

Joe Lombardo
Governor



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STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
515 E. Musser Street, Suite 101 | Carson City, Nevada 89701
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MEMORANDUM
HR#27-24

May 29, 2024

TO: DHRM Listserv Recipients

FROM: Bachera Washington, Administrator *Bachera Washington*
Division of Human Resource Management

SUBJECT: NOTICE OF WORKSHOP – Amendments to NAC 284

The regulation changes included with this memorandum are being proposed for permanent adoption. In order to review the proposed changes in the regulations and solicit comments from interested persons, a workshop will be held at 9:00 a.m. on June 14, 2024, at the Nevada State Library and Archives Building, 100 N. Stewart Street, Room 110, Carson City, Nevada with videoconferencing to the Eureka Building, 7251 Amigo Street, Suite 120, Las Vegas Nevada.

Please circulate and post the attached *Notice of Workshop to Solicit Comments on Proposed Permanent Regulations* along with the text of the proposed regulations.

Attachments



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REGULATION WORKSHOP

DATE: June 14, 2024

TIME: 9:00 a.m.

PLACE: Nevada State Library and Archives Eureka Building
100 N. Stewart Street 7251 Amigo Street
Room 110 Suite 120
Carson City, Nevada Las Vegas, Nevada

The sites will be connected by videoconference. The public is invited to attend at either location.

Meeting materials are available on the Division of Human Resource Management's website at:

[http://hr.nv.gov/Boards/Master Meetings Calendar/](http://hr.nv.gov/Boards/Master_Meetings_Calendar/)

AGENDA

1. Call to Order
2. Review of proposed changes to NAC 284:

<u>NAC #</u>	<u>Regulation Leadline</u>
284.042	“Classification plan” defined.
284.050	“Commission” defined.
284.058	“Eligible person” defined.
284.126	Creation of new class, reclassification of position or reallocation of existing class.
284.150	Class specifications.

284.180	Rate of pay: Nonclassified or unclassified employees or other certain employees appointed to classified service.
284.295	Determining type of recruitment.
284.2975	Designation of class for which applicants for promotion are not normally available.
284.305	Continuous recruitment.
284.313	Limitation of competition in recruitment; applications.
284.317	Investigations of applicants; minimum age requirement.
284.325	Preferences for veterans: Declaration; submission of proof.
284.329	Competitive examinations: Use and administration.
284.333	Centers for assessment: Selection and training of assessors; administration of examinations.
284.338	Minimum passing scores; computation of final scores.
284.341	Review of examinations; disputes regarding results.
284.345	Correction of errors in rating, scoring or computing results.
284.349	Retaking examination for same class.
284.353	Allocation of time used by employees for examinations and interviews.
284.358	Types of lists and priority for use.
284.360	Certification and provision of certain lists by Division of Human Resource Management.
284.361	Use of lists and consideration of certified eligible persons: Applicable conditions.
284.364	Lists of persons with disabilities who are eligible for temporary limited appointments.
284.370	Integration of subsequent lists.

284.371	Correction of errors in certification.
284.373	Inquiry of availability of eligible person.
284.374	Active lists: Removal and reactivation of names; no requirement or refusal to consider certain persons.
284.3745	Refusal to examine applicant or certify eligible person: Review of action; appeal.
284.386	Reinstatement of former permanent employee.
284.405	Reassignment of employee with disability who is unable to perform essential functions of position with or without reasonable accommodation.
284.406	Provisional appointments.
284.414	Temporary appointments.
284.434	Seasonal positions.
284.460	Failure of permanent employee who voluntarily transferred to complete trial period: Restoration to former position or other placement; required notifications; exception.
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.
284.6017	Placement on a reemployment list of name of employee with permanent disability.
284.6018	Status following reemployment of person with permanent disability; restoration of name to reemployment list following failure of such person to complete probationary period; rights of employee after expiration of right to reemployment.
284.618	Layoffs: Voluntary demotions.
284.630	Layoffs: Reemployment.
284.632	Layoffs: Calculation of seniority.
284.894	Treatment of applicant who tests positive; treatment of employee

	who tests positive twice within 5-year period.
284.114	Affirmative action program and equal employment opportunity.
284.204	Adjustment of steps within same grade: Conditions for approval; request; effective date; revocation.
284.206	Special adjustments to pay: Conditions for approval; request; effective date; revocation.
284.480	Letters of instruction: Authorized use as coaching or performance management tool; contents; discussion; retention in working file of supervisor.
284.638	Warnings and written reprimands.
284.662	Providing assistance or representation to employee; discrimination prohibited relating to seeking or filing request for review of grievance or complaint or testifying or providing assistance or representation to another employee; available resources for assistance.
284.696	Unlawful discrimination.
284.710	Order of processing personnel documents.
NEW	Paid family leave; effective of temporary total disability.
284.598	Breaks in continuous service.

3. Adjournment

This workshop will be conducted in accordance with the Open Meeting Law (NRS 241.020).

NOTE: Comments by the general public will be taken following a description of the proposed regulation changes. Public comment may be limited to 5 minutes per person at the discretion of the staff member conducting the workshop.

If anyone has questions or wishes to discuss in further detail the items scheduled for this regulation workshop, please contact Michelle Garton at mgarton@admin.nv.gov.

Notices have been posted on the Division of Human Resource Management's website at www.hr.nv.gov and at the following locations:

CARSON CITY

NV State Library and Archives, 100 N. Stewart Street
515 E. Musser Street
Legislative Counsel Bureau (LCB), 401 S. Carson Street
Nevada State Capitol Building, 101 N. Carson Street

LAS VEGAS

Eureka Building, 7251 Amigo Street, Suite 120

WEBSITES

LCB website: www.leg.state.nv.us

Nevada Public Notice website: www.notice.nv.gov

We are pleased to make reasonable accommodations for individuals with disabilities who wish to participate in the meeting. If special arrangements for the meeting are necessary, please notify Michelle Garton at (775) 684-0131 or mgarton@admin.nv.gov no later than five working days before the meeting.

**NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED PERMANENT REGULATIONS**

The Division of Human Resource Management, 515 E. Musser Street, Suite 101, Carson City, Nevada, telephone number (775) 684-0131, is proposing the permanent adoption and amendment of regulations pertaining to Chapter 284 of Nevada Administrative Code. A workshop has been set for 9:00 a.m. on June 14, 2024, at the Nevada State Library and Archives Building, 100 N. Stewart Street, Room 110, Carson City, Nevada with videoconferencing to the Eureka Building, 7251 Amigo Street, Suite 120, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following topics that may be addressed in the proposed regulations:

**Meeting materials are available on the Division of Human Resource Management’s
website at:**

<http://hr.nv.gov/Boards/Master Meetings Calendar/>

<u>NAC #</u>	<u>Regulation Leadline</u>
284.042	“Classification plan” defined.
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284.305	Continuous recruitment.
284.313	Limitation of competition in recruitment; applications.
284.317	Investigations of applicants; minimum age requirement.

- 284.325 Preferences for veterans: Declaration; submission of proof.
- 284.329 Competitive examinations: Use and administration.
- 284.333 Centers for assessment: Selection and training of assessors; administration of examinations.
- 284.338 Minimum passing scores; computation of final scores.
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- 284.358 Types of lists and priority for use.
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- 284.361 Use of lists and consideration of certified eligible persons: Applicable conditions.
- 284.364 Lists of persons with disabilities who are eligible for temporary limited appointments.
- 284.370 Integration of subsequent lists.
- 284.371 Correction of errors in certification.
- 284.373 Inquiry of availability of eligible person.
- 284.374 Active lists: Removal and reactivation of names; no requirement or refusal to consider certain persons.
- 284.3745 Refusal to examine applicant or certify eligible person: Review of action; appeal.
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284.638	Warnings and written reprimands.
284.662	Providing assistance or representation to employee; discrimination prohibited relating to seeking or filing request for review of grievance

or complaint or testifying or providing assistance or representation to another employee; available resources for assistance.

- 284.696** Unlawful discrimination.
- 284.710** Order of processing personnel documents.
- NEW** Paid family leave; effective of temporary total disability.
- 284.598** Breaks in continuous service.

A copy of all materials relating to the proposal may be obtained by contacting the Division of Human Resource Management at (775) 684-0131 or mgarton@admin.nv.gov. A reasonable fee for copying may be charged. The agency's Small Business Impact Statement is attached.

This Notice of Workshop to Solicit Comments on Proposed Permanent Regulations has been sent to all persons on the agency's Listserv and posted at the following locations:

CARSON CITY

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WEBSITES

LCB website: www.leg.state.nv.us
Division of Human Resource Management website: www.hr.nv.gov
Nevada Public Notice website: www.notice.nv.gov

In addition, this Notice of Workshop to Solicit Comments on Proposed Permanent Regulations has been sent to:

ALL NEVADA COUNTY PUBLIC LIBRARIES

NOTE: We are pleased to make reasonable accommodations for individuals with disabilities who wish to participate in the meeting. If special arrangements for the meeting are necessary, please notify Michelle Garton at (775) 684-0131 or mgarton@admin.nv.gov no later than five working days before the meeting.

Proposed Changes Primarily Resulting from SB431

The proposed regulation changes in this section primarily result from the amendments to NRS 284 included in Senate Bill 431 of the 82nd Session of the Nevada Legislature. Also included for discussion are some additional proposed changes to the affected regulations.

NAC 284.042 “~~{Classification}~~ *Master 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, *which is maintained by the Administrator.*

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

NAC 284.050 “Commission” defined. (NRS 284.065) “Commission” means the ~~{Personnel}~~ *Human Resources* Commission.

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

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,}~~ *evaluation*, when required, and is placed ~~{on}~~ *in* an appropriate *pool of* eligible ~~{list}~~ *persons*; or

2. Is eligible to be placed ~~{on a list}~~ *in a pool* 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 284.126 *Creation of new class, reclassification of position or reallocation of existing class.* (NRS 284.065, 284.155)

1. For the purposes of this section:

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

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

(1) Is outside of the scope of the class as described by the class specification;

(2) Is not part of the scope of responsibility of the position; and

(3) Results in the preponderance of duties and responsibilities being allocated to a different class.

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

3. The effective date of the classification decision will be the date on which form NPD-19 is received by the Division of Human Resource Management or agency personnel officer unless information that substantially affects the decision concerning the creation, reclassification or reallocation is received after

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

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

5. In effecting a reclassification pursuant to subsection 2 or 4, the appointing authority must review and take into consideration the organizational structure and the qualifications of the incumbent before assigning new duties to a position which are intended to be permanent. No position will be reclassified to a higher grade through the individual classification process if the incumbent does not meet the minimum qualifications for the higher level position. If an employee does not meet the minimum qualifications to reclassify his or her position, the employee is not eligible for promotion, but may be eligible for a special adjustment to his or her pay pursuant to NAC 284.206. *If an employee will meet the minimum qualifications within 1 year, he or she can be placed in the appropriate underfill class within the applicable occupational group.*

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

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

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

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

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

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

NAC 284.150 Class specifications. (NRS 284.065, 284.155, 284.384)

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

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

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

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

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

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

↪ Any disagreement concerning the validity of the required qualifications may be submitted for adjustment pursuant to the procedure for the adjustment of grievances set forth in NAC 284.658 to 284.697, inclusive.

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

NAC 284.180 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}~~ *Human Resources* System pursuant to the provisions of NRS 284.022 is appointed without a break in service to the classified service, he or she may, at the discretion of the appointing authority:

- (a) Be paid at a step which corresponds to or is below his or her rate of pay as a nonclassified or unclassified employee if it is within the grade of the class to which he or she is appointed;
- (b) Be paid at the first step in the new grade to which he or she is appointed; or
- (c) Receive a special adjustment to his or her pay pursuant to subsection 1 of NAC 284.204 or NAC 284.206.

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

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

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

NAC 284.295 Determining type of recruitment. (NRS 284.065, 284.155, 284.295)

1. ~~{The}~~ *An appointing authority or the* Division of Human Resource Management will determine the type of recruitment based on:

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

2. Except as otherwise provided in subsection 3, a recruitment must be restricted to one or a

combination of these groups in the following order of priority:

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

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

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

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

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

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

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

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

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

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

NAC 284.305 Continuous recruitment. (NRS 284.065, 284.155, 284.205, 284.250)

1. The *appointing authority or the* Division of Human Resource Management may conduct recruitments ~~{and administer examinations}~~ in order to provide the names of eligible persons on a continuous basis.

