

CHAPTER 284

STATE PERSONNEL SYSTEM

GENERAL PROVISIONS

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**Bolded and italicized text indicates changes to regulations that have been approved by the Legislative Commission. These changes are in effect, but are not yet codified.**

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## GENERAL PROVISIONS

### **NRS 284.010 states, “Legislative declaration of purpose.**

1. The Legislature declares that the purpose of this chapter is:
  - (a) To provide all citizens a fair and equal opportunity for public service;
  - (b) To establish conditions of service which will attract officers and employees of character and ability;
  - (c) To establish uniform job and salary classifications; and
  - (d) To increase the efficiency and economy of the agencies in the Executive Department of the State Government by the improvement of methods of personnel administration.
2. The Legislature declares that, in its considered judgment, the proper administration of the Executive Department of our State Government requires the enactment of this chapter.”

### **NRS 284.013 states in part, “Applicability; terms and conditions of employment of exempted persons; written contracts required for certain services.**

1. Except as otherwise provided in subsection 4, this chapter does not apply to:
  - (a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;
  - (b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS; or
  - (c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.”

**NRS 284.022 states, “Inclusion of employees of certain governmental agencies in State Personnel System.** The Division may include within the Personnel System all employees of any governmental agency acquired for administration by the State.”

**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, *and sections 2 and 3 of LCB File No. R175-18* 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*)

**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)

**NRS 284.150 states in part, “Classified service: Composition;...**

1. The classified service of the State of Nevada is comprised of all positions in the public service now existing or hereafter created which are:

- (a) Lawfully designated as being in the classified service; and
- (b) Filled according to merit and fitness from eligible lists prepared upon the basis of examination, which must be open and competitive, except as otherwise provided in this chapter and NRS 209.161.”

**NAC 284.050 “Commission” defined. (NRS 284.065)** “Commission” means the Personnel 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)

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

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

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

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

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

**NAC 284.06385 “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)

**NEW “Gender identity or expression” defined. “Gender identity or expression” has the meaning ascribed to it in NRS 0.034.**

(Added to NAC by Personnel Comm’n by R175-18, 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. 12-07-2006)

**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 284.099 “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 284.0995 “Sexual harassment” defined. (NRS 284.065)** “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, or other speech or physical conduct of a sexual nature when:

1. Submission to such speech or conduct is made either explicitly or implicitly a term or condition of a person’s employment;
  2. Submission to or the rejection of such speech or conduct by a person is used as the basis for employment decisions affecting that person; or
  3. Such speech or conduct has the purpose or effect of unreasonably interfering with a person’s work performance or creating an intimidating, hostile or offensive working environment.
- (Added to NAC by Personnel Comm’n by R147-06, eff. 12-7-2006)

**NEW “Sexual orientation” defined. “Sexual orientation” has the meaning ascribed to it in NRS 0.055.**  
(Added to NAC by Personnel Comm’n by R175-18, 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*)

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

1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.
2. Except as otherwise provided in NRS 223.085, 223.570 and 223.600, all persons required by law to be appointed by the Governor or heads of departments or agencies appointed by the Governor or by boards.
3. All employees other than clerical in the Office of the Attorney General and the State Public Defender required by law to be appointed by the Attorney General or the State Public Defender.
4. Except as otherwise provided by the Board of Regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the Agricultural Extension Department and Experiment Station of the Nevada System of Higher Education, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The Board of Regents of the University of Nevada shall assist the Administrator in carrying out the provisions of this chapter applicable to the Nevada System of Higher Education.
5. All other officers and employees authorized by law to be employed in the unclassified service.”

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

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

**NAC 284.112 “Working day” defined. (NRS 284.065)** “Working day,” for the purpose of a grievance, 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)**

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**)

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

**NRS 233B.070 states in part, “Effective date of permanent, temporary and emergency regulations; dissemination of regulation; duty of Secretary of State.**

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

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

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

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

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

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## COMPENSATION

### **NRS 284.175 states, “Plan for payment of classified employees...”**

1. After consultation with appointing authorities and state fiscal officers, the Administrator shall prepare a pay plan for all employees in the classified service.
2. The pay plan and its amendments become effective only after approval by the Governor.
3. The pay plan must include, without limitation, ranges for each class, grade or group of positions in the classified service. Each employee in the classified service must be paid at one of the rates set forth in the pay plan for the class of position in which the employee is employed and at such time as necessary money is made available for the payment.
4. The Commission shall adopt regulations to carry out the pay plan.
5. The Administrator may make recommendations to the Legislature during regular legislative sessions concerning salaries for the classified service of the State. In making such recommendations, the Administrator shall consider factors such as:
  - (a) Surveys of salaries of comparable jobs in government and private industry within the State of Nevada and western states, where appropriate;
  - (b) Changes in the cost of living;
  - (c) The rate of turnover and difficulty of recruitment for particular positions; and
  - (d) Maintaining an equitable relationship among classifications.”

