

LCB File No. R142-05

**PROPOSED REGULATION OF THE
DEPARTMENT OF PERSONNEL**

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

**NOTICE OF HEARING
FOR THE AMENDMENT OF
REGULATIONS OF THE STATE PERSONNEL DEPARTMENT**

Workshop Notice: The Department of Personnel, 209 East Musser Street, Carson City, Nevada, telephone number (775) 684-0119, is proposing the adoption and amendment of regulations pertaining to Chapter 284 of the Nevada Administrative Code.

A workshop has been set for 8:30 a.m. on October 11, 2005, at the Legislative Building, 401 South Carson Street, Room 4100 in Carson City, Nevada. A videoconference link will also be available at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412 in Las Vegas, Nevada.

REGULATIONS PROPOSED FOR PERMANENT ADOPTION

Action - Regulations Proposed for Permanent Adoption	NAC REGULATION
Computation of time.	NAC 284.116
Limitation of competition in recruitment; applications.	NAC 284.313
Active lists: Removal and reactivation of names; refusal to consider certain persons.	NAC 284.374
Preparation, filing and discussion of reports; duties of employees; requests for review; grievances.	NAC 284.470

ATTENDANCE AND LEAVES

Action - Regulations Proposed for Permanent Adoption	
Attendance required.	New section
"Care" defined.	NAC 284.5231
Workweeks and workdays; periods for rest and meals.	NAC 284.524
Time sheets.	NAC 284.5255
Annual leave: Long-term employees.	NAC 284.538
Annual leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation; part-time employees.	NAC 284.5385
Annual leave: Written request; approval or denial; authorized use.	NAC 284.539
Annual leave: Credit upon reinstatement, rehiring, reemployment or transfer.	NAC 284.5405
Sick leave: Part-time employees.	NAC 284.542
Sick leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation.	NAC 284.544
Sick leave: Unused credit.	NAC 284.546

Sick leave: Repayment of benefits upon reinstatement of dismissed employee.	NAC 284.548
Sick leave: Credit upon rehiring, reemployment or transfer.	NAC 284.551
Sick leave: Service in provisional, special disabled, emergency or temporary status; seasonal employees.	NAC 284.552
Sick leave: Illness in employee's immediate family.	NAC 284.558
Sick leave: Placing employee on sick leave.	NAC 284.568
Catastrophic leave: Interpretation of certain statutory terms.	NAC 284.575
Catastrophic leave: Use and administration; appeal of denial.	NAC 284.576
Leave of absence without pay.	NAC 284.578
Family and medical leave: Maximum amount in 12-month period; eligibility.	NAC 284.5811
Civil leave with pay to serve on a jury or as a witness.	NAC 284.582
Civil leave with pay to vote.	NAC 284.586
Administrative leave with pay.	NAC 284.589
Computation of leave for exempt classified and unclassified employees.	NAC 284.5895
Unauthorized absences.	NAC 284.594
Breaks in continuous service.	NAC 284.598

Action - Regulations to be repealed

Definitions.	NAC 284.523
"Continuing treatment" defined.	NAC 284.5232
"Eligible employee" defined.	NAC 284.5233
"Family and medical leave" defined.	NAC 284.5234
"Family and Medical Leave Act" defined.	NAC 284.52345
"Intermittent leave" defined.	NAC 284.5236
"Reduced leave" defined.	NAC 284.5238
"Serious health condition" defined.	NAC 284.5239
Employees required to report absences.	NAC 284.590

DISABILITIES RELATED TO WORK

Action - Regulations Proposed for Permanent Adoption

Definitions.	NAC 284.600
Physical assessments.	NAC 284.6002
Temporary assignment: Conditions for offer; termination; additional assignments.	NAC 284.6004
Temporary assignment: Location; jurisdiction of appointing authority; effect of jurisdiction of another appointing authority.	NAC 284.6008
Temporary assignment: Effect of family and medical leave.	NAC 284.6012
Determination of date on which employee sustained permanent disability related to work.	NAC 284.6013
Eligibility of employee with permanent disability for reemployment.	NAC 284.6014
Risk management division to provide certain information regarding permanent disability of employee to department of personnel and appointing authority.	NAC 284.6015
Limitations on eligibility for reemployment of person with permanent disability.	NAC 284.6019