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

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

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

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

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

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

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

4. The incomplete or improper completion of an application that affects the ability ~~[of the Division of Human Resource Management]~~ to determine the qualifications of the applicant ~~[, including the failure to designate the locations where the applicant will work and other criteria or conditions, is cause for the rejection]~~ *could lead to the disqualification* of the applicant.

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

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

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

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

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

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

9. Applications and accompanying documents are ~~[the property of]~~ *maintained by* the Division of Human Resource Management.

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

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

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

2. A reasonable minimum age requirement may be established for any position that involves public

safety, supervision or care of wards of the State of Nevada, hazardous working conditions or other unusual circumstances. If such a minimum age requirement is established, it must be specified in the approved class specification or the publicized job announcement and an applicant shall, upon request, submit appropriate proof of age to the *appointing authority or the* Division of Human Resource Management.

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

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

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

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

~~{NAC 284.329 Competitive examinations: Use and administration. (NRS 284.065, 284.155, 284.205, 284.384)}~~

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

~~2. Examinations may be:~~

~~(a) Structured or unstructured;~~

~~(b) Scored or unscored;~~

~~(c) Written or oral;~~

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

~~(e) An evaluation of training and experience; or~~

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

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

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

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

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

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

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

- ~~1.—Assessors of a center for assessment must be selected:
 - ~~(a) From at least two different departments; or~~
 - ~~(b) From a combination of departments or other public or private employers.~~~~
 - ~~2.—Each assessor must be trained in the method of examination used by the center for assessment before he or she examines an applicant.~~
 - ~~3.—Oral, written and performance exercises administered by a center for assessment must:
 - ~~(a) Be administered under standardized conditions;~~
 - ~~(b) Be related to the performance of the job;~~
 - ~~(c) Be evaluated by more than one assessor; and~~
 - ~~(d) Measure the skills, knowledge and other attributes of a person which are important to his or her successful performance of the job.~~~~
- ~~(Added to NAC by Dep't of Personnel, eff. 11-12-93; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.300)}~~

~~[NAC 284.338—Minimum passing scores; computation of final scores. (NRS 284.065, 284.155, 284.205, 284.250)~~

- ~~1.—The passing score for placement on an eligible list will be determined by the Division of Human Resource Management based on a consideration of the difficulty of the test, the quality of the competition and the needs of the service.~~
 - ~~2.—The final earned score will be determined by computing the score on each phase of the examination according to the relative weights which are assigned.~~
 - ~~3.—Unless otherwise specified in the publicized job announcement, a competitor must pass each phase of the examination to proceed to the next phase of the examination. Each competitor must obtain a final passing score exclusive of preferences for residents or veterans.~~
- ~~[Personnel Div., Rule IV § K, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004)}~~

~~[NAC 284.341—Review of examinations; disputes regarding results. (NRS 284.065, 284.155, 284.205, 284.384)~~

- ~~1.—Except as otherwise provided in this section, within 10 working days after the date of the postmark on a notification of a grade pertaining to an examination, a candidate or a representative to whom the candidate has provided written authorization may review the results of the candidate's examination as follows:
 - ~~(a) If the examination was written, the Division of Human Resource Management will review with the candidate or his or her representative the cover sheet of the examination taken by the candidate which lists both the areas of subject matter included in the written examination and the number of correct and incorrect responses in those areas.~~
 - ~~(b) If the examination was a rating of training and experience, the Division of Human Resource Management will review with the candidate or his or her representative the scores received on each phase of the rating plan.~~
 - ~~(c) If the examination was oral, the Division of Human Resource Management will review with the candidate or his or her representative the taped record of the candidate's oral examination. The candidate or his or her representative may also review general areas of the oral examination in which the candidate gave incorrect answers, the oral questions and the procedures or methods of examination.~~~~

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

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

~~3. A candidate or his or her representative may not review the correct answers to questions answered incorrectly on an examination, regardless of its type, if the examination is copyrighted, standardized, on loan from another jurisdiction, used for more than one class or used on a continuous basis.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(a) The applicant has demonstrated that he or she has gained additional qualifications which indicate~~

~~that he or she may be able to improve his or her score on the training and experience portion of the examination; or~~

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

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

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

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

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

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

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

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

NAC 284.358 Types of ~~lists~~ pools and priority for use. (NRS 284.065, 284.155, 284.250, 284.305, 284.327)

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

(a) Reemployment ~~lists~~ pools.

(b) Reassignment ~~lists~~ pools, which shall be used at any point if one becomes available and the position is vacant.

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

(d) Transfer lists ~~, at the option of the appointing authority,~~ pursuant to NRS 284.3775.

(e) Divisional promotional ~~lists~~ pools of eligible persons.

(f) Departmental promotional ~~lists~~ pools of eligible persons.

(g) Statewide promotional ~~lists~~ pools of eligible persons.

(h) ~~Lists~~ Pools of persons determined to be eligible from open competitive recruitments.

(i) ~~Lists~~ Pools of eligible persons of comparable classes.

2. The names ~~on each list~~ in each pool must be used as prescribed in NAC 284.361.

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

4. The open and promotional ~~lists~~ pools of eligible persons referred to in paragraphs (e) to (i), inclusive, of subsection 1 must be ~~+~~

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

~~(b) Described~~ *described* in the publicized job announcement.

↪ The establishment of any other type of ~~{hist}~~ *pool* from the initial recruitment must be in accordance with NAC 284.367.

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

NAC 284.360 Certification and provision of certain ~~{lists}~~ *pools of eligible persons* 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 ~~{hist}~~ *pool* for that class. If a reemployment ~~{hist}~~ *pool* is available, the Division of Human Resource Management must ~~{certify and}~~ provide the reemployment ~~{hist}~~ *pool* to the appointing authority. Eligible persons who appear ~~{on reemployment lists}~~ *in reemployment pools* are ranked in order of seniority. Except as otherwise provided in subsection 2 of NAC 284.6017, placement ~~{on a reemployment list}~~ *in a reemployment pool* must be determined using the criteria governing the determination of seniority for layoff pursuant to NAC 284.632.