### **NRS 281.123 states, “Limitation on maximum salary payable to persons employed by State.**

1. Except as otherwise provided in subsection 3 or NRS 281.1233, or as authorized by statute referring specifically to that position, the salary of a person employed by the State or any agency of the State must not exceed 95 percent of the salary for the office of Governor during the same period.
2. As used in subsection 1, the term “salary”:
  - (a) Includes any:
    - (1) Payment received by an employee for being available to work although the employee was not actually required to perform the work;
    - (2) Increase in salary provided to compensate for a rise in the cost of living; and
    - (3) Payment received as compensation for purportedly performing additional duties.
  - (b) Excludes any:
    - (1) Payment received as compensation for overtime even if that payment is otherwise authorized by law; and
    - (2) Rent or utilities supplied to an employee if the employee is required by statute or regulation to live in a particular dwelling.
3. The provisions of subsection 1 do not apply to the salaries of:
  - (a) Dentists and physicians employed full-time by the State; or
  - (b) Officers and employees of the Nevada System of Higher Education.”

### **NRS 284.180 states in part, “Pay plan to set official rates applicable to all positions in classified service...”**

1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.”

**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)

**INFORMATIONAL NOTE:** The provisions of NAC 284.171 through 284.180, inclusive, 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 284.171 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)

**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**)

**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, 6-23-14)

**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)

**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 that 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)

**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)

**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)

**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 Personnel 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)

**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. (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 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 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:

percent of the total number of qualified applicants interviewed for the position or, if there is not a sufficient number to reach that percentage, interview for the position each such veteran who is a qualified applicant for the position. For the purpose of calculating percentages pursuant to this paragraph, percentages that are not whole numbers must be rounded to the next highest whole number.”

**NRS 284.172 “List of positions in classified service primarily performing data processing; approval of new position or reclassification to position on list.”** may be found preceding NAC 284.126.

**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 2 or 4 of NAC 284.405 with the names of employees who are placed on a reassignment list pursuant to subsection 3 or 5 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)—(Substituted in revision for NAC 284.378)

**NRS 284.250 states, “Regulations for establishment of lists of eligible persons; limitation on term of eligibility.**

1. The Commission shall adopt regulations for the establishment of eligible lists for appointment and promotion which must contain the names of successful applicants in the order of their relative excellence in the respective examinations.

2. The term of eligibility of applicants on such lists is 1 year, but the term may be extended by the Administrator to a maximum of 3 years.”

**NRS 284.410 “False statement or report; fraud.”** may be found preceding NAC 284.738.

**NRS 284.420 “Obstruction of right to examination, eligibility, certification or appointment; furnishing special or secret information.”** may be found preceding NAC 284.738.

**NRS 284.425 “Member of subversive organization ineligible for appointment or employment in public service.”** may be found preceding NAC 284.738.

**NRS 284.155 states, “Regulations for classified service.**

1. The Commission shall adopt a code of regulations for the classified service.

2. The code must include regulations concerning certifications and appointments for:

(a) Positions in classes having a maximum salary of \$12,500 or less as of December 31, 1980, where the regular procedures for examination and certification are impracticable; and

(b) Classes where applicants for promotion are not normally available.

↪ These regulations may be different from the regulations concerning certifications and appointments for other positions in the classified service.”

**NRS 284.309 states, “Waiver of examination if fewer than five qualified applicants.** If a competitive examination is required for a vacancy and fewer than five qualified applicants respond after extensive efforts at recruitment, the examination may be waived and the Administrator may submit the applications of the qualified applicants without certification to the appointing authority for selection.”

**NRS 284.320 states in part, “Appointments requiring exceptional scientific, professional or expert qualifications.**

1. In case of a vacancy in a position where peculiar and exceptional qualifications of a scientific, professional or expert character are required, and upon satisfactory evidence that for

specific reasons competition in that case is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainments in the required qualities, the Administrator may suspend the requirements of competition.