Action - Regulations to be repealed

Temporary assignment: Compensation; effect of duties assigned.	NAC 284.6006
Temporary assignment: Accommodation of limitations or restrictions on employee's ability to work; duties of appointing authority; requirement of medical examination under certain circumstances.	NAC 284.601
Family and medical leave for certain disabled employees.	NAC 284.6016

SEPARATIONS FROM SERVICE

Action - Regulations Proposed for Permanent Adoption

Resignations.	NAC 284.602
Separation for physical, mental or emotional disorder.	NAC 284.611
Layoffs: Procedure.	NAC 284.614
Layoffs: Voluntary demotions.	NAC 284.618
Layoffs: Notice.	NAC 284.626
Layoffs: Reemployment.	NAC 284.630
Layoffs: Calculation of seniority.	NAC 284.632

A copy of all materials relating to the proposed regulations is included with this announcement. Additional copies may be obtained at the workshop or by contacting the Department of Personnel offices at 209 East Musser Street, Room 300, Carson City, Nevada, telephone number (775) 684-0119, or 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada, telephone number (702) 486-2900. A reasonable fee for copying may be charged.

Hearing Notice: The Personnel Commission will hold a public hearing at 8:00 a.m. on November 8, 2005, in Carson City at the Legislative Building, 401 South Carson Street, Room 4100. A videoconference link will also be available in Las Vegas at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations. If no person, who is directly affected by the proposed action, appears to request time to make an oral presentation, the Personnel Commission may proceed immediately to act upon any written submissions.

- These regulations do not have a direct economic effect on any business or the public.
- Enforcement of these regulations will not result in an increased cost.
- To our knowledge, these regulations do not overlap or duplicate the regulations of other State or local governmental agencies.
- These regulations do not establish any new fee or increase an existing fee.
- A statement of the need for and the purpose of the proposed regulations precedes the text of each regulation included in the attached document.

Persons wishing to comment upon the proposed action of the Personnel Commission may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Shelley Blotter, Department of Personnel, 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204. **Written submissions must be received by the Department of Personnel on or before October 18, 2005.** A copy of this notice and the regulations to be amended will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted or amended will be available at the Department of Personnel, 209 East Musser Street, Room 300, Carson City, Nevada, or at the Department of Personnel, 555 East Washington Avenue, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of each regulation will include the entire

text of any section of the Nevada Administrative Code that is proposed for amendment. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principle reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The notice of the Workshop and Hearing has been posted at the following locations:

CARSON CITY

Blasdel Building, 209 East Musser Street
Nevada State Library and Archives, 100 Stewart St.
Capitol Building, Main Floor
Legislative Building, 401 South Carson Street

Department of Personnel Web Site www.dop.nv.gov

ALL STATE AGENCIES

ALL NEVADA COUNTY PUBLIC LIBRARIES

LAS VEGAS

Grant Sawyer State Office Building
555 East Washington Avenue

NOTE: We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Department of Personnel, in writing, at 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204, or call Debra Berry at (775) 684-0110, no later than five working days prior to the meeting.

**PROPOSED REGULATION OF THE
DEPARTMENT OF PERSONNEL**

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, replaces the term “Disability related to work” with “work-related injury or occupational disease.” The new term is more descriptive and will reduce confusion in the sections it is used including NAC 284.600 to NAC 284.6019. Other proposed changes to this either clarify current language or are made to conform to statutory changes.

