have been received by his or her immediate supervisor, the employee has not received satisfactory relief, he or she may forward the grievance to the head of the major division of the department in which he or she works. In those cases where a department is not subdivided into divisions, the employee may forward the request directly to the highest administrator in the department.

2. Additional managers or supervisors may become involved or a review committee may make a recommendation to the highest administrator of the agency.

[Personnel Div., Rule XV § A subsecs. 2 & 3, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R065-98, 7-24-98; R023-05, 10-31-2005)

**NAC 284.690 Filing of grievance with highest administrator of department; action by highest administrator. ([NRS 284.065](#), [284.155](#), [284.340](#), [284.384](#))**

1. Except as otherwise provided in [NAC 284.692](#):

(a) If the employee has not received satisfactory relief within 10 working days after his or her grievance is deemed to have been received by the head of the division, he or she may file the grievance with the highest administrator of the department; and

(b) Within 10 working days after the employee's grievance is deemed to have been received by the highest administrator of the department, the highest administrator or the designee of the highest administrator shall:

- (1) Gather information regarding the grievance;
- (2) Render a decision resolving the grievance, including, without limitation, denying the grievance; and
- (3) Notify the employee of the resolution.

2. In rendering a decision concerning a report on performance, an administrator shall address the findings of fact to the specific points of contention referred to in the grievance of the employee.

3. Within the established time limitations, including any extensions to those time limitations obtained pursuant to [NAC 284.692](#), the highest administrator may appoint a person or committee composed of managers and employees to assist in the finding of facts and recommending a course of action.

[Personnel Div., Rule XV § A subsec. 4, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 10-18-89; A by Personnel Comm'n by R065-98, 7-24-98; R023-05, 10-31-2005; R118-10, 5-5-2011; R007-11, 10-26-2011)

**NAC 284.692 Extension of time to file grievance or complaint or take required action: Mutual agreement; unilateral extension by appointing authority or designee; review by Employee-Management Committee. ([NRS 281.755](#), [284.065](#), [284.155](#), [284.384](#))**

1. Except as otherwise provided in subsection 5, the time limit for filing a grievance and for taking any other action required by either party at any step in the grievance procedure may be extended by the mutual agreement of the employee who may file the grievance and the appointing authority or his or her designated representative. An agreement to an extension of time entered into pursuant to this subsection must be made in writing and authorized by both the employee and the appointing authority or his or her designated representative.



2. The time limit for filing a complaint and for taking any other action required by either party in the complaint procedure may be extended by the mutual agreement of the employee who may file the complaint and the appointing authority or his or her designated representative. An agreement to an extension of time entered into pursuant to this subsection must be made in writing and authorized by both the employee and the appointing authority or his or her designated representative.

3. An appointing authority or his or her designated representative may unilaterally extend the time limit for filing a grievance or taking any other action at any step in the grievance procedure if the appointing authority or his or her designated representative reasonably believes that circumstances prevented a good faith attempt to resolve the grievance at any step in the grievance procedure and those circumstances are documented. Such documented circumstances may include, without limitation, that:

(a) The employee is on a leave of absence;

(b) The employee is otherwise absent from work because of:

(1) A physical, mental or emotional disorder;

(2) A short-term or long-term disability event; or

(3) An extended hospital stay or a stay in or treatment from a long-term care facility or another facility, including, without limitation, treatment received through an employee assistance program; or

(c) There is an investigation pending of a report or complaint of alleged unlawful discrimination by an entity set forth in paragraph (a) or (c) of subsection 1 of [NAC 284.696](#).

4. If a grievance is submitted to the Committee, the Committee may review any extension of time provided pursuant to subsection 3.

5. Except as otherwise provided in subsection 4, the provisions of this section do not apply to a grievance that has been submitted to the Committee.

(Added to NAC by Personnel Comm'n by R023-05, eff. 10-31-2005; A by R033-17, 10-31-2017; R098-17, 6-26-2018)

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

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

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

(b) A complaint is not eligible for the procedure set forth in [NAC 284.658](#) to [284.6957](#), inclusive, because the person who submitted the request is not a person described in paragraph (a) of subsection 4 of [NRS 281.755](#),  
 ↳ the Division must take the actions described in subsection 2.

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

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

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

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

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

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

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

3. If the Division of Human Resource Management determines that a request for the adjustment of a grievance or complaint is not eligible for the procedure for the adjustment of grievances or complaints set forth in [NAC 284.658](#) to [284.6957](#), inclusive, the person who submitted the request may appeal the determination to the Committee.

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

**NAC 284.695 Submission of grievance to Employee-Management Committee. ([NRS 284.065](#), [284.155](#), [284.340](#), [284.384](#))**

If an employee is not satisfied with the decision rendered by the highest administrator in the department pursuant to [NAC 284.690](#), the employee may request consideration of the grievance by the Committee pursuant to its rules. The employee must submit the request to the Committee within 10 working days following his or her receipt of the decision from the highest administrator. The request must include all appropriate documentation, a citation of the statutes and regulations pertinent to the grievance, if any, the specific points of disagreement or contention and supporting evidence. The Committee will, within 45 working days after the receipt of the employee's request:

1. Answer the request without a hearing if the case is based upon the Committee's previous decisions or does not fall within its jurisdiction; or
2. Hold a hearing to determine the proper disposition of the request. If a hearing is held, the Committee will:
  - (a) Except as otherwise provided in paragraph (b), provide at least 21 working days' written notice to all parties concerned.
  - (b) Provide notice to the employee by:
    - (1) Sending a written notification by certified mail, return receipt requested, at least 21 working days before the hearing; or
    - (2) Personally delivering a written notification to the employee at least 5 working days before the hearing, if the Chair approves of such notice.
  - (c) Render a decision within 45 days after the closure of the hearing.  
 [Personnel Div., Rule XV § A part subsec. 6, eff. 8-11-73; A 6-9-74; 7-3-76; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 10-18-89; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 3-27-92; 11-12-93; 3-23-94; 11-16-95; A by Personnel Comm'n by R118-10, 5-5-2011; R007-11, 10-26-2011)

