

**PROPOSED REGULATION OF THE  
HUMAN RESOURCES COMMISSION**

**LCB FILE NO. R123-26I**

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

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**Explanation of Proposed Change:** The following amendments, proposed by the Division of Human Resource Management (Division), change the Department of Health and Human Services to the Department of Human Services based on the 83<sup>rd</sup> Session of the Nevada Legislature. Additionally, the proposed amendment to NAC 284.614 will require The director of a department to look for another position within the department to eliminate rather than laying off an employee or work with the Division to look for a position statewide to reallocate an employee who would otherwise be laid off.

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**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 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 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, including, without limitation, the lists, other than reemployment lists, 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 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~~ **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; 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; A by R015-19, 12-30-2019)

**NAC 284.524 Reporting for work; workweeks and workdays; periods for meals and rest.** (NRS 284.065, 284.155, 284.345)

1. An employee shall report for a work shift on time and ready to perform the duties and tasks assigned to his or her position. *For purposes of determining whether an employee is in compliance with the requirement that an employee report for a work shift on time, the work shift of an employee who is not working remotely begins when the employee arrives at the entrance to the physical location at which the employee performs his or her duties or responsibilities. An employee who reports for a work shift early is not entitled to receive overtime unless the overtime is approved in accordance with subsection 10 of NRS 284.180 and NAC 284.242.*

2. Except as otherwise provided in this subsection, the workweek for state employees is 40 hours. A workweek of a different number of hours may be established to meet the needs of state agencies in compliance with the provisions of NRS 281.100, 281.110 and 284.180.

**3. The workday for a state employee who is not working remotely begins at the time specified in subsection 1 and includes, without limitation, the time it takes the employee to:**

**(a) Travel to and from the entrance to the physical location at which the employee performs his or her duties or responsibilities and to a location designated by his or her employer as his or her assigned workstation within that location;**

**(b) Conduct a mandatory pre- or post-shift briefing between arriving and departing staff;**  
**and**

***(c) Perform any other activities required by an appointing authority.***

4. The workday for a full-time state employee who works a standard or nonstandard work schedule consists of two work periods separated by a 1/2- to 1-hour meal period. Insofar as practicable, the meal period must occur in the middle of the work shift. A rest period of 15 minutes must be granted for each 4-hour period of work and, except as otherwise provided in NAC 284.5242 and insofar as practicable, must occur in the middle of the period of work.

5. Except as otherwise provided in subsections 6 and 7, an appointing authority shall provide a meal period and rest period to an employee who has an innovative work schedule during each workday as follows:

(a) A 1/2- to 1-hour meal period must be provided during each period of work that exceeds 6 hours. Insofar as practicable, the meal period must occur in the middle of the work shift.

(b) A rest period of 15 minutes must be provided for each 4-hour period of work and, except as otherwise provided in NAC 284.5242 and insofar as practicable, must occur in the middle of the period of work.

6. The requirement to relieve an employee for a 1/2- to 1-hour meal period does not apply to an employee who receives a paid meal period.

7. The requirement for a rest period does not apply to an employee who works:

(a) Directly with the inmates at a correctional institution.

(b) For the ~~Division of Public and Behavioral Health of the Department of Health and Human Services~~ **Department of Human Services** and who:

(1) Maintains or monitors the equipment in a heat plant which operates 24 hours a day; and

(2) Works a straight 8-hour work shift.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-20-90; 8-1-91; 11-12-93; R031-98, 4-17-98; R098-99, 9-27-99; A by Personnel Comm'n by R068-03, 10-30-2003; R145-05, 12-29-2005; R033-17, 10-31-2017; **R141-22, 6-20-2024**)

**NAC 284.614 Layoffs: Procedure.** (NRS 284.065, 284.155, 284.380)

1. Except as otherwise provided in NAC 284.425, if it becomes necessary for a classified employee to be laid off because of a shortage of work or money, the abolition of a position, or some other material change in duties or organization:

(a) The director of the department shall determine in what geographical location, class series, class and option the reductions in staff will have the least detrimental effect on the operations of the department and shall specify layoffs accordingly. In the Department of ~~Health and Human Services~~ **Human Services** and the Nevada System of Higher Education, the administrator of a division may be designated to make these determinations with the approval of the director of the department.

