

**ADOPTED REGULATION OF
THE HUMAN RESOURCES COMMISSION**

LCB File No. R022-26

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

AUTHORITY: § 1, NRS 284.065 and 284.330; § 2, NRS 284.065, 284.155 and 284.295; § 3, NRS 284.065, 284.155, 284.305 and 284.330.

A REGULATION relating to human resources; revising provisions relating to the reinstatement of a former permanent employee; revising provisions relating to promotional recruitment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Human Resources Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations to carry out the State Human Resources System. (NRS 284.065)

Existing regulations authorize an appointing authority to reinstate a former permanent employee following his or her termination from state employment under certain circumstances. (NAC 284.386) Existing regulations define the term “reinstatement” to mean a noncompetitive appointment of a former permanent employee to a class he or she formerly held or to a comparable class. (NAC 284.096) **Section 1** of this regulation revises the definition of “reinstatement” to include competitive appointments.

Existing regulations require a reinstatement to a similar class to be approved by the Division before the appointing authority may make a commitment to reinstate. (NAC 284.386) **Section 3** of this regulation instead requires that all reinstatements be approved by the Division before the appointing authority may make a commitment to reinstate a former permanent employee.

Under existing regulations, an application for recruitment must be submitted as specified in the job announcement and received not later than 5 p.m. on the closing date. (NAC 284.313) **Section 2** of this regulation instead requires an application to be received on or before the closing date.

Existing regulations limit competition in a promotional recruitment to current state employees who: (1) have served at least 6 months of continuous full-time equivalent service in the classified service; and (2) are working in the division, department or state service which is specified in the publicized job announcement. (NAC 284.313) **Section 2** removes the requirement that a current classified state employee have served at least 6 months of continuous full-time equivalent service in the classified service to compete in a promotional recruitment.

Section 1. NAC 284.096 is hereby amended to read as follows:

284.096 “Reinstatement” means ~~{a noncompetitive}~~ **an** appointment of a former permanent employee to a class he or she formerly held or to a comparable class.

Sec. 2. NAC 284.313 is hereby amended to read as follows:

284.313 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 ~~1:~~

~~—(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.

Sec. 3. NAC 284.386 is hereby amended to read as follows:

284.386 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}~~ *former permanent employee* 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}~~ *former permanent employee* 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}~~ *former permanent employee* 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}~~ *former permanent employee* seeking reinstatement to make his or her interest known by providing a new application to the appointing authority.

6. The ~~{person}~~ *former permanent employee* must meet the current minimum qualifications for the class for which the reinstatement is sought.