NAC 284.600 Definitions. (NRS 284.065, 284.155) As used in NAC 284.600 to 284.6019, inclusive, unless the context otherwise requires:

1. “~~[Disability related to work]~~ *Work-related injury or occupational disease*” means any injury or ~~[occupational disease]~~ *illness* suffered by an employee that arises out of and in the course of his employment in the classified service ~~[of the State]~~ *and for which an employee has filed a claim pursuant to NRS 616 through NRS 617.*
2. “Employee” means an employee who is in the classified service of the State. The term does not include an employee of the ~~[University and Community College System of Nevada]~~ *Nevada System of Higher Education* who is *in a temporary appointment as* described in subsection 4 of NRS 284.325.
3. “Regular position” means the position an employee ~~[with a disability related to work]~~ held at the time:
 - (a) Of his injury; or
 - (b) He became aware of his occupational disease and its relationship to his employment in the classified service of the State.

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, removes the phrase “disability related to work” and replaces it with “work-related injury or occupational disease” as proposed throughout the chapter. Proposed changes in 2(a) and 2(b) are for the purpose of clarifying language. Section 4 is deleted because both FMLA and Workers’ Compensation forms are mandatory. The individual authorized to complete the forms is different in the two leave scenarios (FMLA would allow a nurse practitioner to complete the form, Workers’ Compensation would not.) Additionally, both forms are addressed in other areas of NAC and/or the federal regulations.

NAC 284.6002 Physical assessments. (NRS 284.065, 284.155)

1. ~~[Except as otherwise provided in subsection 4, an]~~ *An* appointing authority shall require an employee who has a ~~[disability related to work]~~ *work-related injury or occupational disease* to submit to the appointing authority a physical assessment ~~[of the disability that is]~~ prepared by the employee’s treating physician or chiropractor. The appointing authority may require

the employee to submit a physical assessment after each visit to the physician or chiropractor or after only those visits designated by the appointing authority.

2. Each physical assessment must ~~be~~
~~—(a) Be~~ *be* reported on ~~[the appropriate]~~ *a form that meets or exceeds the* form prescribed by the Division of Industrial Relations of the Department of Business and Industry, *and* ~~[- The appointing authority shall provide the appropriate form to the employee.~~
~~—(b) Contain any limitations or]~~ *contain* restrictions imposed on the employee's ability to work by the treating physician or chiropractor.
3. An employee who is required to submit a physical assessment shall deliver or mail the assessment to the appointing authority within 3 working days after the date of his visit to his treating physician or chiropractor.
- ~~[4. If an employee is on family and medical leave because of a disability related to work, he may, in lieu of submitting physical assessments required pursuant to subsection 1, submit to his appointing authority certification from a provider of health care substantiating the need for family and medical leave in the manner prescribed by the Family and Medical Leave Act.]~~

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, deletes language that is redundant. Additionally, the amended language makes the intent of the law more clear. Paragraph (e) of subsection 2 has been deleted: the language regarding denial of a claim is added to subsection 3 and the references are unnecessary. Subsection 5 has been repealed because the definition of "Insurer" is in the General Provisions at the beginning of the chapter. Subsection 7 has been moved from NAC 284.601 into this section.

NAC 284.6004 Temporary assignment: Conditions for offer; termination; additional assignments. (NRS 284.065, 284.155, 284.327, *616C.475*)

1. *The appointing authority shall prepare a written description of the duties of a temporary assignment to be offered to an employee with a work-related injury or occupational disease. When the employee's treating physician or chiropractor approves the return of the employee to work, the* ~~[An]~~ *appointing authority shall offer, in writing, a temporary assignment that is modified according to the* ~~[to an employee who has a disability related to work a temporary assignment that is modified according to the limitations or restrictions imposed on the employee's ability to work if:]~~ *work-related restrictions imposed by the employee's treating physician or chiropractor if:*
 - (a) ~~[The employee is unable to perform]~~ *The restrictions prevent the employee from performing* the duties of his regular position;
 - (b) The *employee has an accepted or pending workers' compensation claim pursuant to NRS 616C.065 or 617.356* ~~[The employee files, in a timely manner:~~
~~—(1) A notice of the injury or occupational disease pursuant to NRS 616C.015 or 617.342; and~~
~~—(2) A claim for compensation pursuant to NRS 616C.020 or 617.344)]~~;
 - (c) ~~[The employee's treating physician or chiropractor approves the return of the employee to work;]~~