2. If there is no reemployment ~~{hist}~~ *pool* available, the Division of Human Resource Management must ~~{certify and}~~ provide to the appointing authority any available reassignment ~~{lists}~~ *pools* pursuant to *federal regulations and* NAC 284.405. *A reassignment list may be provided to the appointing authority throughout an active recruitment.*

3. If there are no reassignment ~~{lists}~~ *pools* available, the Division of Human Resource Management must ~~{certify and}~~ provide to the appointing authority any available ~~{lists}~~ *pools* of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327.

4. If there are no available ~~{lists}~~ *pools* 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}~~ *pools* 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~~

5. An appointing authority or the Division of Human Resource Management may ~~{certify a list}~~ provide a *pool* of eligible persons who ~~{are not ranked}~~, or may waive ~~{the list}~~ *competitive evaluation*, for:

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

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

(c) A class designated in the *master* 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.}~~ **6.** 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~~ *pools of eligible persons* and consideration of certified eligible persons *on certain lists*: Applicable conditions. (NRS 284.065, 284.155, 284.250, 284.305) When using ~~lists of persons who are eligible~~ *pools of eligible persons* and considering eligible persons who have been certified *in certain pools*, the following conditions apply:

1. When a reemployment ~~list~~ *pool* is certified, persons who are available for appointment and who are certified ~~on reemployment lists,~~ *in reemployment pools*, other than seasonal reemployment ~~lists,~~ *pools*, 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~~ *pool of eligible persons*. The appointing authority must make the written justification available for examination by affected persons or their designated representatives.

2. The Division of Human Resource Management shall integrate the name of a person who is eligible for reassignment pursuant to subsection 3 or 5 of NAC 284.405 with the names of employees who are placed ~~on a reassignment list~~ *in a reassignment pool* pursuant to subsection 4 or 6 of NAC

3. whenever there is a reassignment ~~list~~ *pool* certified to the agency that employed the person in his or her regular position.

4. 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~~ **5. *Pools of*** eligible persons who are *all* 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:~~

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

~~(f) Are available for appointment.~~

~~7.] If the list is unranked or waived, the] 6. 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.] in the pool of eligible persons.~~

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

NAC 284.364 ~~[Lists]~~ Pools 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]~~ **in a pool** 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]~~ **pool** 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]~~ **in the pool** 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 284.370 Integration of subsequent ~~[lists]~~ pools of eligible persons. (NRS 284.065, 284.155, 284.250)

1. The names of eligible persons ~~[on current lists]~~ **in pools** may be integrated onto subsequent ~~[lists]~~ **pools** 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.]~~ **minimum qualifications.**

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.~~ *evaluation.*

[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 *an appointing authority or* 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~~ *a pool of eligible persons, the appointing authority will work with the* Division of Human Resource Management ~~will~~ *to* 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 *for an interview.* (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.~~ *pool of eligible persons.*

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~~ *Pools of eligible persons: 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~~ *a pool of eligible persons* 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;}~~ *pool of eligible persons;*

(f) Any of the causes listed in NRS 284.240 pursuant to which the ~~{Administrator}~~ *appointing authority or the Administrator* may refuse to ~~{examine}~~ *evaluate* 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;}~~ *pool*, 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}~~ *a pool of eligible persons* 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}~~ *appointing authority or the Division of Human Resource Management* determines that the reasons are justified, and the term of eligibility for the person has not otherwise expired, his or her name may be reactivated.

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

NAC 284.3745 ~~{Refusal to examine applicant or certify eligible person;}~~ Determination that applicant does not meet minimum qualifications: 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.}~~

After evaluation, an applicant who is determined not to meet the minimum qualifications for a position may request a review of the determination by the appointing authority or the Division of Human Resource Management not later than 30 calendar days after the applicant receives notification that he or she did not meet the minimum qualifications.

2. The ~~{supervisor of recruitment of the Division of Human Resource Management}~~ *appointing authority or 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,}~~ *appointing authority or 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}~~ *for the determination that the applicant did not meet the minimum qualifications*, 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}~~ *determination that the applicant did not meet the minimum qualifications*; 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)

NAC 284.386 Reinstatement of former permanent employee. (NRS 284.065, 284.155, 284.305)

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

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

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

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

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

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

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

6-23-14)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Accepts reemployment pursuant to NAC 284.6014.

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

13. As used in this section:

(a) "Agency" includes:

(1) A department as defined in NAC 284.055;

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

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

- (4) Any division or institution of the Nevada System of Higher Education.
- (b) “Geographical location” has the meaning ascribed to it in NAC 284.612.
- (c) “Soon to be vacant” means a position in which:
 - (1) The Division of Human Resource Management is aware will have an imminent vacancy;
 - (2) ~~A list has not been certified for the position;~~ *A pool of eligible persons has not been provided and an offer has not been presented to a candidate; and*
 - (3) The employee will be able and available to fill the position within 30 days after the position becomes open.
- (d) “Undue hardship” has the meaning ascribed to it in 29 C.F.R. § 1630.2.
(Added to NAC by Personnel Comm’n by R097-16, eff. 11-2-2016; R015-19, 12-30-2019)

NAC 284.406 Provisional appointments. (NRS 284.065, 284.155)

- 1. An appointing authority may make a provisional appointment pursuant to NRS 284.310 if there are fewer than five ~~ranks of~~ eligible persons available for appointment to the position.
 - 2. The ~~Division of Human Resource Management will~~ *appointing authority or the Division of Human Resource Management shall* begin the recruitment within 30 days after the effective date of the provisional appointment.
 - 3. A provisional appointment may not continue for longer than 30 days after a ~~list~~ *pool* of five ~~or more ranks of~~ eligible persons who are available for appointment has been ~~certified~~ *prepared by the appointing authority or the Division of Human Resource Management.*
- [Personnel Div., Rule VI § G, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; 11-16- 95; A by Personnel Comm’n by R183-03, 1-27-2004)

NAC 284.414 Temporary appointments. (NRS 284.065, 284.155, 284.175, 284.325, 284.345)