2. The Administrator may suspend the requirements of competitive examination for positions requiring highly professional qualifications if past experience or current research indicates a difficulty in recruitment or if the qualifications include a license or certification.”

**NRS 284.327 states, “Temporary limited appointment of persons with disabilities; limitations; regulations.**

1. Except as otherwise provided in subsection 4, if an appointing authority has a position available and the position is not required to be filled in another manner pursuant to this chapter, to assist persons with disabilities certified by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, the appointing authority shall, if possible, make a temporary limited appointment of a certified person with a disability for a period not to exceed 700 hours notwithstanding that the position so filled is a continuing position.

2. A person with a disability who is certified by the Rehabilitation Division must be placed on the appropriate list for which the person is eligible. Each such person must:

(a) Possess the training and skills necessary for the position for which the person is certified; and

(b) Be able to perform, with or without accommodation, the essential functions of that position.

3. The Rehabilitation Division must be notified of an appointing authority’s request for a list of eligibility on which the names of one or more certified persons with disabilities appear. A temporary limited appointment of a certified person with a disability pursuant to this section constitutes the person’s examination as required by NRS 284.215.

4. An appointing authority shall not make a temporary limited appointment of a certified person with a disability pursuant to this section:

(a) If the certified person with a disability currently receives benefits from the agency of the Executive Department of the State Government in which the position exists; or

(b) In any other circumstances that the appointing authority determines would create an actual or potential conflict of interest between the certified person with the disability and the agency of the Executive Department of the State Government in which the position exists.

5. Each appointing authority shall ensure that there is at least one person on the staff of the appointing authority who has training concerning:

(a) Making a temporary limited appointment of a certified person with a disability pursuant to this section; and

(b) The unique challenges a person with a disability faces in the workplace.

6. The Commission shall adopt regulations to carry out the provisions of subsections 1 and 2.

7. This section does not deter or prevent appointing authorities from employing:

(a) A person with a disability if the person is available and eligible for permanent employment.

(b) A person with a disability who is employed pursuant to the provisions of subsection 1 in permanent employment if the person qualifies for permanent employment before the termination of the person’s temporary limited appointment.

8. If a person appointed pursuant to this section is subsequently appointed to a permanent position during or after the 700-hour period, the 700 hours or portion thereof counts toward the employee’s probationary period.”

**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**)

**NRS 284.240 states, "Grounds for refusal to examine or certify.** The Administrator may refuse to examine an applicant or, after examination, may refuse to certify an eligible person who:

1. Lacks any of the preliminary requirements established for the examination for the position or employment for which the applicant or eligible person applies.

2. Submitted to a screening test administered pursuant to NRS 284.4066, the results of which indicated the presence of a controlled substance, and the person did not provide the proof required by NRS 284.4066.

3. Has been dismissed from the public service for delinquency or misconduct.

4. Has made a false statement of any material fact.
5. Has, directly or indirectly, given, rendered or paid, or promised to give, render or pay, any money, service or other valuable thing to any person for, or on account of or in connection with, the examination, appointment or proposed appointment of the applicant or eligible person.
6. Has practiced, or attempted to practice, any deception or fraud in the application, certificate or examination of the applicant or eligible person, or in securing the eligibility or appointment of the applicant or eligible person.”

**NRS 284.245 states, “Statement of Administrator upon refusal to examine or certify; appeal to Commission.**

1. When the Administrator refuses to examine an applicant or, after an examination, refuses to certify an eligible person, the applicant or eligible person may request the Administrator to furnish to the applicant or eligible person a statement of the reasons for the refusal to examine or the refusal to certify, as the case may be. The Administrator shall furnish the statement upon request.

2. If the Administrator refuses to examine an applicant or, after an examination, refuses to certify an eligible person, the applicant or eligible person may take an appeal to the Commission in accordance with regulations adopted by the Commission. If the Commission finds that the Administrator is in error in refusing to examine an applicant or in refusing to certify an eligible person, the Commission shall order the Administrator to examine or certify, and the Administrator shall comply.”

**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)

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**)

**NRS 284.307 states, “Automatic advancement of person in training or preparatory position.** An employee who holds a position classified as a training or preparatory position may advance automatically to a position having a higher classification after the employee meets the minimum qualifications for the higher classification and receives the recommendation of the appointing authority for that advancement.”