- ~~[(d)]~~ An appropriate temporary assignment is available;
- ~~[(e)]~~(d) The temporary assignment is not prohibited by the source that funds the employee's regular position; and
- ~~[(f)]~~(e) The employee would otherwise be employed by the appointing authority if he had not incurred the *work-related injury or occupational disease*. ~~[disability-related-to-work.]~~
2. A temporary assignment offered pursuant to subsection 1 must be terminated *when one of the following occurs*:
- (a) Ninety days ~~[after the date on which the employee accepts the assignment]~~ *have elapsed from the date on which the employee began the assignment*;
 - (b) ~~[When the]~~ *The* employee's treating physician or chiropractor certifies that the employee has permanent restrictions that prevent him from returning to his regular position;
 - (c) ~~[When the]~~ *The* assignment is no longer available;
 - (d) ~~[When the]~~ *The* employee's treating physician or chiropractor certifies that the employee ~~[is capable of performing]~~ *can perform* the duties of his regular position; *or*
 - (e) ~~[When the employee's claim for compensation for the disability that is filed pursuant to NRS 616C.020 or 617.344 is denied pursuant to NRS 616C.065 or 617.356; or~~
 - ~~-(f) When the]~~ *The* employee terminates his employment or retires ~~[, whichever occurs earlier]~~.
3. *If a workers' compensation claim is denied the temporary assignment can be terminated at the discretion of the appointing authority.*
4. An appointing authority may offer an employee who has a ~~[disability-related-to-work-an]~~ *work-related restriction imposed by the employee's treating physician or chiropractor one subsequent [an additional]* temporary assignment if:
- (a) ~~[The employee has returned to work at his regular position and is temporarily unable to perform the duties of that position]~~ *The recovery period for the work-related injury or occupational disease continues to prevent the employee from performing the duties of his regular position, and ;*
 - (b) *The employee is performing at least 51% of the duties of his regular position, or;*
 - ~~[(b)]~~(c) ~~[The period for recovering from a subsequent treatment for the same disability prevents the employee from continuing to perform the duties of his regular position; and]~~ *The employee returned to work at his regular position but again becomes temporarily unable to perform the duties of his position due to restrictions imposed by the employee's treating physician or chiropractor because of the work-related injury or occupational disease.*
- ~~[(e)]~~5. The additional temporary assignment ~~[(is)]~~ *must be* recommended by the appointing authority's insurer.
- ~~[4.]~~6. Any additional temporary assignment must be limited to the time set forth in subsection 2.
- ~~[5. As used in this subsection, "insurer" has the meaning ascribed to it in NRS 616A.270.]~~
7. *An employee with a work-related injury or occupational disease may be required to submit to a medical examination pursuant to the requirements set forth in NRS 616C.140 or 617.370 if the treating physician or chiropractor does not approve a temporary assignment.*

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, simplifies language and sentence structure. Subsections 4 and 5 were moved from subsections 1 and 2 of NAC 284.6006 as they relate to temporary assignments.