(b) ***The director of the department shall:***

***(1) Determine if vacant positions exist within the department that could be eliminated before laying off the employee; or***

***(2) If no vacant position exists within the department, coordinate with the Division of Human Resource Management for possible reallocation to other positions in the State before issuing a layoff.***

(c) Within the department, geographical location, class series, class and option selected, all employees of the department who are not permanent must be separated from service before any permanent employees in the following order:

(1) Emergency employees.

(2) Temporary employees.

- (3) Provisional employees.
- (4) Probationary employees.

~~(c)~~ (d) If additional reductions are necessary, permanent employees must be laid off on the basis of seniority pursuant to NAC 284.632.

~~(d)~~ (e) In the department, geographical location, class series, class and option where layoffs are to take place, those employees with the least seniority must be laid off, transferred as set forth in subsection 2 or voluntarily demoted as set forth in NAC 284.618.

~~(e)~~ (f) An appointing authority may consider limiting layoffs to employees in full-time or part-time positions. Similar considerations may be given to and limitations placed on positions requiring selective certification pursuant to NAC 284.361.

2. If a permanent employee must be laid off for one of the reasons set forth in subsection 1, the appointing authority shall notify the employee that he or she may choose to:

(a) Transfer within his or her department, class and option into the position of the employee in his or her department, class and option with the least seniority;

(b) Be voluntarily demoted as set forth in NAC 284.618; or

(c) Exercise his or her reemployment rights as set forth in NAC 284.630.

3. Within 3 working days after an employee has been notified of his or her choices pursuant to subsection 2, he or she must designate in writing to the appointing authority the choice he or she will exercise.

4. For the purposes of this section, divisions of the Department of ~~Health and Human Services~~ *Human Services* and the Nevada System of Higher Education shall be deemed to be departments.

[Personnel Div., Rule XIII § B subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 8-28-85; 8-22-86; 7-21-89; 8-1-91; 3-27-92; 9-16-92; 11-16-95; 10-27-97; R031-98, 4-17-98; R043-99, 9-27-99; R146-01, 1-18-2002; R147-01, 1-22-2002; A by Personnel Comm'n by R096-03, 10-30-2003; R143-05, 12-29-2005)

**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~~ *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.

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 284.726 Access to confidential records. (NRS 284.065, 284.155, 284.335, 284.4066, 284.4068, 284.407, 284.4082)**

1. Except as otherwise provided in this subsection and subsections 2 and 11, access to materials for an examination and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his or her designated representative. If the name of the applicant is not disclosed and the information is used for the purposes of subparagraph (2) of paragraph (a) of subsection 1 of NAC 284.204, information relating to the education and experience of an applicant may be made available to any affected applicant, employee or the designated representative of either.

2. Except as otherwise provided in subsection 11 and NRS 284.4068, access to information concerning the results of an applicant's screening test which indicate the presence of a controlled substance is limited to an appointing authority or his or her designated representative and the Administrator or his or her designated representative.

3. Except as otherwise provided in subsections 11 and 12, access to an employee's record of employment containing any of the items listed in paragraphs (g) to (j), inclusive, of subsection 1 of NAC 284.718 is limited to:

(a) The employee.

(b) The employee's representative when a signed authorization from the employee is presented or is in his or her record of employment.

(c) An appointing authority or his or her designated representative.

(d) Persons who are authorized pursuant to any state or federal law or an order of a court.

(e) The State Board of Examiners if the Board is considering a claim against the State of Nevada filed pursuant to chapter 41 of NRS which involves the employee.