- 1. A temporary appointment must not exceed 6 months in any 12-month period unless the appointment is authorized:
 - (a) As a replacement for an employee who is:
 - (1) Receiving benefits for temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS; or
 - (2) On a leave of absence for active military service pursuant to NRS 281.145.
 - (b) To allow an employee to perform duties below the journey level while he or she is studying or training for advancement to an entry level professional class.
 - ➔ The appointing authority shall indicate *to the employee* the probable duration of employment ~~on its request for certification.~~ *prior to appointment.* ~~Upon receipt of this request, the Division of Human Resource Management will certify the names of eligible persons from the appropriate eligible list who have noted that they will accept employment for the duration of the employment indicated.~~
- 2. Service under a temporary appointment immediately preceding appointment to a permanent position must be credited towards annual leave and merit pay increases. Sick leave may be earned for each month of service pursuant to NRS 284.355.
 - ~~3. A special temporary appointment to a position within the Nevada System of Higher Education may not be used to fill regularly budgeted positions. Such appointments may be made without regard to the rules on certification or appointment and may be made on forms and under procedures prescribed by the Nevada System of Higher Education and approved by the Division of Human Resource Management. Time served under a special temporary appointment pursuant to this subsection may be credited towards annual leave, sick leave or merit pay increases if the temporary appointment is~~

~~immediately followed by a probationary or a permanent appointment.~~

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

NAC 284.434 Seasonal positions. (NRS 284.065, 284.155)

1. An appointment to a seasonal position may not exceed 9 months of full-time equivalent service in any 12-month period. A separation from a seasonal position which is a result of the lack of money or the lack of work must be made in accordance with NAC 284.608. Persons eligible for seasonal reemployment must be offered employment in the order that they appear on the seasonal reemployment ~~list~~ pool before another type of ~~list~~ pool of eligible persons may be used.

2. Reemployment rights extending 1 year from the date of a seasonal employee's date of separation:

(a) Must be granted if the employee has attained permanent status; or

(b) May be granted, at the discretion of the appointing authority, if the employee has not attained permanent status,

↳ if the employee's last rating of performance was standard or better.

3. For the purposes of this section, a person's right to reemployment is limited to a seasonal position in the same class, option and department in which he or she last worked, except that an appointing authority may:

(a) Reemploy a former employee who held a seasonal position in another department if he or she is otherwise eligible.

(b) Reemploy a former employee who held a seasonal position in a comparable class if he or she is otherwise eligible and the Division of Human Resource Management approves.

4. To be eligible for reemployment, the former employee must:

(a) Notify the agency, in writing, stating the locations where he or she seeks reemployment; and

(b) Be available for the entire term of employment.

5. Seasonal reemployment ~~lists~~ pools must be maintained by the employing department, taking into account the provisions in subsection 1 of NAC 284.360 and subsections 3, 4 and 5 of this section.

6. An incumbent in a permanent position may request a seasonal position. By the voluntary acceptance of a seasonal position, an employee gives up any right to return to his or her former permanent position but, if eligible, may be reappointed.

[Personnel Div., Rule VI part § J, eff. 3-3-77]—(NAC A by Dep't of Personnel, 10-26-84; 8-1-91; 11-16-95; A by Personnel Comm'n by R183-03, 1-27-2004)

NAC 284.460 Failure of permanent employee who voluntarily transferred to complete trial period: Restoration to former position or other placement; required notifications; exception. (NRS 284.065, 284.155, 284.375)

1. If a permanent employee voluntarily transfers and the permanent employee fails to complete his or her trial period in the position to which he or she voluntarily transferred or voluntarily chooses to revert to his or her previous position, the permanent employee must, in the following order, be:

(a) Restored to the position from which the employee voluntarily transferred, if that position is vacant;

(b) If the position from which the employee voluntarily transferred is not vacant, appointed to another position in the agency from which the employee voluntarily transferred:

(1) For which a vacancy exists; and

(2) Which is in the same class as the position held by the employee immediately before he or she voluntarily transferred.

(c) If the position from which the employee voluntarily transferred is not vacant and a position described in paragraph (b) does not exist, appointed to a position in the agency from which the employee voluntarily transferred:

- (1) For which a vacancy exists;
- (2) Within a comparable class to the class of the position held by the employee immediately before he or she voluntarily transferred; and
- (3) For which the employee meets the minimum qualifications;

(d) If the position from which the employee voluntarily transferred is not vacant and a position described in paragraph (b) or (c) does not exist, appointed to a position in the agency from which the employee voluntarily transferred:

- (1) For which a vacancy exists;
- (2) Within a class lower 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; 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~~ pool for other classes:

- (1) Which are equal to or lower than the class of the position held by the employee immediately before he or she voluntarily transferred; and
- (2) For which the employee meets the minimum qualifications.

2. If an employee fails to complete the trial period and is restored to his or her former position or otherwise placed pursuant to subsection 1, the appointing authority which takes such action must give written notice to the agency from which the employee voluntarily transferred at least 30 calendar days before the effective date of the action. The agency which is taking the action is liable for the payment of the employee during this 30-day period unless the agency receiving the employee agrees to accept the employee before the expiration of that period. An employee does not gain permanent status if notice of the action has been provided to the employee and filed with the Division of Human Resource Management on or before the last day of his or her trial period, even though the action takes place after the last day of the trial period.

3. If an employee voluntarily chooses to revert to his or her previous position and is restored to his or her former position or otherwise placed pursuant to subsection 1, the employee must notify the agency to which the employee voluntarily transferred. The agency to which the employee voluntarily transferred must then give written notice to the agency from which the employee voluntarily transferred at least 30 calendar days before the effective date of the action. The agency which is taking the action is liable for the payment of the employee during this 30-day period unless the agency receiving the employee agrees to accept the employee before the expiration of that period. An employee does not gain permanent status if notice of the action has been filed with the Division of Human Resource Management on or before the last day of his or her trial period, even though the action takes place after the last day of the trial period.

4. The provisions of this section do not apply to an employee described in NAC 284.462

5. As used in this section, “voluntarily transfer” means any movement into a vacant position in the same class or a comparable class by a permanent employee, including, without limitation, transfers governed by NAC 284.390.

(Added to NAC by Personnel Comm’n by R163-18, eff. 1-30-2019)

NAC 284.462 Placement of promoted employee who fails to attain permanent status or is dismissed for certain causes from position to which employee was promoted; placement of displaced employee. (NRS 284.065, 284.155, 284.290, 284.300)

1. For the purposes of this section only, “promotion” means any movement into a vacant position which has a higher grade than the position previously occupied by a classified employee who has completed an initial probationary period.