**NAC 284.6951 Submission of complaint to Employee-Management Committee.** ([NRS 281.755](#), [284.065](#), [284.384](#))

1. If:
  - (a) An employee is not satisfied with the response of the department or agency to a request made pursuant to [NAC 284.5243](#), including, without limitation, a reasonable alternative selected in accordance with subsection 2 of [NRS 281.755](#);
  - (b) The department or agency fails to respond to a request made pursuant to [NAC 284.5243](#); or
  - (c) The employee alleges that the employee was retaliated against in violation of subsection 3 of [NRS 281.755](#),
 → the employee may request consideration of a complaint by the Committee pursuant to its rules and this section.
2. The employee must submit the complaint, on a form provided by the Division of Human Resource Management, to the Committee within 10 working days following:
  - (a) Receipt of the response from the department or agency to the request made pursuant to [NAC 284.5243](#);
  - (b) The passage of 8 working days after the request is deemed to have been received by the department or agency; or
  - (c) The date of the alleged retaliation.
3. The complaint submitted pursuant to subsection 2 must include the specific points of disagreement or contention and supporting evidence.
4. The Committee shall, within 28 working days after the receipt of a request for consideration of a complaint submitted by an employee pursuant to subsection 2:
  - (a) Answer the request without a hearing if the case is based upon the Committee's previous decisions or does not fall within its jurisdiction; or
  - (b) Hold a hearing to determine the proper disposition of the request. If a hearing is held, the Committee shall:
    - (1) Except as otherwise provided in subparagraph (2), provide at least 21 working days' written notice to all parties concerned.
    - (2) Provide notice to the employee by:
      - (I) Sending a written notification by certified mail, return receipt requested, at least 21 working days before the hearing; or
      - (II) Personally delivering a written notification to the employee at least 5 working days before the hearing, if the Chair of the Committee approves of such notice.
    - (3) Render a decision within 10 days after the closure of the hearing.
5. For the purpose of determining placement on the agenda for consideration by the Committee at a meeting, a complaint has priority over a grievance.  
 (Added to NAC by Personnel Comm'n by R033-17, eff. 10-31-2017)

**NAC 284.6952 Request for resolution conference; appointment of facilitator; effect of request for resolution conference on jurisdiction of Employee-Management Committee; arrangement.** ([NRS 281.755](#), [284.065](#), [284.155](#), [284.384](#))

1. If an employee is not satisfied with the decision rendered by the highest administrator of the department pursuant to [NAC 284.690](#) and submits a request for consideration of the grievance by the Committee pursuant to [NAC 284.695](#), the employee or the highest administrator or his or her designee may request a resolution conference to meet informally in the presence of a neutral facilitator to discuss the grievance and possible resolutions.
2. If an employee is not satisfied with the response of the department or agency pursuant to [NAC 284.5243](#) and submits a request for consideration of a complaint by the Committee pursuant to [NAC 284.6951](#), the employee or the department or agency or a designee thereof may request a resolution conference to meet informally in the presence of a neutral facilitator to discuss the complaint and possible resolutions.
3. Except as otherwise provided in this subsection, a request for a resolution conference may be submitted to the

Division at any time after the employee submits his or her request for consideration of the grievance or complaint by the Committee. If the Committee has notified the parties of the date on which it will hold a hearing to consider the grievance or complaint, the request for a resolution conference may not be submitted less than 15 working days before that date.

4. If either party requests a resolution conference, the Division shall appoint a neutral facilitator to conduct the resolution conference and require both parties to participate. The facilitator must not be affiliated with either party.

5. The submission of a request for a resolution conference does not deprive the Committee of jurisdiction to consider the grievance or complaint if:

(a) The parties are unable to reach an agreement for the resolution of the grievance or complaint at the resolution conference;

(b) The parties reach an agreement for the resolution of the grievance or complaint at the resolution conference, but the employee subsequently notifies the Committee that the agreement has failed; or

(c) The Division is unable to arrange a resolution conference as described in subsection 6.

6. Except as otherwise provided in this subsection, if a party to a complaint submits a request for a resolution conference, the Division shall arrange a resolution conference before the scheduled hearing. If the Division is unable to arrange a resolution conference in the period between the request for the resolution conference and the scheduled hearing, the Division shall provide to the Committee, upon request, the reason that the Division was unable to arrange the resolution conference.

(Added to NAC by Personnel Comm'n by R026-11, 12-30-2011, eff. 1-1-2012; A by R033-17, 10-31-2017)

**NAC 284.6955 Hearing before Employee-Management Committee: Procedure.** ([NRS 281.755](#), [284.065](#), [284.155](#), [284.384](#)) If a hearing is held to determine the proper disposition of a grievance pursuant to [NAC 284.695](#) or of a complaint pursuant to [NAC 284.6951](#), the following procedure must be followed:

1. Each party shall submit to the Clerk of the Committee 12 copies of the set of documents and materials to be presented at the hearing or any rescheduled hearing. These copies must be submitted not less than 15 working days before the scheduled date of the hearing. The Clerk of the Committee shall forward one copy of the set of the documents and materials of each party to the other party.

