

**PROPOSED REGULATION OF THE
HUMAN RESOURCES COMMISSION**

LCB FILE NO. R022-26I

**The following document is the initial draft regulation proposed
by the agency submitted on 02/05/2026**

Explanation of Proposed Change: The following amendments to NAC 284.096, proposed by the Division of Human Resource Management (DHRM), expand reinstatements to allow for all types of appointments and clarify that reinstatements are appointments of a former employee at or below the grade previously held.

NAC 284.096 “Reinstatement” defined. (NRS 284.065) “Reinstatement”
means ~~a noncompetitive~~ *an* appointment of a former permanent employee to a class he or she formerly held.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 8-1-91)

Explanation of Proposed Change: The following amendments, proposed by the Division of Human Resource Management (DHRM), remove the 5:00 pm deadline for submission of an application. The amendments also allow a classified employee to apply for a promotional recruitment anytime after being hired into state service without the 6-month prerequisite criteria.

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

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

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

3. Each applicant must submit an application as specified in the publicized job announcement. The application must be received ~~not later than 5 p.m.~~ on *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 of the applicant.

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

6. Except as otherwise provided in subsection 8, competition in a promotional recruitment is limited to current **classified** 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~~ **are** working in the division, department or state service which is specified in the publicized job announcement.

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

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

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

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

Explanation of Proposed Change: Current interpretation is that the “term of eligibility” is a period of 12 months from the time a candidate is determined to be eligible. The following amendments, proposed by the Division of Human Resource Management (DHRM), codify this interpretation in regulation and also leave room for flexibility in the future.

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

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

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

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

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

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

(a) If the employee does not notify the appointing authority of a discrepancy, until after the end of the period pursuant to which the employee may notify the appointing authority of a discrepancy; or

(b) If the employee notifies the appointing authority of a discrepancy, until after the appointing authority determines whether the removal of the employee from consideration pursuant to this subsection was appropriate.

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

6. An eligible person whose name has been removed from an active list may request that his or her name be reactivated by stating his or her reasons for the request. If the Division of Human Resource Management determines that the reasons are justified, and the term of eligibility **as determined by the Administrator** 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)

Explanation of Proposed Change: The following amendments, proposed by the Division of Human Resource Management (DHRM), requires the Division to approve all reinstatements.

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

1. An appointing authority may reinstate a former permanent employee following his or her termination from state employment, including, without limitation, a former permanent employee who was laid off and is entitled to have his or her name appear on a reemployment list pursuant

to NAC 284.630, if the former permanent employee was separated without prejudice. A separation without prejudice must be determined by the appointing authority using the standards contained in NRS 284.240.

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

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

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

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

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

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