

LCB File No. R144-08

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

**(Note: Section 2 has been removed from this regulation for
separate consideration and is now LCB File No. R174-08)**

Section 1. NAC 284.462 is hereby amended to read as follows:

Explanation of Proposed change: This amendment, proposed by the Department of Personnel, relates to the restoration of a promoted employee when he is unsuccessful in passing his trial period. It addresses the rare occasion when the requirements of NRS 284.300 cannot be met because the employee's former position no longer exists or the position has been reclassified to another class and grade. It allows the employee to be placed in a vacant position in the same class and grade from which he was promoted, or if that is not an option because no vacancy exists, it allows for the lay off of the employee with reemployment rights under NAC 284.630.

NAC 284.462 Restoration of promoted employee to former position. (NRS 284.065, 284.155, 284.290)

1. For the purposes of this section only, "promotion" means any movement into a vacant position which has a higher grade than the position previously occupied by a classified employee who has served 6 months of continuous (full-time equivalent) service.

2. An employee promoted pursuant to subsection 1 who fails to attain permanent status in the position to which he was promoted or who is dismissed for a cause other than misconduct or delinquency on his part from the position to which he was promoted, either during the probationary period or at its conclusion, must be restored to the position from which he was promoted.

3. If an employee fails to attain permanent status and is restored to his former position, the appointing authority which is effecting the restoration must give written notice to the agency from which the employee was promoted at least 30 calendar days before the effective date. The agency which is taking action to restore the employee to his former position is liable for the payment of the employee during this 30-day period unless the agency to which the employee is being restored agrees to accept the employee before the expiration of that period. An employee does not gain permanent status if a report of separation or notice of intent to restore an employee to his former position has been provided to the employee and filed with the Department of Personnel on or before the last day of his probationary period, even though the separation or restoration takes place after the last day of the probationary period.

4. If the position from which the employee was promoted no longer exists or the position has been reclassified, the employee shall be placed in a vacant position in the same class and grade from which he was promoted; or, if no vacant position exists,

(a) Laid off from the department from which he was promoted with 30-days notice if he has attained permanent status in the classified service. This notice may run concurrently with the 30-day notice provided for in subsection 3. Seniority for the purposes of placement on the layoff list will be determined in accordance with NAC 284.632, but the employee has no displacement rights.

(b) Terminated from State employment if he has not attained permanent status in the classified service.

5. A demotion from probationary status in a higher class to the former lower level class may not be appealed.