2. If the employee fails to comply with subsection 1, the Chair or a member of the Committee designated by the Chair may reschedule the hearing to the next time designated for such hearings, but in no case earlier than 20 working days after the originally scheduled date of the hearing. If the employer fails to comply with subsection 1, the Chair or a member of the Committee designated by the Chair may reschedule the hearing at his or her discretion. If the employee fails to comply with the provisions of subsection 1 for a rescheduled hearing, the grievance or complaint must be dismissed with prejudice unless he or she can show in writing to the Committee's satisfaction that the reason for noncompliance was beyond his or her control.

3. Each document or material offered in evidence must be marked as follows:

(a) Documents or materials presented by the employee must be marked at the bottom of the page as "Exhibit \_\_\_\_" indicated by consecutive Arabic numerals, beginning with the number "1."

(b) Documents or materials presented by the employer must be marked at the bottom of the page as "Exhibit \_\_\_\_" indicated by consecutive letters of the English alphabet, beginning with the letter "A." If the employer offers more than 26 exhibits, the 27th exhibit must be marked as "Exhibit AA," the 28th exhibit as "Exhibit BB," and so forth.

4. All evidence offered at the hearing must be relevant and bear upon the grievance or complaint.

5. Each person who provides a statement at the hearing shall state his or her name, address, and occupation for the record.

6. It is the responsibility of each party to arrange for the appearance of all necessary witnesses. The Committee may request additional witnesses or information as it deems necessary.

7. If a subpoena is issued for a document and the person named in the subpoena determines that the document contains confidential information, the person must provide to the Committee by the date specified in the subpoena:

(a) Two copies of the original document, submitted under seal; and

(b) One copy of the document with the confidential information redacted.

8. For good cause shown, the Committee may take testimony from a person by telephone or video conference whether or not the person is at a location designated on the agenda as a location for the hearing.

9. Upon proper recognition by the Chair or the member of the Committee designated to act as the Chair during the hearing, any member of the Committee may ask a question of a party or witness at any time during the hearing.

(Added to NAC by Personnel Comm'n, eff. 8-1-91; A by Dep't of Personnel, 11-16-95; A by Personnel Comm'n by R026-11, 12-30-2011, eff. 1-1-2012; R076-15, 4-4-2016; R033-17, 10-31-2017)

**NAC 284.6957 Hearing before Employee-Management Committee: Request for continuance or to have grievance or complaint held in abeyance.** ([NRS 281.755](#), [284.065](#), [284.155](#), [284.384](#))

1. A party may request a continuance of a hearing to determine the proper disposition of a grievance pursuant to [NAC 284.695](#) or a complaint pursuant to [NAC 284.6951](#), or request to have a grievance or complaint held in abeyance.

The party must submit the request to the Clerk of the Committee at least 12 working days before the scheduled hearing, unless the party received personal notice of the hearing less than 21 working days before the hearing pursuant to subsection 2 of [NAC 284.695](#) or pursuant to subsection 4 of [NAC 284.6951](#), in which case he or she may request a continuance as long as the request is made at least 4 working days before the scheduled hearing.

2. The Chair or a member of the Committee designated by the Chair may grant a request for a continuance or a request to have a grievance or complaint held in abeyance if good cause is shown.

(Added to NAC by Dep't of Personnel, eff. 3-27-92; A 11-16-95; A by Personnel Comm'n by R076-15, 4-4-2016; R033-17, 10-31-2017)

**NAC 284.696 Unlawful discrimination.** ([NRS 284.065](#), [284.155](#), [284.343](#), [284.384](#), [284.4082](#))

1. An employee alleging unlawful discrimination based on any pertinent state or federal law or regulation may:

(a) Report the alleged discrimination to:

(1) The division of the Division of Human Resource Management that investigates sex- or gender-based harassment and discrimination;

(2) The Attorney General;

(3) The employee's appointing authority;

(4) An equal employment opportunity officer;

(5) A personnel representative of the department in which the employee is employed; or

(6) The office charged with enforcing affirmative action within the appropriate university, state college or community college which is part of the Nevada System of Higher Education;

(b) Except as otherwise provided in [NRS 284.384](#), use the procedure for the adjustment of a grievance contained in [NAC 284.658](#) to [284.6957](#), inclusive; or

(c) File a complaint, other than a complaint described in [NAC 284.658](#), with:

(1) The Nevada Equal Rights Commission pursuant to [NRS 613.405](#); or

(2) The United States Equal Employment Opportunity Commission.

2. The appointing authority of an employee who has alleged unlawful discrimination shall promptly notify the deputy attorney general or staff counsel assigned to represent the agency of the allegation and the actions which are being undertaken by the agency to address the allegation.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 9-16-92; 11-16-95; A by Personnel Comm'n by R023-05, 10-31-2005; R026-11, 12-30-2011, eff. 1-1-2012; R033-17, 10-31-2017; R016-21, 9-28-2022)

**NAC 284.697 When resolution of grievance or complaint becomes binding.** ([NRS 281.755](#), [284.065](#), [284.155](#), [284.384](#))

1. Except as otherwise provided in subsection 2, the resolution of a grievance or complaint is binding when:

(a) There is an agreement between the person filing the grievance or complaint and the appointing authority or the designated representative of the employing agency; or

(b) The Committee renders a final decision.

2. The appointing authority or the designated representative of the employing agency shall submit each proposed resolution of a grievance or complaint which has a fiscal effect to the Budget Division for a determination of whether the resolution is feasible on the basis of its fiscal effects. The resolution is binding only if it is so found.