**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)

## PROBATIONARY PERIODS

### **NRS 284.290 states in part, “Probationary period...”**

1. All original competitive appointments to and promotions within the classified service must be for a fixed probationary period of 6 months, except that a longer period not exceeding 1 year may be established for classes of positions in which the nature of the work requires a longer period for proper evaluation of performance.”

**NAC 284.442 Length of probationary 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. All classes lower than grade 20 will be assigned a 6-month (full-time equivalent) probationary 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)

**NAC 284.444 Application of probationary 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.***
3. 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.
4. 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.
5. A probationary employee who is reappointed must serve a new probationary period.
6. A permanent employee who is reappointed to a class:
  - (a) At a higher grade level must serve a trial period unless it is waived by the appointing authority.
  - (b) At the same grade level or a lower grade level is not required to serve a ***trial*** period.
7. 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.
8. 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.
9. 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.

**10.** Promotion to a vacant position requires a new probationary *or trial* period. Promotions which result from reclassification are governed by NAC 284.134 and 284.138.

**11.** Except as otherwise provided in subsection **12**:

(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.

**12.** 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.

(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**)

**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 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:

1. Authorized military leave for active service, as set forth in subsection **9** 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, 10-27-15; **R163-18, 1-30-2019**)

**NAC 284.450 Adjustment of probationary period. (NRS 284.065, 284.155, 284.290)**

1. Except as otherwise provided in NAC 284.448, if a probationary employee has not, during his or her prescribed probationary period, worked the required number of months (full-time equivalent) which are established for the probationary period for the class, his or her probationary 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 adjusted to equal the required number of months of service which are applicable to the probationary 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)

**NRS 284.290 states in part, "Probationary period: Length; dismissal or demotion;..."**

2. Dismissals or demotions may be made at any time during the probationary period in accordance with regulations adopted by the Commission."

**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)

**NRS 284.300 states, “Commission to adopt regulations governing employment of promotional appointee who fails to attain permanent status.**

1. The Commission shall adopt regulations requiring that a promotional appointee who fails to attain permanent status in the position to which the appointee was promoted, or who is dismissed for cause other than misconduct or delinquency on the appointee’s part from the position to which the appointee was promoted, either during the probationary period or at the conclusion thereof by reason of the failure of the appointing authority to file a request for the appointee’s continuance in the position, must be:

(a) Restored to the position from which the appointee was promoted unless the position has been filled by an employee with greater seniority;

(b) Placed in a position other than the position from which the appointee was promoted and for which a vacancy exists in the class held immediately before the promotion; or

(c) If no position described in paragraph (a) or (b) exists:

(1) Appointed to a position for which a vacancy exists in a class equal to or lower than the class held immediately before the promotion; or

(2) Placed on an appropriate reemployment list.

2. Nothing contained in this section shall be construed to prevent any employee of the classified service from competing for places upon lists of persons eligible for original appointments.”

**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)

***NEW Restoration of permanent employee who voluntarily transfers and either fails to complete trial period in the new position or voluntarily chooses to revert to his or her prior position.***

***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, 1-30-2019)*

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## REPORTS ON PERFORMANCE AND LETTERS OF INSTRUCTION

### **NRS 284.335 states in part, “Standards; records and ratings for service.**

1. The appointing authorities and other supervising officers of the various state departments, agencies and institutions, after consultation with the Administrator, shall establish standards of work performance for each class of positions. Each appointing authority shall provide each of its employees with a copy of the standards for the employee’s position.
2. The Administrator shall maintain service records of performance efficiency, character and conduct by a system of service ratings based upon those standards.
3. The Commission shall adopt regulations with respect to service ratings, and prescribe the extent to which service ratings must be considered in determining the advisability of transfers, the promotion of an employee to a higher class, the question of demotion or dismissal of any employee, increases and decreases in salary of an employee within the salary range established under this chapter and in all other decisions relating to the status of employees.”

### **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 responsibility 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**)

**NRS 284.337 states, “Reports: Duties of supervisor.** An employee whose duties include the supervision of an employee who holds a position in the classified service shall:

1. For filing at the times specified in NRS 284.340, prepare reports on the performance of that employee. In preparing a report, the supervisory employee shall meet with the employee to:
  - (a) Discuss goals and objectives;
  - (b) Evaluate the employee’s improvement in performance and personal development;
  - (c) Discuss the report; and
  - (d) Provide to the employee information relating to the Merit Award Program established by

NRS 285.020.

