

ADOPTED REGULATION OF
THE HUMAN RESOURCES COMMISSION
LCB File No. R010-25

EXPLANATION – Matter in *italics* is new; matter in brackets [omitted material] is material to be omitted.

AUTHORITY: § 1, NRS 284.065 and 284.155.

A REGULATION relating to state human resources; revising the definition of “significant change” for the purpose of the classification of certain positions; revising provisions relating to the effective date of a classification decision; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Administrator of the Division of Human Resource Management of the Department of Administration to prepare, maintain and revise a master classification plan for all positions in the classified service of the State, based upon similarity of duties and responsibilities. Existing law also provides that the classification plan and changes therein are subject to approval by the Human Resources Commission. (NRS 284.160) Finally, existing law requires the Human Resources Commission to adopt a code of regulations for the classified service. (NRS 284.155)

Existing regulations provide for the creation of a new class or the reallocation or reclassification of an existing class or position if a significant change in the duties and responsibilities assigned to the position has occurred or may occur. Under existing regulations, “significant change” is defined to mean 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. (NAC 284.126) **Section 1** of this regulation revises the definition of “significant change” to instead require the change to result in the majority, instead of the preponderance, of duties and responsibilities being allocated to a different class.

Existing regulations provide that the effective date of a classification decision will be the date on which Form NPD-19 is received by the Division or agency personnel officer unless certain information is received after that date. (NAC 284.126) **Section 1** removes a reference to Form NPD-19 and instead provides that the effective date of a classification decision will be the date on which the appropriate form is received by the Division or agency personnel officer.

Section 1. NAC 284.126 is hereby amended to read as follows:

284.126 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~~ **majority** of duties and responsibilities being allocated to a different class.

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

3. The effective date of the classification decision will be the date on which **[Form NPD-19]** ***the appropriate form*** is received by the Division of Human Resource Management or agency personnel officer unless information that substantially affects the decision concerning the creation, reclassification or reallocation is received after this date. In that case, the effective date will be the date on which the appropriate information necessary to make the decision is received. However, the subsequent receipt of an application or examination score that confirms the

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

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

5. In effecting a reclassification pursuant to subsection 2 or 4, the appointing authority must review and take into consideration the organizational structure and the qualifications of the incumbent before assigning new duties to a position which are intended to be permanent. No position will be reclassified to a higher grade through the individual classification process if the incumbent does not meet the minimum qualifications for the higher level position or is unable to meet such qualifications as an underfill within 1 year after the effective date of the reclassification decision. If an employee does not meet the minimum qualifications to reclassify his or her position or is unable to meet such qualifications as an underfill within 1 year after the

effective date of the reclassification decision, the employee is not eligible for promotion, but may be eligible for a special adjustment to his or her pay pursuant to NAC 284.206.

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

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

- (a) An existing position in the occupational study that has a significant change may only be reclassified to an existing class.
- (b) An existing class in the occupational study must not be reallocated to a different grade.
- (c) A new position may be allocated to an existing class or a new class as determined by the Division of Human Resource Management.

8. A position may be reclassified absent significant change in the duties and responsibilities assigned to the position upon a determination by the Division of Human Resource Management that:

- (a) The position is incorrectly classified; or
- (b) The duties and responsibilities assigned to the position are more consistent with the duties and responsibilities assigned to a position in a different class.