(Added to NAC by Dep't of Personnel, eff. 8-28-85; A by Personnel Comm'n by R030-02, 5-2-2002; R033-17, 10-31-2017)

## PERSONNEL RECORDS

**NAC 284.702 Reports of personnel actions.** ([NRS 284.065](#), [284.155](#), [284.175](#))

1. Each appointing authority shall report promptly to the Division of Human Resource Management such information as required in connection with each appointment, separation from service, other change in position or pay or other matters affecting the status of positions or the performance of duties of employees in the state service.

2. All reports must be prepared in the manner and on the forms prescribed by the Division of Human Resource Management.

3. The Division of Human Resource Management will establish procedures for sending copies of reports and notices to the State Controller without delay of any new positions, new employees and of its approval or disapproval of these actions.

[Personnel Div., Rule XVI § A subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 7-1-94; R147-01, 1-22-2002)

**NAC 284.710 Order of processing personnel documents.** ([NRS 284.065](#), [284.155](#), [284.175](#)) Any personnel documents effecting changes in an employee's pay and having the identical effective date will be processed in the following order:

1. Merit pay increases.
2. Reclassifications or overall adjustments to the compensation plan.
3. Promotions or demotions.

[Personnel Div., Rule XVI § A subsec. 3, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R147-01, 1-22-2002)

**NAC 284.714 Official roster: Inspection; contents.** ([NRS 284.065](#), [284.155](#))

1. The official roster of employees in the public service maintained by the Division of Human Resource Management is a public record and will be open to inspection under reasonable conditions during business hours in the offices of the Division of Human Resource Management or the offices where the records are kept.

2. Except as otherwise provided in subsection 3, the roster must contain, for each employee:

- (a) His or her name;
- (b) The class title of the position he or she holds;
- (c) His or her rate of pay;
- (d) Any change in his or her class title, pay or status; and
- (e) Other pertinent data as determined by the Administrator.

3. For public inspection purposes, the roster may exclude the actual names of employees who are in sensitive law enforcement positions where public access to the employees' identities could jeopardize their personal safety or job performance, in which case the employee will be shown on the roster as an unidentified employee.

[Personnel Div., Rule XVI § B, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R147-01, 1-22-2002)

**NAC 284.718 Confidential records.** ([NRS 284.065](#), [284.155](#), [284.355](#), [284.407](#), [284.4082](#), [284.4086](#)) Except as otherwise provided in [NRS 284.4086](#):

1. The following types of information, which are maintained by the Division of Human Resource Management or the agency, are confidential:

- (a) Information relating to salaries paid in other than governmental employment which is furnished on the condition that the source remain confidential;
- (b) Any document which is used in negotiations with employees or their representatives which has not been made public by mutual agreement;
- (c) The rating and remarks concerning an applicant by the individual members of the board or assessors of a center for assessment;

(d) Any recording or document which is used in the process of interviewing an applicant, including, without limitation, a document containing interview questions, evaluation tools used for rating applicants and any notes concerning an applicant that were taken by a person as part of the process of rating an applicant;

(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 or her status as an eligible person; and

(j) Information in the record of employment of a current or former employee which relates to:

- (1) The employee's performance;
- (2) The employee's conduct, including any disciplinary actions taken against the employee;
- (3) The employee's usage or balance of his or her annual leave and sick leave;

(4) The employee's race, ethnic identity or affiliation, sex, sexual orientation, gender identity or expression, genetic information, disability or date of birth;

(5) The employee's personal telephone number;

(6) The employee's social security number;

(7) Any grievance filed by the employee pursuant to [NAC 284.678](#), any response to the grievance and any other documents related to the grievance, unless a hearing is held to determine the disposition of the grievance pursuant to [NAC 284.6955](#);

(8) Any complaint filed by the employee pursuant to [NRS 281.755](#), any response to the complaint and any other document related to the complaint, unless a hearing is held to determine the disposition of the complaint pursuant to [NAC 284.6955](#);

(9) Any request made pursuant to [NAC 284.5243](#) and any response to the request;

(10) The health, medical condition or disability of the employee or a member of his or her immediate family; or

(11) Any claim for workers' compensation made by the employee and any documentation relating to the claim.

2. If the employee has requested that his or her home address be listed as confidential, the employee's record of employment must be so designated and list his or her mailing 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 or her immediate family are confidential.

5. Any notes, records, recordings or findings of an investigation relating to sex- or gender-based harassment or discrimination, or both, and any findings of such an investigation are confidential.

6. Any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct are confidential.

7. Any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct are confidential.

8. Any notes, records, recordings, findings or other information obtained from an internal administrative investigation conducted pursuant to [NRS 284.387](#) 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, 10-27-2009; R055-10, 6-30-2010; R137-12 & R045-13, 10-23-2013; R175-18, 1-30-2019; R016-21 & R017-21, 9-28-2022)

**NAC 284.726 Access to confidential records.** ([NRS 284.065](#), [284.155](#), [284.335](#), [284.4066](#), [284.4068](#), [284.407](#), [284.4082](#))

1. Except as otherwise provided in this subsection and subsections 2 and 11, 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 or her 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 subsection 11 and [NRS 284.4068](#), access to information concerning the results of an applicant's screening test which indicate the presence of a controlled substance is limited to an appointing authority or his or her designated representative and the Administrator or his or her designated representative.

3. Except as otherwise provided in subsections 11 and 12, access to an employee's record 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 or her record of employment.
- (c) An appointing authority or his or her designated representative.
- (d) Persons who are authorized pursuant to any state or federal law or an order of a court.
- (e) 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.
- (f) Persons who are involved in processing records for the transaction of business within and between state agencies.
- (g) Persons who are involved in processing records for the transaction of business that is authorized by the employee.

4. The portion of an employee's record of employment that concerns the health, medical condition or disability of the employee or a member of his or her immediate family must be kept in a locked cabinet, separate from any other portion of the employee's record of employment.