2. Provide the employee with a copy of the report.
3. Transmit the report to the appointing authority.”

**NRS 284.340 states, “Reports: Duties of appointing authority.** Each appointing authority shall:

1. Report to the Administrator, in writing, the efficiency of the subordinates and employees of the appointing authority, and other information, in such manner as the Commission may prescribe by regulation.

2. File reports with the Administrator on the performance, during the probationary period, of each of the employees of the appointing authority who holds a position in the classified service. A report must be filed at the end of the 2nd and 5th months of employment if the probationary period is 6 months, or at the end of the 3rd, 7th and 11th months of employment if the probationary period is 12 months.

3. File a report annually with the Administrator on the performance of each of the employees of the appointing authority who holds a position in the classified service and has attained permanent status. The report must be filed at the end of the 12th month next following the attainment of permanent status, and at the end of every 12th month thereafter. If the report is not filed on or before the required date, the performance of the employee shall be deemed to be standard.

4. If any report the appointing authority files with the Administrator on the performance of an employee who holds a position in the classified service includes a rating of substandard, file with the Administrator an additional report on the performance of the employee at least every 90 days until the performance improves to standard or until any disciplinary action is taken.

5. Provide the employee with a copy of each report filed.”

**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 third 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, 10-26-2011; R007-11, 10-26-2011; R041-15 & R043-15, 12-21-2015; **R175-18, 1-30-2019**)

**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)

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the members of the Committee shall elect a Chair or Vice Chair from among their members to serve for the remainder of the unexpired term.

2. Any three members of the Committee constitute a quorum, and a majority vote of the quorum is required to take action with respect to any matter.

3. The Committee shall adopt:

(a) Rules for its own management; and

(b) Such rules of practice and procedure as are necessary to carry out its duties.

4. The Committee shall hold such hearings as are necessary to carry out the provisions of NRS 284.3629.

5. The Administrator or the designee of the Administrator shall act as the nonvoting recording Secretary of the Committee.”

**NRS 284.3629 states, “Committee on Catastrophic Leave: Appeal of decision of appointing authority; procedure; representation of employee; finality of decision; inapplicability of Open Meeting Law.**

1. An employee aggrieved by any decision of an appointing authority made pursuant to NRS 284.362 to 284.3629, inclusive, may appeal from the decision by filing a written notice of appeal with the Committee within 10 days after the date of the decision.

2. The Committee shall:

(a) Within 5 days after receiving a notice of appeal, schedule a hearing on the merits of the appeal for a date not later than 20 days after its receipt of the notice.

(b) Cause notice of the date and time of the hearing to be given to the employee and the appointing authority by mail or by personal service.

(c) Conduct the hearing expeditiously and informally. Technical rules of evidence do not apply at the hearing.

3. The employee may file a written request with the Committee to give preference in scheduling the hearing. The request must set forth facts showing that the seriousness of the alleged catastrophe requires an expedited appeal.

4. The employee may represent himself or herself at the hearing or be represented by an attorney or other person of the employee’s own choosing.

5. The Committee shall:

(a) Render a decision in writing within 10 days after the hearing, setting forth the reasons therefor.

(b) Cause notice of the decision to be given to the employee and the appointing authority by mail or by personal service.

6. The decision of the Committee is final and is not subject to judicial review or the procedure for the adjustment of grievances pursuant to NRS 284.384.

7. A meeting or hearing held by the Committee to carry out the provisions of this section and the Committee’s deliberations on the information or evidence received are not subject to any provision of chapter 241 of NRS.”

**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)

**NRS 284.360 states, “Leave of absence without pay.**

1. Any person holding a permanent position in the classified service may be granted a leave of absence without pay. Leave of absence may be granted to any person holding a position in the classified service to permit acceptance of an appointive position in the unclassified service. Leave of absence must be granted to any person holding a position in the classified service to permit acceptance of a position in the Legislative Branch during a regular or special session of the Legislature, including a reasonable period before and after the session if the entire period of employment in the Legislative Branch is continuous.

2. If a person is granted a leave of absence without pay to permit acceptance of an appointive position in the unclassified service or a position in the Legislative Branch, any benefits earned while the person is in the:

(a) Classified service are retained and must be paid by the employer in the classified service, whether or not the person returns to the classified service.

