

**LCB File No. R144-05**

**PROPOSED REGULATION OF THE  
DEPARTMENT OF PERSONNEL**

**NOTICE OF WORKSHOP  
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS AND**

**NOTICE OF HEARING  
FOR THE AMENDMENT OF  
REGULATIONS OF THE STATE PERSONNEL DEPARTMENT**

**Workshop Notice:** The Department of Personnel, 209 East Musser Street, Carson City, Nevada, telephone number (775) 684-0119, is proposing the adoption and amendment of regulations pertaining to Chapter 284 of the Nevada Administrative Code.

**A workshop has been set for 8:30 a.m. on October 11, 2005,** at the Legislative Building, 401 South Carson Street, Room 4100 in Carson City, Nevada. A videoconference link will also be available at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412 in Las Vegas, Nevada.

**REGULATIONS PROPOSED FOR PERMANENT ADOPTION**

<b>Action - Regulations Proposed for Permanent Adoption</b>	<b>NAC REGULATION</b>
Computation of time.	NAC 284.116
Limitation of competition in recruitment; applications.	NAC 284.313
Active lists: Removal and reactivation of names; refusal to consider certain persons.	NAC 284.374
Preparation, filing and discussion of reports; duties of employees; requests for review; grievances.	NAC 284.470

**ATTENDANCE AND LEAVES**

<b>Action - Regulations Proposed for Permanent Adoption</b>	
Attendance required.	New section
"Care" defined.	NAC 284.5231
Workweeks and workdays; periods for rest and meals.	NAC 284.524
Time sheets.	NAC 284.5255
Annual leave: Long-term employees.	NAC 284.538
Annual leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation; part-time employees.	NAC 284.5385
Annual leave: Written request; approval or denial; authorized use.	NAC 284.539
Annual leave: Credit upon reinstatement, rehiring, reemployment or transfer.	NAC 284.5405
Sick leave: Part-time employees.	NAC 284.542
Sick leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation.	NAC 284.544
Sick leave: Unused credit.	NAC 284.546

Sick leave: Repayment of benefits upon reinstatement of dismissed employee.	NAC 284.548
Sick leave: Credit upon rehiring, reemployment or transfer.	NAC 284.551
Sick leave: Service in provisional, special disabled, emergency or temporary status; seasonal employees.	NAC 284.552
Sick leave: Illness in employee's immediate family.	NAC 284.558
Sick leave: Placing employee on sick leave.	NAC 284.568
Catastrophic leave: Interpretation of certain statutory terms.	NAC 284.575
Catastrophic leave: Use and administration; appeal of denial.	NAC 284.576
Leave of absence without pay.	NAC 284.578
Family and medical leave: Maximum amount in 12-month period; eligibility.	NAC 284.5811
Civil leave with pay to serve on a jury or as a witness.	NAC 284.582
Civil leave with pay to vote.	NAC 284.586
Administrative leave with pay.	NAC 284.589
Computation of leave for exempt classified and unclassified employees.	NAC 284.5895
Unauthorized absences.	NAC 284.594
Breaks in continuous service.	NAC 284.598

**Action - Regulations to be repealed**

Definitions.	NAC 284.523
"Continuing treatment" defined.	NAC 284.5232
"Eligible employee" defined.	NAC 284.5233
"Family and medical leave" defined.	NAC 284.5234
"Family and Medical Leave Act" defined.	NAC 284.52345
"Intermittent leave" defined.	NAC 284.5236
"Reduced leave" defined.	NAC 284.5238
"Serious health condition" defined.	NAC 284.5239
Employees required to report absences.	NAC 284.590

**DISABILITIES RELATED TO WORK**

**Action - Regulations Proposed for Permanent Adoption**

Definitions.	NAC 284.600
Physical assessments.	NAC 284.6002
Temporary assignment: Conditions for offer; termination; additional assignments.	NAC 284.6004
Temporary assignment: Location; jurisdiction of appointing authority; effect of jurisdiction of another appointing authority.	NAC 284.6008
Temporary assignment: Effect of family and medical leave.	NAC 284.6012
Determination of date on which employee sustained permanent disability related to work.	NAC 284.6013
Eligibility of employee with permanent disability for reemployment.	NAC 284.6014
Risk management division to provide certain information regarding permanent disability of employee to department of personnel and appointing authority.	NAC 284.6015
Limitations on eligibility for reemployment of person with permanent disability.	NAC 284.6019