5. Except as otherwise provided in subsection 11, access to any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct is limited to:

- (a) The employee.
- (b) The Administrator or a designated representative of the Administrator.
- (c) The appointing authority or a designated representative of the agency with which the employee is employed.
- (d) Persons who are authorized pursuant to any state or federal law or an order of a court.
- (e) The Governor or a designated representative of the Governor.

6. Except as otherwise provided in subsections 11 and 12 and [NRS 284.4086](#), access to any notes, records, recordings or findings of an investigation conducted by the Division of Human Resource Management relating to sex- or gender-based harassment or discrimination, or both, and any findings of such an investigation that are provided to an appointing authority is limited to:

- (a) An appointing authority.
- (b) A designated representative of the agency with which the employee is employed.

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

(d) The Governor or a designated representative of the Governor.

7. Except as otherwise provided in subsections 11 and 12 and [NRS 284.4086](#), access to any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct is limited to:

(a) The employee.

(b) The appointing authority or a designated representative of the agency with which the employee is employed.

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

(d) The Governor or a designated representative of the Governor.

8. Except as otherwise provided in subsections 11 and 12 and [NRS 284.4086](#), access to any notes, records, recordings, findings or other information obtained from an internal administrative investigation conducted pursuant to [NRS 284.387](#) is limited to:

(a) The employee who is the subject of the internal administrative investigation and who requests a hearing pursuant to [NRS 284.390](#).

(b) The appointing authority or a designated representative of the agency by which the employee who is the subject of the internal administrative investigation is employed.

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

(d) The Governor or a designated representative of the Governor.

9. 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.

10. Upon request, the Division of Human Resource Management will provide the home address of any employee maintained by the Division of Human Resource Management in the employee's record of employment to the Division of Welfare and Supportive Services of the Department of Health and Human Services, the Department of Employment, Training and Rehabilitation and the Internal Revenue Service.

11. The Administrator or the appointing authority, or a designated representative, shall authorize the release of any confidential records under his or her 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, the United States Equal Employment Opportunity Commission or a court.

12. The appointing authority or a designated representative of the agency with which the employee is employed shall authorize the release of any confidential records under his or her control which are requested by the Division of Human Resource Management for the purpose of conducting an investigation regarding suspected harassment or discrimination, including, without limitation, suspected sex- or gender-based harassment or discrimination.

[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, R059-10, 10-15-2010; R137-12 & R045-13, 10-23-2013; R044-15, 12-21-2015; R175-18, 1-30-2019; R018-19 & R124-19, 6-8-2020; R016-21 & R017-21, 9-28-2022)

**NAC 284.728 Appeal of decision of Administrator to disclose information related to complaint regarding sex- or gender-based harassment or discrimination.** ([NRS 284.065](#), [284.4086](#)) An appeal filed pursuant to [NRS 284.4086](#) must:

1. Be in writing;

2. Be submitted to the Administrator for transmittal to the Commission; and

3. Set forth the specific reasons the appellant disagrees with the decision of the Administrator or his or her designee.

(Added to NAC by Personnel Comm'n by R017-21, eff. 9-28-2022)

**NAC 284.730 Retention and disposal of records.** ([NRS 284.065](#)) All records of the Division of Human Resource Management 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]

## PROHIBITIONS AND OFFENSES

**NAC 284.738 Conflicting activities.** ([NRS 284.065](#), [284.155](#)) Employees shall not engage in any employment, activity or enterprise which has been determined to be inconsistent, incompatible or in conflict with their duties as employees, or with the duties, functions or responsibilities of their appointing authorities or agencies by which they are employed.

[Personnel Div., Rule XI § A subsec. 1, eff. 8-11-73]

**NAC 284.742 Appointing authorities required to determine prohibited conflicting activities and identify such activities and explain process of progressive discipline in policy.** ([NRS 284.065](#), [284.155](#), [284.383](#))

1. Each appointing authority shall determine, subject to the approval of the Commission, those specific activities which, for employees under its jurisdiction, are prohibited as inconsistent, incompatible or in conflict with their duties as employees. The appointing authority shall identify those activities in the policy established by the appointing authority pursuant to [NRS 284.383](#).

2. If an appointing authority revises the policy described in subsection 1, the appointing authority shall provide a copy of the revised policy to each employee.

3. An appointing authority shall include in the policy described in subsection 1 an explanation of the process of progressive discipline as administered by the appointing authority. The process must conform to the provisions of [NRS 284.383](#) and [NAC 284.638](#) to [284.6563](#), inclusive.

[Personnel Div., Rule XI § A part subsec. 2, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R027-11, 12-30-2011)

**NAC 284.746 Acceptance of favors.** ([NRS 284.065](#), [284.155](#)) No employee may seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity that would tend improperly to influence a reasonable person in his or her position to depart from the faithful and impartial discharge of his or her public duties.

[Personnel Div., Rule XI § A part subsec. 2, eff. 8-11-73]

**NAC 284.750 Use of position to secure or grant privileges.** ([NRS 284.065](#), [284.155](#)) No employee may use his or her position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself or herself, any member of his or her household, any business entity with which he or she or a member of his or her household is associated, or any other person.

[Personnel Div., Rule XI § A part subsec. 2, eff. 8-11-73]

**NAC 284.754 Contracts with State.** ([NRS 284.065](#), [284.155](#)) An employee shall not enter into a private contract with the State in any capacity that may be construed as an extension of his or her assigned duties or responsibilities to the State.