2. An employee who is promoted and fails to attain permanent status in the position to which he or she was promoted or who is dismissed for a cause other than misconduct or delinquency on his or her part from the position to which he or she was promoted, either during the probationary period for that position or at its conclusion, must, in the following order, be:

(a) Restored to the position from which the employee was promoted, unless that position is held by an employee with greater seniority;

(b) If the position from which the employee was promoted is held by an employee with greater seniority, appointed to another position in the agency from which the employee was promoted:

(1) For which a vacancy exists; and

(2) Which is in the same class as the position held by the employee immediately before the promotion; or

(c) If the position from which the employee was promoted is held by an employee with greater seniority and a position described in paragraph (b) does not exist:

(1) Appointed to a position in the agency from which the employee was promoted:

(I) For which a vacancy exists;

(II) Within a class equal to or lower than the class of the position held by the employee immediately before the promotion; and

(III) For which the employee meets the minimum qualifications; or

(2) Placed on the reemployment ~~list~~ *pool* 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~~ *pool* 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~~ *pool*; 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)

NAC 284.6017 Placement ~~on reemployment list~~ in reemployment pool of name of employee with permanent disability. (NRS 284.065, 284.155, 284.250, 284.305)

1. The name of a person who is eligible for reemployment pursuant to NAC 284.6014 will be placed ~~on a reemployment list~~ *in a reemployment pool* in the order of seniority and, if applicable, will be integrated with the names of employees who are placed ~~on a reemployment list~~ *in a reemployment pool* pursuant to NAC 284.630, whenever there is a list certified to the department that employed the person in his or her regular position.

2. The Division of Human Resource Management will use the same criteria for determining seniority for placement ~~on a reemployment list~~ *in a reemployment pool* pursuant to subsection 1 as that used for determining the seniority for a layoff, except that the length of employment for determining seniority must be counted up to the date that the person sustained his or her permanent disability.

(Added to NAC by Dep't of Personnel, eff. 3-1-96)

NAC 284.6018 Status following reemployment of person with permanent disability; restoration of name to reemployment ~~list~~ pool following failure of such person to complete probationary period; rights of employee after expiration of right to reemployment. (NRS 284.065, 284.155, 284.305)

1. An employee who is separated from state service and is reemployed pursuant to NAC 284.6014 in the same department, class and option as his or her regular position will have his or her permanent status restored immediately upon reemployment.

2. An employee who is reemployed pursuant to NAC 284.6014 in a class or option that is different from the class or option of his or her regular position must serve a new probationary period. If the employee does not complete the probationary period and is otherwise eligible for reemployment, his or her name must be restored to the appropriate reemployment ~~list~~ *pool* for any remaining part of the year following the date on which he or she sustained his or her permanent disability.

3. When the right to reemployment expires, the person affected retains the right to reinstatement or reappointment pursuant to NAC 284.386 or 284.404, respectively.

(Added to NAC by Dep't of Personnel, eff. 3-1-96)

NAC 284.618 Layoffs: Voluntary demotions. (NRS 284.065, 284.155, 284.175, 284.380)

1. In lieu of being laid off, a permanent employee may choose to be voluntarily demoted to a vacant position or displace an employee within the department and geographical location where employed to one of the next lower classes:

(a) Within his or her current class series and option; or

(b) Within the class series and option from which he or she was appointed to his or her current position during current continuous service if he or she cannot be demoted pursuant to paragraph (a).

↪ For the purposes of this subsection, divisions of the Department of Health and Human Services and the Nevada System of Higher Education shall be deemed to be departments.

2. No employee in a higher class may displace an employee in a lower class who has more seniority.

If an employee chooses to displace another, he or she must displace the member of the next lower class who has the least seniority. If that member has more seniority, the displacing employee must descend further in the class series.

3. The employees displaced reestablish the layoff class.

4. An employee may choose to displace another only if he or she meets the minimum qualifications for the class, option and position. For the purposes of this subsection, qualifications for a position may be different from those of the class and option only when selective certification is required pursuant to subsection 4 of NAC 284.361.

5. Full-time, part-time and seasonal employees must be treated separately and can only displace like employees.

6. Displacement is always a movement to a class at a lower grade.

7. A current employee who elects to displace another employee has priority over former employees already ~~on reemployment lists.~~ *in reemployment pools.*

8. The pay of the employee who is taking a voluntary demotion cannot exceed the highest step for the class to which the employee is being demoted. If the current pay falls within the lower rate range, no reduction in pay may occur unless money is not available as certified by the Chief of the Budget Division or, in the case of an agency which is not supported from the State General Fund, as certified by the administrator of that agency.

[Personnel Div., Rule XIII § B subsec. 2, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26- 83; 10-26-84; 7-21-89; 8-1-91; R146-01, 1-18-2002; A by Personnel Comm'n by R096-03, 10-30-2003; R143-05, 12-29-2005; R034-17, 12-19-2017, eff. 1-1-2018; R121-17, 6-26-2018)

NAC 284.630 Layoffs: Reemployment. (NRS 284.065, 284.155, 284.250, 284.380)

1. Names of permanent employees who have received a layoff notice will be placed ~~on the statewide reemployment list~~ *in the statewide reemployment pool* for the class and option of the position involved in the layoff, in order of seniority.

2. Names of permanent employees who have received a layoff notice will also be placed ~~on the statewide reemployment list~~ *in the statewide reemployment pool* for other classes for which they qualify at or below the grade of the class held at the time of layoff, in order of seniority but behind those identified in subsection 1.

3. The employee shall provide an employment application and a list of classes and options he or she is seeking for reemployment to the Division of Human Resource Management within 30 days after his or her layoff date. The agency shall provide the seniority calculations to the Division of Human Resource Management.

4. Names of permanent employees who have received a layoff notice will be integrated with names of employees who are eligible for reemployment pursuant to NAC 284.6014.

5. Part-time employees are not entitled to be reemployed in full-time positions, and full-time employees are not entitled to be reemployed in part-time positions.

