

**ADOPTED REGULATION OF
THE PERSONNEL COMMISSION**

LCB File No. R008-14

Effective June 23, 2014

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

AUTHORITY: §1, NRS 284.065, 284.155 and 284.175.

A REGULATION relating to state personnel; revising provisions relating to the rate of pay for certain employees in the classified service of the State who are demoted; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing regulations provide for the determination of the rate of pay for an employee in the classified service of the State who has been demoted. In general, if the demotion is at the employee's request or is acceptable to the employee, the employee is to be paid at a step in the grade of the class to which the employee is demoted which is equal to the employee's present rate of pay, or at a rate that is equivalent to a decrease of not more than one step from the employee's base rate of pay in the position from which he or she was demoted. (Section 4 of LCB File No. R133-12 (NAC 284.173)) This regulation provides that such an employee is to be paid at a step in the grade of the class to which he or she was demoted which is equal to or less than his or her base rate of pay in the position from which he or she was demoted, but not greater than the highest step of the class to which he or she was demoted.

Section 1. Section 4 of LCB File No. R133-12 (NAC 284.173) is hereby amended to read as follows:

Sec. 4. Except as otherwise provided in ~~this section and~~ paragraph (b) of subsection 1 of NAC 284.618, an employee who is demoted must be paid at a step within the grade of the class to which he or she was demoted as follows:

1. ~~##~~ *Except as otherwise provided in subsections 2 to 5, inclusive, if* the employee has attained permanent status in the class from which he or she was

demoted and the demotion is instituted at the employee's request or is acceptable to the employee, the appointing authority shall pay him or her at a step in the grade of the class to which he or she was demoted which is ~~+~~

~~—(a) Equal~~ *equal* to *or less than* his or her ~~{present}~~ base rate of pay ~~+~~ or

~~—(b) Equivalent to a decrease of not more than one step from his or her base rate of pay in the position from which he or she was demoted. Except as otherwise provided in subsection 2, if the base rate of pay in the position from which he or she was demoted does not fall within the grade of the class to which he or she was demoted, the employee must be paid at a step in the grade of the class to which he or she was demoted which is equal to:~~

~~——(1) The step he or she would have received if he or she had not been promoted to the position from which he or she was demoted; or~~

~~——(2) The step he or she would have received if he or she had been employed in that class from the inception of employment with the State of Nevada.~~ *in the position from which he or she was demoted, but not greater than the highest step of the class to which he or she was demoted.*

2. An exception to ~~{paragraph (b) of}~~ subsection 1 may be granted by the appointing authority to pay an employee at a rate that does not fall within the grade of the class to which he or she is demoted if the appointing authority determines that the demotion is in the best interest of the employee and the State of Nevada. If such an exception is granted:

(a) The employee's base rate of pay will be limited to three grade levels above the grade of the class to which he or she is demoted or his or her base rate of pay in the position from which he or she was demoted, whichever is less.

(b) The employee's base rate of pay in the position to which he or she was demoted will be frozen until it falls within the grade of the class to which he or she was demoted or for a maximum of 2 years after the date of demotion, making the employee ineligible for any merit pay increases, cost of living adjustments or adjustments for a class of employees that has been approved by the Legislature.

(c) If the employee's frozen base rate of pay does not fall within the grade of the class to which he or she was demoted within the 2-year period, his or her base rate of pay will be adjusted to the highest step within the grade of the class to which he or she was demoted.

3. If an employee accepts a promotion and is demoted before attaining permanent status in the class, he or she must be paid at a step in the grade of the class to which he or she was demoted which is equivalent to the base rate of pay to which he or she would have been entitled had he or she not been promoted.

4. If the demotion is instituted by the appointing authority for disciplinary reasons and is not covered by subsection 2, the appointing authority shall determine the step in the grade of the class to which the employee was demoted at which the employee will be paid.

5. If an employee is demoted during his or her probationary period in state service, the appointing authority may pay the demoted employee at any step in the

grade of the class to which the employee was demoted that is not greater than his or her base rate of pay before the demotion.