[Personnel Div., Rule XI § A part subsec. 2, eff. 8-11-73; A 4-4-78]—(NAC A by Dep't of Personnel, 10-26-84)

**NAC 284.758 Use of privileged information.** ([NRS 284.065](#), [284.155](#)) If an employee acquires, through his or her public duties or relationships, any information which by law or practice is not at the time available to people generally, he or she may not use the information to further the economic interests of himself or herself or any other person or business entity.

[Personnel Div., Rule XI § A part subsec. 2, eff. 8-11-73]

**NAC 284.762 Suppression of information.** ([NRS 284.065](#), [284.155](#)) No employee may suppress any governmental report or other document because it might affect unfavorably his or her private financial interest.

[Personnel Div., Rule XI § A part subsec. 2, eff. 8-11-73]

**NAC 284.766 Full-time service required.** ([NRS 284.065](#), [284.155](#)) Each employee shall, during his or her hours of duty as an employee and subject to such other laws or regulations as pertain thereto, devote his or her full time, attention and efforts to state employment.

[Personnel Div., Rule XI § B, eff. 8-11-73]

**NAC 284.768 Employee to notify appointing authority that employee will carry concealed firearm.** ([NRS 284.065](#), [284.155](#)) If an employee is authorized pursuant to [NRS 202.3673](#) to carry a concealed firearm while on the premises of the public building in which he or she is employed, the employee must, before the employee carries a concealed firearm on the premises of the public building, notify the appointing authority or a designated representative of the appointing authority that the employee will be carrying the concealed firearm.

(Added to NAC by Personnel Comm'n by R123-19, eff. 12-29-2020)

**NAC 284.770 Political activities.** ([NRS 284.065](#), [284.155](#)) Employees may vote as they choose and express their political opinions on all subjects without recourse, except that no employee may:



1. Directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, monetary or nonmonetary contribution for a political purpose from anyone who is in the same department and who is a subordinate of the solicitor.

2. Engage in political activity during the hours of his or her state employment to improve the chances of a political party or a person seeking office, or at any time engage in political activity to secure a preference for a promotion, transfer or increase in pay.

[Personnel Div., Rule XI § C, eff. 8-11-73; A 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84; R147-01, 1-22-2002)

**NAC 284.771 Sex- or gender-based harassment.** ([NRS 284.065](#), [284.155](#), [284.4082](#))

1. Sex- or gender-based harassment violates the policy of this State and is a form of unlawful discrimination based on sex or gender under state and federal law. An employee shall not engage in sex- or gender-based harassment against another employee, an applicant for employment, or any other person in the workplace.

2. Sex- or gender-based harassment is a very serious disciplinary infraction. An appointing authority may impose harsh disciplinary sanctions on, or dismiss, persons who commit sex- or gender-based harassment, including, without limitation, first-time offenders. Any disciplinary sanction imposed by an appointing authority for sex- or gender-based harassment must be proportionate to the violation.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 9-16-92; 11-16-95; A by Personnel Comm'n by R147-06, 12-7-2006; R016-21, 9-28-2022)

**PRACTICE BEFORE DIVISION OF HUMAN RESOURCE MANAGEMENT**

**Hearings Before the Hearing Officer**

**NAC 284.774 Scope.** ([NRS 281.641](#), [284.065](#), [284.155](#), [284.376](#), [284.390](#))

1. [NAC 284.774](#) to [284.818](#), inclusive, 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 any hearings procedures provided by the Division of Human Resource Management 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 Division of Human Resource Management at 100 North Stewart Street, Suite 200, Carson City, Nevada 89701.

3. Each hearing officer may adopt supplementary rules governing practice before him or her 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; A by Personnel Comm'n by R192-09, 6-30-2010, eff. 7-1-2010)

**NAC 284.778 Request for hearing and other communications.** ([NRS 281.641](#), [284.065](#), [284.155](#), [284.376](#), [284.390](#))

1. A request for a hearing must be addressed to the Administrator and submitted on the form provided by the Division of Human Resource Management.

2. A copy of any written communication directed to a hearing officer must be sent to the clerk assigned to the hearing officer.

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; A by Personnel Comm'n by R192-09, 6-30-2010, eff. 7-1-2010; R011-11, 10-26-2011; R042-15, 12-21-2015; R150-17, 6-26-2018)

**NAC 284.780 Provision of qualified hearing officer.** ([NRS 281.641](#), [284.065](#), [284.376](#), [284.390](#))

1. For each hearing requested in a claim relating to a dismissal, suspension, demotion, involuntary transfer, or reprisal or retaliatory action, the Commission will provide for a qualified hearing officer.

2. If it is determined that the qualified hearing officer provided for pursuant to subsection 1 is precluded from serving due to a conflict of interest or is otherwise unavailable to serve as a hearing officer for the hearing, the Commission will provide for a 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, 6-30-2010, eff. 7-1-2010; A by R010-14, 10-24-2014)

**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 281.641](#), [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 Division of Human Resource Management.
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 Division of Human Resource Management.
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; A by Personnel Comm'n by R192-09, 6-30-2010, eff. 7-1-2010)

**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 or she 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 or her decision by the weight

of the evidence as it appears to him or her 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 or her testimony, each witness who has not previously testified in the hearing must be required to state his or her 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 or her choice, if the party chooses not to represent himself or herself.

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 mailing list maintained by the Division of Human Resource Management 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 Administrator 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 Administrator 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 Division of Human Resource Management 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 Division of Human Resource Management 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 Human Resources 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 Administrator within 30 days after receipt of the Administrator'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 Chair 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 Chair 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 Chair 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 or her 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)

#### USE OF ALCOHOL OR DRUGS

**NAC 284.880 Definitions.** ([NRS 284.065](#), [284.155](#), [284.407](#)) As used in [NAC 284.880](#) to [284.894](#), inclusive, unless the context otherwise requires:

1. "Employee" has the meaning ascribed to it in subsection 1 of [NRS 284.4061](#).