(b) Unclassified service or employed by the Legislative Branch are retained and must be paid by the appointing authority in the unclassified service or by the Legislative Branch, if the person does not return to the classified service, or by the employer in the classified service, if the person returns to the classified service.

3. Any person in the unclassified service, except members of the academic staff of the Nevada System of Higher Education, may be granted by the appointing authority a leave of absence without pay for a period not to exceed 6 months.

4. Officers and members of the faculty of the Nevada System of Higher Education may be granted leaves of absence without pay as provided by the regulations prescribed pursuant to subsection 2 of NRS 284.345.

5. Except as otherwise provided in subsection 6, a person in the classified or unclassified service who:

(a) Is the natural parent of a child who is less than 6 months old; or

(b) Has recently adopted a child,

→ must be granted, upon request, a leave of absence without pay for a period not to exceed 12 weeks. Such a request by natural parents must be submitted at least 3 months before the date upon which the requested leave will begin, unless a shorter notice is approved by the employer. Such a request by adoptive parents must be submitted not fewer than 2 working days after the

parents receive notice of the approval of the adoption. This subsection does not affect the rights of an employee set forth in NRS 284.350 or 284.355.

6. The provisions of subsection 5 are effective only if the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., or a subsequent federal law ceases to provide for a parental leave of absence of at least 12 weeks.”

**NRS 281.390 “Sick leave of public employees: Election of benefits; amount limited when eligible for benefits for industrial or occupational disease.”** may be found preceding NAC 284.5385.

**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)

**NRS 616C.475 states, “Amount and duration of compensation; limitations; requirements for certification of disability; offer of light-duty employment.”**

1. Except as otherwise provided in this section, NRS 616C.175 and 616C.390, every employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by accident arising out of and in the course of employment, or his or her dependents, is entitled to receive for the period of temporary total disability, 66 2/3 percent of the average monthly wage.

2. Except as otherwise provided in NRS 616B.028 and 616B.029, an injured employee or his or her dependents are not entitled to accrue or be paid any benefits for a temporary total disability during the time the injured employee is incarcerated. The injured employee or his or her dependents are entitled to receive such benefits when the injured employee is released from

**NRS 284.381 states, “Limitation on revocation of resignation by employee.** Once an employee’s written resignation is accepted by the employee’s appointing authority, the employee may not revoke the resignation, regardless of the effective date set forth in it, if 3 or more working days have elapsed since its acceptance, unless the appointing authority approves the revocation.”

**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)

**NRS 62D.130 states, “Terminating or threatening to terminate employment of parent or guardian for appearance at proceeding prohibited; penalty; civil remedy.**

1. If a parent or guardian of a child gives the employer of the parent or guardian or an agent of the employer notice of an appearance with or on behalf of the child in any court, it is unlawful for the employer or the agent of the employer to:

(a) Terminate the employment of the parent or guardian, as a consequence of the parent’s or guardian’s appearance or prospective appearance in court; or

(b) Assert to the parent or guardian that the parent’s or guardian’s appearance or prospective appearance in court will result in the termination of the parent’s or guardian’s employment.

2. Any employer or agent of an employer who violates the provisions of subsection 1 is guilty of a misdemeanor.

3. A parent or guardian who is discharged from employment in violation of subsection 1 may commence a civil action against the employer of the parent or guardian and obtain:

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

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

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

(d) Reasonable attorney’s fees fixed by the court.

4. For the purposes of this section, notice is given:

(a) In the case of a detention hearing, when the parent or guardian:

(1) Gives the employer or an agent of the employer oral notice in advance of the hearing;

and

(2) Provides the employer with a certificate of attendance immediately upon return to employment.

(b) In the case of any hearing after the initial detention hearing, when the parent or guardian gives the employer or an agent of the employer, in advance of the hearing, the employer's copy of the written notice of the hearing."

**NRS 286.430 states, "Withdrawal of contributions.**

1. Except as otherwise provided in subsection 8 and NRS 286.300, a member may withdraw the employee contributions credited to the member's individual account if:

- (a) The member has terminated service for which contribution is required; or
- (b) The member is employed in a position for which contribution is prohibited.