NAC 284.6008 Temporary assignment: Location; jurisdiction of appointing authority; effect of jurisdiction of another appointing authority. (NRS 284.065, 284.155, 284.327)

1. A temporary assignment offered to an employee pursuant to NAC 284.6004 must be located less than 25 miles from the location of his regular position; unless the employee accepts a temporary assignment in a different geographical location.
2. A temporary assignment offered to an employee must be under the jurisdiction of the employee's appointing authority if such an assignment is available. If ~~[it is]~~ *such an assignment is* not ~~[so]~~ available, the appointing authority shall contact the *Risk Management Division of the Department of Administration or the appropriate workers' compensation office of the Nevada System of Higher Education and the* Department of Personnel and determine if ~~[a]~~ *an appropriate* temporary assignment ~~[that is modified according to the limitations or restrictions imposed on the employee's ability to work]~~ is available under the jurisdiction of another appointing authority.
3. If the employee is offered a temporary assignment under the jurisdiction of another appointing authority:
 - ~~(a) The~~ *the employee shall be deemed to remain in his regular position as the* temporary assignment does not constitute a transfer to ~~[the]~~ *that* position. ~~[under the jurisdiction of the other appointing authority.]~~
 - ~~(b) The employee shall be deemed to remain in his regular position.~~
 - ~~(c) The employee's original appointing authority is responsible for the payment of the employee's pay.]~~
4. *For the duration of the temporary assignment, the duties assigned to the employee may not be used as a basis to:*
 - (a) Reclassify the employee's regular position.*
 - (b) Reallocate the class in which the employee is employed.*
5. *An employee who accepts a temporary assignment offered pursuant to NAC 284.6004 is entitled to receive the pay he received for his regular position for the number of hours he works or is on paid leave during the temporary assignment. The appointing authority at the time of the injury or occupational disease will continue to pay the employee for the duration of the temporary assignment.*

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, replaces the phrase "disability related to work" with "work-related injury or occupational disease" making it consistent with NAC 286.600. It removes language that is redundant to federal regulations.

NAC 284.6012 Temporary assignment: Effect of family and medical leave. (NRS 284.065, 284.155, 284.327, 284.345) Except as otherwise provided by the Family and Medical Leave Act, an employee who is granted family and medical leave because a ~~[disability related to~~

~~work]~~ *work-related injury or occupational disease* prevents him from performing one or more of the essential duties of his regular position:

1. May not be required to accept a temporary assignment offered pursuant to NAC 284.6004 ~~[in lieu of continuing on the family and medical leave that has been authorized by his appointing authority]~~.
2. May voluntarily accept a temporary assignment pursuant to NAC 284.6004. An employee who voluntarily accepts such a temporary assignment retains the right to be returned to the position he held before the temporary assignment or an equivalent position pursuant to the Family and Medical Leave Act ~~[until the time served in the temporary assignment plus any family and medical leave taken during a rolling 12-month period pursuant to NAC 284.5811 exceeds 12 workweeks]~~.

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, replaces the phrase “disability related to work” with “work-related injury or occupational disease” making it consistent with NAC 286.600. Other changes simplify the language and correct an NRS reference.

NAC 284.6013 Determination of date on which employee sustained permanent disability related to work. (NRS 284.065, 284.155) For the purposes of NAC 284.6013 to 284.6019, inclusive, *the effective date* an employee shall be deemed to have ~~[sustained]~~ a permanent disability arising from a ~~[disability related to work on the date on which]~~ *work-related injury or occupational disease is the date* the insurer ~~[first causes notice to be delivered]~~ *delivers notice to* ~~[him]~~ *the employee* stating ~~[that]~~ his treating physician or chiropractor has informed the insurer pursuant to *NRS 616C.490* ~~[NRS 616.590 that]~~ the employee has permanent ~~[physical]~~ restrictions which prevent him from returning to work in his regular position.

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, clarifies the current regulation. Subsection 3 is deleted because it is redundant to language in the reemployment list section and deletes and revises subsection 4 to clarify which party is responsible for submitting each document. The change also clarifies that the Nevada System of Higher Education has a separate workers’ compensation office.