6. Seniority must be projected and counted up to the layoff date, or transfer date if the provisions of subsection 4 of NAC 284.394 apply. Seniority determines ranking ~~on all reemployment lists~~ *in all reemployment pools* and will not be recalculated unless the employee is affected by a subsequent layoff.

7. Each person on the ~~list~~ *pool* retains reemployment eligibility for 1 year after the layoff date. Except as otherwise provided in this section, reemployment rights are exhausted when a person accepts or declines an offer of employment in the class or a comparable class with the same grade in the department and geographical location of the layoff. Any exception to this provision must be approved by the Division of Human Resource Management. When a person accepts a position at a grade lower

than that held at the time of layoff, his or her name will be removed from all reemployment ~~lists~~ pools that are equal to or below the grade accepted.

8. A permanent employee who has been laid off and is being reemployed in the department, class and option from which he or she was laid off must have his or her permanent status restored. A permanent employee who is reemployed in a different class or in a different department must serve a new probationary period. If the employee does not complete the probationary period, his or her name must be restored to the appropriate reemployment ~~list~~ pool for any remaining part of the year following the layoff date. When the right to reemployment expires, the person affected retains the right to reinstatement or reappointment pursuant to NAC 284.386 or 284.404.

[Personnel Div., Rule XIII § B subsec. 6, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26- 83; 10-26-84; 7-21-89; 8-1-91; 11-12-93; 3-1-96; A by Personnel Comm'n by R183-03, 1-27-2004; R143-05, 12-29-2005)

NAC 284.632 Layoffs: Calculation of seniority. (NRS 284.065, 284.155, 284.335, 284.380)

1. For the purposes of calculating an employee's seniority for NAC 284.614, 284.618 and 284.630:

(a) Except as otherwise provided in this section, the total number of years of continuous full- time equivalent service up to the effective date of the layoff must be included.

(b) Except as otherwise provided in subsection 2, the sum of the calculation made pursuant to paragraph (a) or, if applicable, subsection 5 must be reduced by the following periods if those periods occurred during the 36 months immediately preceding the date of the notification of layoff:

(1) For a nonexempt employee, any combination of leave without pay and catastrophic leave in excess of 240 hours in the period preceding the date of the notification of layoff equal to 12 months of full-time equivalent service;

(2) For an exempt classified employee or exempt unclassified employee, any combination of leave without pay and catastrophic leave in excess of 30 working days in the period preceding the date of the notification of layoff equal to 12 months of full-time equivalent service; and

(3) Any time covered by a report on performance which rated the employee below standard, excluding evaluations received within 75 calendar days before the notification of layoff.

2. For the purposes of the reduction in the calculation of seniority required by paragraph (b) of subsection 1:

(a) The reduction may not include:

(1) A leave of absence without pay during a fiscal emergency of the State or an agency pursuant to NAC 284.580;

(2) A leave of absence without pay for a work-related injury or illness pursuant to NRS 281.390; or

(3) A military leave of absence pursuant to NRS 284.359.

(b) As set forth in subparagraphs (1) and (2) of paragraph (b) of subsection 1, an employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his or her pay class designation.

3. For the purposes of calculating seniority for layoff, if seniority is otherwise equal, seniority must be determined in the following order:

(a) Total time within the occupational group;

(b) Total time within the department; and

(c) By lot.

4. For the purposes of calculating seniority for reemployment, if seniority is otherwise equal, seniority must be determined by lot.

5. A department may request from the Commission approval to calculate the number of years of continuous full-time equivalent service of an employee of the department by doubling the time spent by the employee in his or her present occupational group as categorized by NRS 284.171 and adding that amount to the time spent by the employee in all former occupational groups up to the date of layoff. If the Commission approves the request of the department to calculate the number of years of service pursuant to this section, the department shall use this method to calculate the number of years of service:

(a) Only to determine which employees will receive a layoff notice and not for the placement of those employees ~~{on the reemployment list;}~~ *in the reemployment pool*; and

(b) Until the department seeks from and is granted approval by the Commission to revert to the method of calculating the number of years of service set forth in paragraph (a) of subsection 1.

(Added to NAC by Personnel Comm'n by R096-03, eff. 10-30-2003; A by R182-03, 1-27- 2004; R143-05, 12-29-2005)

NAC 284.894 Treatment of applicant who tests positive; treatment of employee who tests positive twice within 5-year period. (NRS 284.065, 284.155, 284.407)

1. An applicant who tests positive for the use of a controlled substance must not be considered by an appointing authority for employment in any position which requires such testing and must be removed from all ~~{lists}~~ *pools* of eligible persons established from a recruitment that requires such testing until:

(a) One year after the time of the positive test; or

(b) The applicant provides evidence that he or she has successfully completed a rehabilitation program for substance abuse.

2. An employee who tests positive for the use of a controlled substance or alcohol for the second time within a 5-year period is subject to disciplinary action by the appointing authority and may be terminated at the discretion of the appointing authority.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A 7-1-94; A by Personnel Comm'n by R194-09, 4-20-2010)

Proposals Changing “Personnel” to “Human Resources”

The proposed regulation changes in this section are for regulations not otherwise included in this document. These amendments require input from the Division of Human Resource Management to the Legislative Counsel Bureau's Legal Division to change “personnel” to “human resource(s)” as a result of SB431.

NAC 284.114 Affirmative action program and equal employment opportunity. (NRS 84.065, 284.155)

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

2. The Division of Human Resource Management will cooperate and consult with agencies to:

(a) Identify barriers in the ~~{personnel}~~ *human resource* management system which may adversely affect the ability of applicants and employees to reach their full employment potential without regard to race, sex, sexual orientation, gender identity or expression, religion, color, national origin, age, genetic information, disability or whether or not the person is a domestic partner.

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

to the extent of their merit.

[Personnel Div., Rule I § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-6-92; R098-99, 9-27-99; A by Personnel Comm'n by R055-10, 6-30-2010; R023-11, 10-26-2011; R088- 17, 12-19-2017; R175-18, 1-30-2019)

NAC 284.204 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~~ *human resources* office of the department or agency at which the employee who is receiving the adjustment is employed. If a request for an adjustment of steps is delayed because an administrative or clerical error prevented the delivery of the request, the effective date must be determined by the

appointing authority and must be based on the date on which the request should reasonably have been submitted. A retroactive adjustment must not exceed 6 months from the date on which the Division of Human Resource Management receives the request.