(f) Persons who are involved in processing records for the transaction of business within and between state agencies.

(g) Persons who are involved in processing records for the transaction of business that is authorized by the employee.

4. The portion of an employee's record of employment that concerns the health, medical condition or disability of the employee or a member of his or her immediate family must be kept in a locked cabinet, separate from any other portion of the employee's record of employment.

5. Except as otherwise provided in subsection 11, access to any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct is limited to:

- (a) The employee.
  - (b) The Administrator or a designated representative of the Administrator.
  - (c) The appointing authority or a designated representative of the agency with which the employee is employed.
  - (d) Persons who are authorized pursuant to any state or federal law or an order of a court.
  - (e) The Governor or a designated representative of the Governor.
6. Except as otherwise provided in subsections 11 and 12 and NRS 284.4086, access to any notes, records, recordings or findings of an investigation conducted by the Division of Human Resource Management relating to sex- or gender-based harassment or discrimination, or both, and any findings of such an investigation that are provided to an appointing authority is limited to:
- (a) An appointing authority.
  - (b) A designated representative of the agency with which the employee is employed.
  - (c) Persons who are authorized pursuant to any state or federal law or an order of a court.
  - (d) The Governor or a designated representative of the Governor.
7. Except as otherwise provided in subsections 11 and 12 and NRS 284.4086, access to any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct is limited to:
- (a) The employee.
  - (b) The appointing authority or a designated representative of the agency with which the employee is employed.
  - (c) Persons who are authorized pursuant to any state or federal law or an order of a court.
  - (d) The Governor or a designated representative of the Governor.
8. Except as otherwise provided in subsections 11 and 12 and NRS 284.4086, access to any notes, records, recordings, findings or other information obtained from an internal administrative investigation conducted pursuant to NRS 284.387 is limited to:
- (a) The employee who is the subject of the internal administrative investigation and who requests a hearing pursuant to NRS 284.390.
  - (b) The appointing authority or a designated representative of the agency by which the employee who is the subject of the internal administrative investigation is employed.
  - (c) Persons who are authorized pursuant to any state or federal law or an order of a court.
  - (d) The Governor or a designated representative of the Governor.
9. Except as otherwise provided by specific statute, records maintained by an employee assistance program offered by the State of Nevada must not be released without written permission signed by the employee to whom the records pertain.
10. Upon request, the Division of Human Resource Management will provide the home address of any employee maintained by the Division of Human Resource Management in the employee's record of employment to the Division of Welfare and Supportive Services of the Department of ~~Health and Human Services~~ **Human Services**, the Department of Employment, Training and Rehabilitation and the Internal Revenue Service.
11. The Administrator or the appointing authority, or a designated representative, shall authorize the release of any confidential records under his or her control which are requested by the Employee-Management Committee, a hearings officer, the Commission, the Committee on Catastrophic Leave created pursuant to NRS 284.3627, the Nevada Equal Rights Commission, the United States Equal Employment Opportunity Commission or a court.
12. The appointing authority or a designated representative of the agency with which the employee is employed shall authorize the release of any confidential records under his or her

control which are requested by the Division of Human Resource Management for the purpose of conducting an investigation regarding suspected harassment or discrimination, including, without limitation, suspected sex- or gender-based harassment or discrimination.

[Personnel Div., Rule XVI part § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 9-30-88; 7-21-89; 8-14-90; 7-6-92; 3-23-94; R042-99, 9-27-99; R082-00, 8-2-2000; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm'n by R068-03, 10-30-2003; R024-05, 10-31-2005; R141-07, 1-30-2008; R065-09, 10-27-2009, R059-10, 10-15-2010; R137-12 & R045-13, 10-23-2013; R044-15, 12-21-2015; R175-18, 1-30-2019; R018-19 & R124-19, 6-8-2020; R016-21 & R017-21, 9-28-2022)