NAC 284.6014 Eligibility of employee with permanent disability for reemployment. (NRS 284.155, 284.345)

1. An employee is eligible for reemployment under this section if:
 - (a) He is a permanent employee;
 - (b) He would otherwise have continued in his regular position;
 - (c) He is unable to perform the essential functions of his regular position, even with reasonable accommodation, because he has ~~[a]~~ permanent ~~[disability]~~ *work restrictions* arising from a ~~[disability related to work]~~ *work-related injury or occupational disease*;

(d) The Risk Management Division of the Department of Administration *or the appropriate workers' compensation office of the Nevada System of Higher Education* receives notification from the insurer *or claims administrator* certifying that ~~[the]~~:

1. *The* employee has a medical condition which, in the opinion of ~~[the medical advisor to]~~ the insurer, will result in a permanent partial disability;
2. ~~[(e) The Risk Management division of the Department of Administration receives notification from the insurer certifying that the]~~ *The* employee has permanent ~~[physical]~~ *work* restrictions as a result of his permanent disability and that he is eligible for *workers' compensation* vocational rehabilitation benefits;
3. ~~[(f) The Risk Management division of the Department of Administration receives notification from the insurer certifying that the]~~ *The* employee's claim for benefits from the insurer is not being contested through the ~~[hearing and]~~ appeal process provided pursuant to chapters 616A to 617, inclusive, of NRS;

and

(e) ~~[(g) He]~~ *The employee* submits to the Department of Personnel a completed *State of Nevada Employment Application* ~~[job development form supplied by the Department]~~ not later than 30 days after the date ~~[on which he sustained his permanent disability]~~ *the employee was deemed to have a permanent partial disability*.

2. *For the purpose of job development and reemployment:*

- (a) *The appointing authority must submit to the Department of Personnel a calculation of seniority credits on the form prescribed by the department.*
- (b) *The workers' compensation vocational rehabilitation counselor shall provide to the Department of Personnel any necessary information relating to the permanent work-related restrictions.*
- (c) *The employee must be able to perform the essential functions, with or without accommodation, of the position to which he is reemployed.*

~~[2.]~~3. A person is entitled to reemployment under this section only within the department that employed him at the time he sustained his permanent disability ~~[. Such entitlement to reemployment applies]~~ *and* to the class and option of his regular position and to any class for which the employee qualifies that does not exceed the grade level of his regular position.

~~[3. A person is entitled to reemployment under this section only in a full-time position if his regular position was on a full-time basis. A person whose regular position was on a part-time, seasonal or intermittent basis only is entitled to reemployment on the same basis as his regular position. A person who is entitled to reemployment on a full-time basis may be reemployed on either a full-time or part-time basis, as appropriate, based on his permanent physical restrictions as certified by the insurer.]~~

~~4. The employee, his appointing authority and his vocational rehabilitation counselor shall provide any necessary information for job development and reemployment on the forms prescribed by the Department of Personnel.]~~

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, replaces the phrase “disability related to work” with “work-related injury or occupational disease” making it consistent with NAC 286.600.

NAC 284.6015 Risk management division to provide certain information regarding permanent disability of employee to department of personnel and appointing authority.

(NRS 284.155, 284.345) The Risk Management Division of the Department of Administration shall provide to the Department of Personnel and to an employee’s appointing authority the following information regarding the employee when the information becomes known to the Division:

1. The date on which the employee sustained a permanent disability arising from a ~~disability related to work~~ *work-related injury or occupational disease*;
2. The date on which the employee will no longer be eligible for vocational rehabilitation benefits;
3. Any written agreement signed by the employee for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation benefits; and
4. Any determination by the insurer that the employee is not entitled to compensation for a permanent partial disability.

Explanation of Proposed Change: This amendment, proposed by the Department of Personnel, changes language to make it consistent with other sections in this chapter and corrects a grammatical error. Additionally, a reference is added for clarification.