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

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

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

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

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

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

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

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

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

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

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

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

(b) The employee is required to use bilingual skills or sign language for persons who are deaf at least 10 percent of his 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~~ *human resources* 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)

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~~ *human resources* 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)

NAC 284.638 Warnings and written reprimands. (NRS 284.065, 284.155, 284.383)

1. If an employee's conduct comes under one of the causes for action listed in NAC 284.650, the supervisor shall inform the employee promptly and specifically of the conduct.
2. If appropriate and justified, following a discussion of the matter, a reasonable period of time for

improvement or correction may be allowed before initiating disciplinary action.

3. In situations where an oral warning does not cause a correction of the condition or where a more severe initial action is warranted, a written reprimand prepared on a form prescribed by the Division of Human Resource Management must be sent to the employee and a copy placed in the employee's ~~personnel folder~~ *human resources file* which is filed with the Division of Human Resource Management.

[Personnel Div., Rule XII § A, eff. 8-11-73; + Rule XV part § A, eff. 8-11-73; A 6-9-74; 2-5- 82]—(NAC A by Dep't of Personnel, 10-26-84; 10-18-89; 11-16-95; A by Personnel Comm'n by R056-10, 10-26-2011)

NAC 284.662 Providing assistance or representation to employee; discrimination prohibited relating to seeking or filing request for review of grievance or complaint or testifying or providing assistance or representation to another employee; available resources for assistance. (NRS 281.755, 284.065, 284.155, 284.384)

1. An employee filing for a review of a grievance or complaint may be assisted or represented by any person of his or her choosing, if the person agrees to act in this capacity, at any step of the procedure except the initial informal discussion with his or her immediate supervisor.

2. If the assistant is a state employee, he or she may only assist on his or her own time.

3. An employee may not be discriminated against in recruitment, examination, appointment, training, promotion, retention, classification or any other ~~personnel~~ *human resources* action for informally seeking or formally filing a request to have his or her grievance or complaint reviewed, testifying on behalf of another employee, helping another employee prepare a grievance or complaint or acting as a representative of any employee requesting a review of a grievance or complaint.

4. To assist in resolving an employee's grievance or complaint, the resources and consultation available from the Division of Human Resource Management and the ~~personnel~~ *human resources* offices of the agency must be made available to all parties.

[Personnel Div., Rule XV part § A, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R096-03, 10-30-2003; R033-17, 10-31-2017)

NAC 284.696 Unlawful discrimination. (NRS 284.065, 284.155, 284.384)

1. An employee alleging unlawful discrimination based on any pertinent state or federal law or regulation may:

(a) Report the alleged discrimination to:

(1) The division of the Division of Human Resource Management that investigates sexual harassment and discrimination;

(2) The Attorney General;

(3) The employee's appointing authority;

(4) An equal employment opportunity officer;

(5) A ~~personnel~~ *human resources* representative of the department in which the employee is employed; or

(6) The office charged with enforcing affirmative action within the appropriate university, state college or community college which is part of the Nevada System of Higher Education;

(b) Except as otherwise provided in NRS 284.384, use the procedure for the adjustment of a grievance contained in NAC 284.658 to 284.6957, inclusive; or

(c) File a complaint, other than a complaint described in NAC 284.658, with:

(1) The Nevada Equal Rights Commission pursuant to NRS 613.405; or

(2) The United States Equal Employment Opportunity Commission.

2. The appointing authority of an employee who has alleged unlawful discrimination shall promptly notify the deputy attorney general or staff counsel assigned to represent the agency of the allegation and the actions which are being undertaken by the agency to address the allegation.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 9-16-92; 11-16-95; A by Personnel Comm'n by R023-05, 10-31-2005; R026-11, 12-30-2011, eff. 1-1-2012; R033-17, 10-31-2017)

NAC 284.710 Order of processing ~~personnel~~ human resources documents. (NRS 284.065, 284.155, 284.175) Any ~~personnel~~ human resources documents effecting changes in an employee's pay and having the identical effective date will be processed in the following order:

1. Merit pay increases.
2. Reclassifications or overall adjustments to the compensation plan.
3. Promotions or demotions.

[Personnel Div., Rule XVI § A subsec. 3, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R147-01, 1-22-2002)

Additional Proposed Regulation Changes for Discussion

The proposed regulation changes in this section are outside of SB431 and are not otherwise included in this document.

Explanation of Proposed Change: This new regulation proposed by the Division of Human Resource Management in consultation with the Risk Management Division clarifies that an employee may receive compensation for a temporary total disability (i.e., 66 ²/₃% of wages) at the same time as paid family leave (i.e., 50% of wages).

NEW Paid family leave; effect of temporary total disability. An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS is not eligible to receive paid family leave pursuant to Assembly Bill 376 of the 2023 State of Nevada Legislative Session.

Explanation of Proposed Change: This amendment, proposed by the Department of Wildlife, will allow a seasonal employee to be rehired into a seasonal or permanent position within a year of their seasonal layoff without having a break in service.

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

1. Military leave for active service if the person returns from leave within 90 calendar days after an honorable discharge from military service.
2. A layoff if the employee is reemployed within 1 year after the date he or she was laid off.
3. A seasonal layoff if the employee is reemployed *into a seasonal or permanent position* within 1 year after the end of the previous seasonal appointment.

4. A separation as a result of a permanent disability arising from a work-related injury or occupational disease, if the employee is reemployed within 1 year after the date on which he or she sustained the permanent disability as determined pursuant to NAC 284.6013.

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

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Regulation Small Business Impact Statement

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 284. Additionally, NRS 284.013 provides limitations to which employees of the Executive Branch are covered by NRS 284. NRS 284.065 authorizes the Human Resources Commission to adopt regulations to carry out the provisions of this chapter.

Due to the limitations of the Nevada State Constitution and NRS 284, the Division of Human Resource Management staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. This regulation only impacts employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

A concerted effort was made to determine any economic burden. The Department has relied on the expert knowledge of Department staff. The regulation solely addresses pay for government employees so the impact is solely on government employees and agencies and no small business will be affected.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business and that the information contained in this statement was prepared properly and is accurate.

Bachera Washington
Bachera Washington, Administrator

May 29, 2024
Date