**Action - Regulations to be repealed**

Temporary assignment: Compensation; effect of duties assigned.	NAC 284.6006
Temporary assignment: Accommodation of limitations or restrictions on employee's ability to work; duties of appointing authority; requirement of medical examination under certain circumstances.	NAC 284.601
Family and medical leave for certain disabled employees.	NAC 284.6016

## SEPARATIONS FROM SERVICE

### Action - Regulations Proposed for Permanent Adoption

Resignations.	NAC 284.602
Separation for physical, mental or emotional disorder.	NAC 284.611
Layoffs: Procedure.	NAC 284.614
Layoffs: Voluntary demotions.	NAC 284.618
Layoffs: Notice.	NAC 284.626
Layoffs: Reemployment.	NAC 284.630
Layoffs: Calculation of seniority.	NAC 284.632

A copy of all materials relating to the proposed regulations is included with this announcement. Additional copies may be obtained at the workshop or by contacting the Department of Personnel offices at 209 East Musser Street, Room 300, Carson City, Nevada, telephone number (775) 684-0119, or 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada, telephone number (702) 486-2900. A reasonable fee for copying may be charged.

**Hearing Notice: The Personnel Commission will hold a public hearing at 8:00 a.m. on November 8, 2005**, in Carson City at the Legislative Building, 401 South Carson Street, Room 4100. A videoconference link will also be available in Las Vegas at the Grant Sawyer Building, 555 East Washington Avenue, Room 4412. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations. If no person, who is directly affected by the proposed action, appears to request time to make an oral presentation, the Personnel Commission may proceed immediately to act upon any written submissions.

- These regulations do not have a direct economic effect on any business or the public.
- Enforcement of these regulations will not result in an increased cost.
- To our knowledge, these regulations do not overlap or duplicate the regulations of other State or local governmental agencies.
- These regulations do not establish any new fee or increase an existing fee.
- A statement of the need for and the purpose of the proposed regulations precedes the text of each regulation included in the attached document.

Persons wishing to comment upon the proposed action of the Personnel Commission may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Shelley Blotter, Department of Personnel, 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204. **Written submissions must be received by the Department of Personnel on or before October 18, 2005.** A copy of this notice and the regulations to be amended will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted or amended will be available at the Department of Personnel, 209 East Musser Street, Room 300, Carson City, Nevada, or at the Department of Personnel, 555 East Washington Avenue, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of each regulation will include the entire

text of any section of the Nevada Administrative Code that is proposed for amendment. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principle reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The notice of the Workshop and Hearing has been posted at the following locations:

**CARSON CITY**

Blasdel Building, 209 East Musser Street  
Nevada State Library and Archives, 100 Stewart St.  
Capitol Building, Main Floor  
Legislative Building, 401 South Carson Street

**Department of Personnel Web Site [www.dop.nv.gov](http://www.dop.nv.gov)**

**ALL STATE AGENCIES**

**ALL NEVADA COUNTY PUBLIC LIBRARIES**

**LAS VEGAS**

Grant Sawyer State Office Building  
555 East Washington Avenue

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**NOTE: We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Department of Personnel, in writing, at 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204, or call Debra Berry at (775) 684-0110, no later than five working days prior to the meeting.**

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LCB File No. R144-05

**PROPOSED REGULATION OF THE  
DEPARTMENT OF PERSONNEL**

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, clarifies that this method of computation is only used for service time prior to March 6, 1999. This method of computing time was used when the Department had the Legacy payroll system in place.

**NAC 284.116 Computation of time.** (NRS 284.065) ~~In computing a period of time mentioned in this chapter~~ *For purposes of this chapter, when computing a period of time prior to March 6, 1999*, the day of the act or event from which the period begins is not counted and the last day is counted unless the last day is a Saturday, Sunday or state holiday. If the last day is a Saturday, Sunday or state holiday, the period ends on the next day that is not a Saturday, Sunday or state holiday. *When computing a period of time from March 6, 1999 forward, all actions are effective at 8:00 a.m. on the specified effective date.*

**Explanation of Proposed Change:** This amendment, proposed by the Department of Personnel, accommodates the new procedure for announcements posted “Until Recruitment Needs Are Satisfied”. The Department of Personnel has changed these announcements. We no longer give one-week official notice that the recruitment will close. The recruitments instead close within 2 business days of notification by the agency.

**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 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 the ~~final date specified in the publicized job announcement~~ *closing date*.
4. The incomplete or improper completion of an application that affects the ability of the Department of Personnel 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 Department of Personnel may, as an additional phase of the process of examination, approve the obtaining of supplemental information from each applicant to assess his 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 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 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 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 Department of Personnel.

**Explanation of Proposed Change:** This amendment, proposed by the Department of Transportation, limits people who have permanent restrictions from being considered from hiring lists where they could not perform the essential functions of the position.