NAC 284.6019 Limitations on eligibility for reemployment of person with permanent disability . (NRS 284.065, 284.155, 284.305)

1. Except as otherwise provided in NAC 284.6018, a person is no longer eligible for reemployment pursuant to NAC 284.6014:
 - (a) If he signs a written agreement providing for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation benefits, unless such an agreement is subsequently rescinded in the manner set forth in NRS 616C.595;
 - (b) When he is no longer eligible for vocational rehabilitation benefits;
 - (c) When it is determined that the employee is not entitled to compensation for a permanent partial disability or vocational rehabilitation benefits;
 - (d) If he accepts an offer of employment with the State of Nevada or another employer which accommodates his permanent ~~physical~~ *work* restrictions or he is otherwise unavailable for employment;
 - (e) If he declines an offer of employment which accommodates his permanent ~~physical~~ *work* restrictions and which is located in the same geographical location as his regular position;
 - (f) If he is dismissed from the position ~~for~~ *in* which he is reemployed for disciplinary reasons or because he retires;

- (g) If he states his intention not to seek reemployment; or
 - (h) On or after the one year anniversary of the date on which he sustained his permanent disability *as defined in NAC 284.6013*.
2. Reemployment rights must not be offered more than one time for the same disability related to work.
 3. As used in this section, “geographical location” has the meaning ascribed to it in NAC 284.612.

Explanation of Proposed Change: The Department of Personnel is recommending NAC 284.6006 be repealed and the entire section be incorporated into NAC 284.6008 relating to temporary assignments.

NAC 284.6006 Temporary assignment: Compensation; effect of duties assigned. (NRS 284.065, 284.155, 284.175, 284.327)

- ~~[1. An employee who accepts a temporary assignment offered pursuant to NAC 284.6004 is entitled to receive the base rate of pay he received for his regular position for the number of hours he works or is on paid leave during the temporary assignment.—~~
- ~~2. For the duration of the temporary assignment, the duties assigned to the employee may not be used as a basis to:~~
 - ~~—(a) Reclassify the employee’s regular position.~~
 - ~~—(b) Reallocate the class in which the employee is employed.]~~

Explanation of Proposed Change: The Department of Personnel is proposing NAC 284.601 be repealed. Subsections one and two are repealed because they are redundant to language in NAC 284.6004. Subsection 3 is repealed because it is added to the proposed language for NAC 284.6004.

NAC 284.601 Temporary assignment: Accommodation of limitations or restrictions on employee’s ability to work; duties of appointing authority; requirement of medical examination under certain circumstances. (NRS 284.065, 284.155, 284.327)

- ~~[1. A temporary assignment offered to an employee pursuant to NAC 284.6004 must accommodate the limitations or restrictions imposed on the employee’s ability to work by the employee’s treating physician or chiropractor, as set forth in the physical assessments required pursuant to NAC 284.6002.~~
- ~~2. An appointing authority shall:~~
 - ~~(a) Prepare a description of the duties of a temporary assignment to be offered to an employee with a disability related to work. The temporary assignment must be approved, in writing, by the employee’s treating physician or chiropractor before it is offered to the employee.~~

- ~~—(b) Obtain the prior written approval of the employee's treating physician or chiropractor before making any changes in the duties of the temporary assignment that may not accommodate the limitations or restrictions imposed on the employee's ability to work.~~
- ~~3. An employee with a disability related to work may be required to submit himself for medical examination pursuant to the requirements set forth in NRS 616C.140 or 617.370 if his treating physician or chiropractor does not approve a temporary assignment to be offered to the employee.]~~

Explanation of Proposed Change: The Department of Personnel proposes that this section be repealed because it is redundant to the Federal FMLA regulations.

NAC 284.6016 Family and medical leave for certain disabled employees. (NRS 284.065, 284.155, 284.305, 284.345) ~~[An employee who has a disability related to work that prevents him from performing one or more of the essential functions of his regular position may remain on family and medical leave as authorized by his appointing authority until his entitlement to such leave is exhausted. If the employee is eligible for reemployment pursuant to NAC 284.6014, he voluntarily may seek reemployment while he is on family and medical leave]~~