2. "Screening test" has the meaning ascribed to it in subsection 2 of [NRS 284.4061](#).

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A by Personnel Comm'n by R066-09, 10-27-2009)

**NAC 284.882 Administration of screening tests.** ([NRS 284.065](#), [284.155](#), [284.4065](#), [284.407](#)) A screening test to detect the general presence of:

1. A controlled substance must comply with:

(a) The standards established by the United States Department of Health and Human Services which are hereby adopted by reference. A copy of the standards is available, without charge, from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, Division of Workplace Programs, 5600 Fishers Lane, Rockville, Maryland 20857; and

(b) Any supplementary standards and procedures established by the Commission.

2. Alcohol by testing a person's breath must be conducted using a breath-testing device approved by the National Highway Traffic Safety Administration of the United States Department of Transportation and listed on the "Approved Evidential Breath Measurement Devices" webpage on the Internet website maintained by the Office of Drug and Alcohol Policy and Compliance of the United States Department of Transportation pursuant to 49 C.F.R. § 40.229.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A 10-27-97; R082-00, 8-2-2000; A by Personnel Comm'n by R066-09, 10-27-2009; R009-11, 10-26-2011; R151-17, 6-26-2018)

**NAC 284.884 Maximum allowable concentrations of alcohol in blood or breath of employee; confirmation of positive result on screening test of breath.** ([NRS 284.065](#), [284.155](#), [284.407](#))

1. An employee must not have a concentration of alcohol in his or her blood or breath greater than .02 gram by weight of alcohol per 100 milliliters of his or her blood or per 210 liters of his or her breath while on duty. Disciplinary action may be taken by the appointing authority in accordance with the provisions of [NAC 284.638](#) to [284.6563](#), inclusive, if a screening test indicates that the concentration of alcohol in the blood or breath of the employee is greater than .02 gram by weight of alcohol per 100 milliliters of his or her blood or per 210 liters of his or her breath while on duty.

2. A positive result on a screening test of a person's breath must be confirmed by a second screening test. The second screening test must be conducted immediately after receipt of the positive result of the first screening test.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A by R058-01, 9-6-2001; A by Personnel Comm'n by R138-12, 10-4-2013)

**NAC 284.886 Screening test for controlled substance required of applicant for position affecting public safety; exception.** ([NRS 284.065](#), [284.155](#), [284.407](#))

1. Except as otherwise provided in this section, an applicant for a position that is designated by the Human Resources Commission as affecting public safety must submit to a screening test to detect the general presence of a controlled substance unless he or she is employed by the State in a position that is also designated as affecting public safety at the time he or she applies.

2. A person who has been laid off from a position affecting public safety and who is reemployed in a class affecting public safety within 1 year after the date he or she was laid off is not required to submit to a screening test pursuant to this section.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A 3-23-94)

**NAC 284.888 Request for employee to submit to screening test: Objective facts constituting reasonable belief employee under influence; completion of required form.** ([NRS 284.065](#), [284.155](#), [284.4065](#), [284.407](#))

1. Objective facts upon which an appointing authority may base a reasonable belief that an employee is under the influence of alcohol or drugs which impair the ability of the employee to perform his or her duties safely and efficiently include, but are not limited to:

(a) Abnormal conduct or erratic behavior by the employee that is not otherwise normally explainable;

(b) The odor of alcohol or a controlled substance on the breath of the employee;

(c) Observation of the employee consuming alcohol; or

(d) Observation of the employee possessing a controlled substance or using a controlled substance that is reported by a credible source.

2. Except as otherwise provided in subsection 3, before requiring an employee to submit to a screening test, the supervisor of the employee must complete a form provided by the Division of Human Resource Management.

3. The provisions of subsection 2 do not apply if an appointing authority requests an employee to submit to a screening test pursuant to subsection 2 of [NRS 284.4065](#).

4. For the purposes of subsection 2 of [NRS 284.4065](#):

(a) "Substantial damage to property" includes, but is not limited to:

(1) The operation of a motor vehicle in such a manner as to cause more than \$500 worth of property damage; or

(2) The operation of a motor vehicle in such a manner as to cause two crashes which cause damage to property within a 1-year period.

(b) “Work-related accident or injury” means an accident or injury that occurs in the course of employment or that involves an employee on the premises of the workplace.

(Added to NAC by Dep’t of Personnel, eff. 12-26-91; A by Personnel Comm’n by R066-09, 10-27-2009; R193-09, 4-20-2010; R010-11, 10-26-2011; R044-15, 12-21-2015, eff. 1-1-2016; R119-17, 6-26-2018)

**NAC 284.889 Circumstances under which employee is deemed to have refused to submit to screening test when requested or required; requirement to rescind offer of employment. ([NRS 284.065](#), [284.155](#), [284.4065](#), [284.4066](#), [284.407](#))**

1. For the purposes of [NRS 284.4063](#), [284.4065](#) and [284.4066](#), an applicant or employee is deemed to have refused to submit to a screening test requested pursuant to [NRS 284.4065](#) or required pursuant to [NRS 284.4066](#) when the applicant or employee:

(a) Provides oral or written notice to the appointing authority that he or she refuses to take the requested or required screening test;

(b) Absent any extenuating circumstances, fails to appear at the collection site for a screening test within a reasonable time after being requested or required to do so;

(c) Absent any extenuating circumstances, fails to remain at the collection site until the collection process is complete;

(d) Fails to provide a sufficient amount of specimen when requested or required to do so pursuant to the standards adopted by reference in [NAC 284.882](#) and fails to undergo a medical evaluation to determine whether there is a legitimate medical explanation for the insufficient amount of specimen;

(e) Fails to provide a sufficient amount of specimen when requested or required to do so pursuant to the standards adopted by reference in [NAC 284.882](#), and it has been determined, through a required medical evaluation, that there was no legitimate medical explanation for the insufficient amount of specimen;

(f) Fails to cooperate with any part of the process related to the screening test, including, without limitation, refusing to sign any required forms;

(g) Brings materials or devices to the collection site for the purpose of adulterating, substituting or diluting the specimen;

(h) Attempts to adulterate, substitute or dilute the specimen; or

(i) Admits to the collector or Medical Review Officer that he or she adulterated or substituted the specimen.

