

**PROPOSED REGULATION OF THE
HUMAN RESOURCES COMMISSION**

LCB FILE NO. R122-26I

**The following document is the initial draft regulation proposed
by the agency submitted on 05/29/2026**

Explanation of Proposed Change: The following amendment, proposed by the Division of Human Resource Management, will now allow an appointing authority to utilize e-mail as a delivery method for a notice of proposed disciplinary action. Additionally, the delivery of any finding or recommendation, as well as the delivery of the appointing authority's decision regarding the proposed disciplinary action, may now be delivered by e-mail. Delivering such documents and information via social media remains prohibited.

NAC 284.656 Contents and delivery of notice of proposed action; employee authorized to seek explanation of reasons for proposed action or procedures for disciplinary actions from agency. (NRS 284.065, 284.155, 284.383, 284.385, 284.390) Except as otherwise provided in NAC 284.6563, if an appointing authority proposes that a permanent employee be dismissed, suspended or demoted, the following procedure for providing notice of the proposed action must be followed:

1. The employee must be given at least 10 working days' written notice of the proposed action on the form provided by the Division of Human Resource Management.

2. The notice may be given ~~in person or by~~ :

(a) In person;

(b) By means of any delivery service that provides a written or electronic record of the date the notice was sent and the date the notice was received. If the notice is sent by means of a delivery service, the notice must be sent to the employee's last known address. The notice must not be ~~given by electronic mail, the use of social media or other electronic means.~~ *issued by social media.* If the notice is returned without having been received by the employee, the employee's date of receipt shall be deemed to be the sixth day after the date the notice was sent ~~+~~; *or*

(c) By email. If the notice is sent to an employee's personal email, the notice must also be sent pursuant to paragraph (b) of this section, and by regular mail.

3. The notice must:

(a) Specify the proposed date on which the action is effective.

(b) Inform the employee that a predisciplinary review has been scheduled on his or her behalf in the manner prescribed in NAC 284.6561 and specify the date, time and place of the predisciplinary review.

(c) Specify the charges, the reasons for them and the cause of action contained in NAC 284.646 or 284.650 on which the proposed action is based.

4. The notice of the proposed action must be signed by the appointing authority or his or her designated representative before the notice is given to the employee.

5. Upon its receipt, the employee must be asked to sign the notice. If he or she refuses to sign the notice, the refusal must be noted on the notice. The employee's signature is not an admission by him or her of any of the allegations set forth in the notice.

6. If the employee does not understand the reasons for the proposed action or the procedures related to disciplinary actions, including, without limitation, the right to notice, a predisciplinary review and a hearing on the appeal, the employee may seek an explanation from the appointing authority or another person in the agency familiar with the procedure.

7. As used in this section, "social media" includes, without limitation, any electronic service or account or electronic content, including, without limitation, any video, photograph, blog, video

blog, podcast, instant message, text message, ~~electronic mail program or service,~~ online service or Internet website profile.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 7-21-89; 8-1-91; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 11-12-93; 11-16-95; 11-16-95; A by Personnel Comm'n by R063-09, 11-25-2009; R042-15, 12-21-2015, eff. 1-1-2016; R150-17, 6-26-2018; R125-21, 9-28-2022)

NAC 284.6561 Predisciplinary review before proposed dismissal, demotion or suspension; waiver by employee. (NRS 284.065, 284.155, 284.383, 284.385, 284.390) Except as otherwise provided in NAC 284.6563, if an appointing authority proposes that a permanent employee be dismissed, suspended or demoted, the following procedure for a predisciplinary review before the proposed action must be followed:

1. A predisciplinary review must be scheduled on the employee's behalf unless waived in writing by the employee pursuant to subsection 2. The predisciplinary review must be scheduled to take place not earlier than 7 working days after the written notice of the proposed action is delivered or deemed received pursuant to subsection 2 of NAC 284.656. The predisciplinary review must not be scheduled on a day which is not a regular working day for the employee. If the appointing authority or his or her designated representative and the employee agree, the date of the predisciplinary review may be changed.

2. The employee may waive the right to a predisciplinary review before the proposed action in writing. If the employee makes such a waiver, the employee may not be dismissed, suspended or demoted before the proposed effective date. The waiver does not waive the employee's right to a hearing after the action is taken.

3. The appointing authority or his or her designated representative shall conduct the predisciplinary review. The designated representative must be a person with the authority to recommend a final decision to the appointing authority. The appointing authority shall render the final decision.

4. At any time after receiving the notice and before the predisciplinary review, the employee may examine all materials that are to be used by the person conducting the predisciplinary review. The employee is entitled to administrative leave with pay as provided in NAC 284.589 to prepare for a predisciplinary review or hearing regarding his or her suspension, demotion or dismissal.

5. This process is an informal proceeding between the two parties, the appointing authority and his or her designated representative and the employee, who meet together to discuss the proposed action. The employee will be given an opportunity to rebut the allegations against the employee and provide mitigating information. Witnesses are not allowed to attend, but each party may be accompanied by a person of his or her choice.

6. The employee may respond both orally and in writing to the appointing authority or his or her designated representative at the predisciplinary review.

7. The employee must be:

(a) Given a copy of the finding or recommendation, if any, resulting from the predisciplinary review; and

(b) Notified in writing of the appointing authority's decision regarding the proposed action and the reasons therefor on or before the effective date of the action. The effective date of the action is the first day the disciplinary action takes effect.

8. The notice given pursuant to subsection 7 may be given in ~~person or by means of any delivery service that provides a written or electronic record of the date the notice was sent and the date the notice was received. If the notice is sent by means of a delivery service, the notice must~~

~~be sent to the employee's last known address. The notice must not be given by electronic mail, the use of social media or other electronic means. If the notice is returned without having been received by the employee, the employee's date of receipt shall be deemed to be the sixth day after the date the notice was sent. As used in this subsection, "social media" has the meaning ascribed to it in subsection 7 of NAC 284.656.~~ ***the manner prescribed in subsection 2 of NAC 284.656.***

(Added to NAC by Personnel Comm'n by R063-09, eff. 11-25-2009; A by R011-11, 10-26-2011; R076-16, 11-2-2016; R150-17, 6-26-2018; R125-21, 9-28-2022)