2. The System shall not refund these contributions until it has received:

- (a) A properly completed application for refund;
- (b) A notice of termination from the member's public employer or a certification by the public employer that the member is employed in a position for which contribution is prohibited; and

(c) Except as otherwise provided in subsection 3, all contributions withheld from such member's compensation.

3. If a member submits an application for a refund of the member's contributions before all of the member's contributions which were withheld have been remitted, the System may refund the portion of the member's contributions which it has received.

4. If it is determined, after the System has refunded the contributions of a member, that an additional amount of less than \$10 is due to the member, a refund of that amount need not be paid.

5. Refunds, pursuant to this section, must be made by check mailed to the address specified by a member in the member's application for refund.

6. The System shall transfer all money retained pursuant to subsection 4 and the amount of any unclaimed refund checks to the Public Employees' Retirement Fund or the Police and Firefighters' Retirement Fund.

7. All membership rights and active service credit in the System, including service for which the public employer paid the employee contributions, are cancelled upon the withdrawal of contributions from a member's account.

8. A member who transfers to a position for which contribution is prohibited must remain in that position for at least 90 days before the member is eligible to receive a refund pursuant to this section."

**NRS 286.440 states, "Redeposit of withdrawn contributions upon return to service: Procedure.**

1. Whenever a member, who has previously withdrawn the amount credited to the member as provided in NRS 286.430, returns to the service of a public employer participating in the System and remains a contributing member for 6 months, the member may:

(a) Make repayment in a lump sum plus interest from the date the member withdrew the member's contributions to the date of repayment; or

(b) With the approval of the Executive Officer, enter into an agreement containing a schedule of payments to repay the withdrawn contributions plus interest from the date of withdrawal to the date of repayment. Payments shall not be less than \$10 per month.

➔ For the purposes of this subsection, interest shall be computed at the assumed investment income rate used in the actuarial valuation of the System next preceding the date of repayment

**NRS 613.075 states, “Inspection by person who is subject of records; provision of copies upon request; cost of copies; person permitted to submit written explanation in response to information in records and to challenge accuracy; limitations.**

1. Any person or governmental entity who employs and has under his or her direction and control any person for wages or under a contract of hire, or any labor organization referring a person to an employer for employment, shall, upon the request of that employee or person referred:

(a) Give the employee or person referred a reasonable opportunity, during the usual hours of business, to inspect any records kept by that employer or labor organization containing information used:

(1) By the employer or labor organization to determine the qualifications of that employee and any disciplinary action taken against the employee, including termination from that employment; or

(2) By the labor organization with respect to that person’s position on its list concerning past, present and future referrals for employment; and

(b) Furnish the employee or person referred with a copy of those records.

➔ The records to be made available do not include confidential reports from previous employers or investigative agencies, other confidential investigative files concerning the employee or person referred or information concerning the investigation, arrest or conviction of that person for a violation of any law.

2. An employer or labor organization shall allow an employee or person referred to submit a reasonable written explanation in direct response to any written entry in the records of employment regarding the employee or person. Any such written explanation must be reasonable in length, in a format prescribed by the employer and maintained by the employer or labor organization in the records of employment.

3. An employer or labor organization shall not maintain a secret record of employment regarding an employee or person referred.

4. Upon termination of employment, an employer shall allow an employee to inspect the employee’s records of employment within 60 days after his or her termination of employment and shall, if requested by that former employee within that period, furnish the former employee with a copy of those records.

5. An employer or labor organization may only charge an employee or person referred an amount equal to the actual cost of providing access to and copies of his or her records of employment.

6. The employee or person referred shall, if the employee or person contends that any information contained in the records is inaccurate or incomplete, notify his or her employer or the labor organization in writing of that contention. If the employer or labor organization finds that the contention of that employee or person is correct, it shall change the information accordingly.

7. No copies may be furnished to an employee or former employee under this section unless the employee or former employee has been or was employed for more than 60 days.”

**NAC 284.718 Confidential records. (NRS 284.065, 284.155, 284.355, 284.407)**

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 sexual 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.***

[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***)

**NAC 284.726 Access to confidential records. (NRS 284.065, 284.155, 284.335, 284.4066, 284.4068, 284.407)**

1. Except as otherwise provided in this subsection and ***subsections 2 and 10***, 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 10 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 ***subsection 10***, 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 10, 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 subsection 10, 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 by 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 subsection 10, 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.***

(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.***

8. 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.

9. 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.

10. 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.

[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***)

**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]