2. The appointing authority shall rescind any offer of employment that is contingent upon successful passage of a screening test made to an applicant who is deemed, pursuant to subsection 1, to have refused to submit to a screening test required by [NRS 284.4066](#).

3. As used in this section:

(a) “Collection site” means a location where specimens are collected.

(b) “Collector” means a person trained to instruct and assist an applicant or employee in providing a specimen.

(c) “Medical Review Officer” means a licensed physician who has entered into a contract with the State of Nevada or with a vendor that has entered into a contract with the State of Nevada to review, verify and report the results of screening tests.

(d) “Specimen” means breath or fluid collected from an applicant or employee for the purpose of conducting a screening test.

(Added to NAC by Personnel Comm’n by R063-18, eff. 9-27-2018)

**NAC 284.890 Transportation of employee to and from location of screening test. ([NRS 284.065](#), [284.155](#), [284.407](#))**

1. If an appointing authority requests an employee to submit to a screening test based on a reasonable belief that the employee is under the influence of alcohol or a controlled substance or any other drug and the employee has not refused to submit to the screening test, the appointing authority shall provide transportation for the employee to the location of the test.

2. After the employee submits to the screening test, the appointing authority shall, as appropriate:

(a) Provide transportation for the employee to his or her home;

(b) Assist the employee in arranging his or her own transportation; or

(c) Arrange for emergency medical assistance if the appointing authority or any other person reasonably believes, based on objective facts, that the employee is in need of emergency medical assistance.

(Added to NAC by Dep’t of Personnel, eff. 12-26-91; A by Personnel Comm’n by R118-17, 10-25-2018)

**NAC 284.892 Duties of employee who is referred to employee assistance program. ([NRS 284.065](#), [284.155](#), [284.407](#))**

1. If an employee is referred to an employee assistance program as a result of a positive result on a screening test or pursuant to [NAC 284.653](#), the employee or the employee assistance program to which the employee was referred shall provide to the appointing authority:

- (a) Evidence of the employee's consultation with a counselor employed by the employee assistance program; and
  - (b) Any recommendation of the counselor with respect to the employee's rehabilitation,
- ↪ within 5 working days after the date of the initial consultation.

2. The employee or the employee assistance program to which the employee was referred shall provide to the appointing authority on a monthly basis all recommendations of the counselor with respect to the employee's rehabilitation.

3. The employee or the employee assistance program to which the employee was referred shall provide to the appointing authority evidence of the employee's completion of any rehabilitation program recommended by the counselor within 5 working days after completing the program.

4. An employee is subject to disciplinary action if:

(a) Evidence of the employee's consultation with a counselor or successful completion of a rehabilitation program is not provided to the appointing authority in accordance with this section; and

(b) The appointing authority determines that the failure to provide the evidence is the fault of the employee.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A 11-12-93; A by Personnel Comm'n by R069-19, 6-8-2020)

**NAC 284.893 Return to work of employee who tests positive for alcohol or controlled substance while on duty. (NRS 284.065, 284.155, 284.407)**

1. The appointing authority of an employee who tests positive for the presence of alcohol or a controlled substance while on duty and who, as a result, is subject to disciplinary action pursuant to [NAC 284.646](#) or [284.650](#) but is not terminated shall, before allowing the employee to return to work, require:

(a) The employee or the employee assistance program to which the employee was referred to provide to the appointing authority documentation from a counselor who is licensed or certified pursuant to [chapter 641C](#) of NRS or another health care provider who has training or experience in counseling persons with an alcohol or other substance use disorder which verifies that the employee is able to return to duty and perform the essential functions of his or her job.

(b) The employee to submit to a screening test.

2. The employee is responsible for the cost of any:

(a) Counseling services the employee receives to verify that the employee is able to return to duty and perform the essential functions of his or her job and any documentation of those services; and

(b) Screening test,

↪ required pursuant to subsection 1.

3. An employee who fails or refuses to submit to a screening test required pursuant to subsection 1 is subject to disciplinary action, including, without limitation, termination, at the discretion of the employee's appointing authority.

(Added to NAC by Personnel Comm'n by R066-09, eff. 10-27-2009; A by R195-09, 4-20-2010; R138-12, 10-4-2013; R069-19, 6-8-2020)

**NAC 284.894 Treatment of applicant who tests positive; treatment of employee who tests positive twice within 5-year period. (NRS 284.065, 284.155, 284.407)**

1. An applicant who tests positive for the use of a controlled substance must not be considered by an appointing authority for employment in any position which requires such testing and must be removed from all lists of eligible persons established from a recruitment that requires such testing until:

(a) One year after the time of the positive test; or

(b) The applicant provides evidence that he or she has successfully completed a rehabilitation program for a substance use disorder.

2. An employee who tests positive for the use of a controlled substance or alcohol for the second time within a 5-year period is subject to disciplinary action by the appointing authority and may be terminated at the discretion of the appointing authority.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A 7-1-94; A by Personnel Comm'n by R194-09, 4-20-2010)