**NAC 284.374 Active lists: Removal and reactivation of names; refusal to consider certain persons.** (NRS 284.065, 284.155, 284.250, 284.295)

1. The names of eligible persons will 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.
  - (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 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 Director may refuse to examine or certify an eligible person, failure to disclose convictions as required by NAC

284.321 or, if the employee has been laid off, reemployment pursuant to subsection 5 of NAC 284.630.

2. An appointing authority need not consider an eligible person more than three times 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 is unable to perform the essential functions of the position, with or without reasonable accommodation.**

~~3~~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 issues his 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 has been removed from consideration pursuant to this subsection to notify the appointing authority of any discrepancy in the information in his personnel file 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.

~~4~~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.

~~5~~6. An eligible person whose name has been removed from an active list may request that his name be reactivated by stating his reasons for the request. If the Department of Personnel determines that the reasons are justified, and the person's term of eligibility has not otherwise expired, his name may be reactivated.

**Explanation of Proposed Change:** The amendment to subsection 4, proposed by the Department of Cultural Affairs, allows an appointing authority to file a performance evaluation for an employee for a previous review period when information becomes available after the evaluation period that would have effected the rating.

The amendment to subsection 8, recommended by the Employee Management Committee, allows an employee 10 days to respond to any additional comments added to the employee's performance evaluation.

**NAC 284.470 Preparation, filing and discussion of reports; duties of employees; requests for review; grievance.** (NRS 284.065, 284.155, 284.340, 284.384)

1. A person shall not complete a report on performance unless he has completed the training provided or approved by the Director concerning the preparation of a report on performance.

2. A report on performance must be prepared on the form prescribed by the Department of Personnel.
3. A report on performance must be filed at the times prescribed by NRS 284.340, but may be filed more frequently at the discretion of the supervisor of the employee.
4. *An evaluation may be filed for a previous review period when information becomes available after the evaluation period that would have effected the rating. This subsequent evaluation does not effect the pay or benefits received during the previous evaluation period.*
5. When a report on performance is given which reports the overall rating of performance of an employee as substandard:
  - (a) The report must contain a written notice that such reports affect both merit pay increases and the employee's eligibility for longevity pay; and
  - (b) An additional report on the performance of the employee must, in accordance with subsection 4 of NRS 284.340, be filed at least once every 90 days after the initial report that includes the substandard rating until the performance of the employee improves to standard or disciplinary action is taken against the employee.
- ~~6.~~ 6. Except as otherwise provided in subsection 6, the preparation of each report on performance must include a discussion between the employee and his immediate supervisor. Within 10 working days after the discussion takes place:
  - (a) The employee must complete and sign the appropriate section on the report on performance and return the report to his supervisor for forwarding to the reviewing officer or appointing authority.
  - (b) If the employee disagrees with the report on performance and requests a review, he must respond to the report in writing, identify the specific points of disagreement, if such specificity is provided, and return the response to his supervisor. The reviewing officer shall respond to the employee in writing within 10 working days after the supervisor receives the request.
- ~~7.~~ 7. If an employee is unavailable for a discussion of the report on performance pursuant to subsection 5 because of an extended absence, the immediate supervisor of the employee shall cause the report to be mailed to the employee. Within 10 working days after the date on which the employee receives the report:
  - (a) The employee must complete and sign the appropriate section on the report on performance and mail the report to his supervisor for forwarding to the appointing authority or reviewing officer.
  - (b) If the employee disagrees with the report on performance and requests a review, he must respond to the report in writing, identify any specific point of disagreement, if the report provides such specificity, and mail his response to his supervisor. The reviewing officer shall respond to the employee in writing within 10 working days after the supervisor receives the request for review from the employee. For the purposes of this paragraph, a report on performance or request for review is deemed to have been received on the third day after the date on which the report or request is postmarked.
- ~~8.~~ 8. A copy of each report on performance must be provided to the employee and filed with the Department of Personnel. If any written comments are added to a report on performance after a copy of the report has been provided to the employee pursuant to this subsection, a copy of the revised report which includes the written comments must be provided to the

employee. *The employee must be allowed 10 working days to respond to the additional written comments.*

~~[8.]~~ **9.** An employee and his appointing authority may agree in writing to extend one or more of the periods prescribed in subsection 5 or 6.

~~[9.]~~ **10.** If a reviewing officer fails to respond to a request for review from an employee within the time required by this section, the employee may institute the procedure for the adjustment of a grievance pursuant to NAC 284.658 to 284.6957, inclusive.