

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

LCB File No. R064-14

Proposed Permanent Regulation Amendments

Section 1. Chapter 284 of NAC is hereby amended to read as follows:

Explanation of Proposed Change: Proposed by the Division of Human Resource Management, this amendment will simplify the “Rate of pay: Effect of promotion” so errors do not occur and all employees are treated equitably. The Division does not have the resources to conduct an in-depth audit of all employee records transactions. Therefore, it is possible that errors, which could result in some employees being afforded a greater or lesser compensation benefit than the regulation currently provides, have occurred as a result of a promotion. The current regulation may dissuade an employee from voluntarily demoting to change his or her career path or enter a new class entirely, by limiting his or her pay in the event that he or she accepts a promotion in the future. The proposed change reduces to one year the limitation governing the pay upon promotion when a demotion has occurred in the past. In addition, the proposed change allows the Administrator to approve a promotional increase when appropriate, e.g. an employee demoted into a trainee classification and has now achieved the skills necessary to function at a higher level in the new job series. This change is in alignment with the amendment to NAC 284.173 Rate of pay: Effect of demotion, which was proposed and passed at the April 11, 2014 meeting of the Personnel Commission. This proposed amendment, as well as the amendment to NAC 284.173, provides dedicated employees the opportunity to broaden their skill sets, as well as the incentive to remain in State service.

NAC 284.172 Rate of pay: Effect of promotion. (NRS 284.065, 284.155, 284.175)

1. The following provisions govern the rate of pay which must be paid if an employee is promoted:

(a) The employee must be placed at the lowest step in the higher grade that meets one of the following requirements:

(1) If the employee moves one or two grades above his or her former grade, he or she must be placed at the same step in the new grade as the step held in his or her former grade.

(2) If the employee moves three or more grades above his or her former grade, the employee must be placed:

(I) At a step which is equivalent to an increase of two steps above the step held in his or her former grade; or

(II) At the lowest step of the new grade,

↪ whichever pay is higher and in accordance with the provisions of NAC 284.179.

(b) A special adjustment to an employee’s pay for performing supervisory duties which is granted in accordance with paragraph (c) of subsection 2 of NAC 284.206 is the present level of pay for the purpose of calculating a promotional increase authorized by paragraph (a) only if the

employee has received the special adjustment to his or her pay for more than 6 months of continuous full-time service.

(c) If an employee has been demoted~~†~~ *within the preceding year*, he or she may not receive a promotional increase in pay that is greater than the increase which he or she would have otherwise been entitled to receive had he or she not been demoted~~†~~ *without prior approval of the Administrator.*

(d) This subsection does not apply when an employee is reemployed or reappointed to his or her former grade within 1 year after holding that grade.

2. As used in this section, “present level of pay” means a rate of pay that is equal to the amount that is assigned to the step within the grade which is closest to, but does not exceed, the employee’s pay after a special adjustment to pay pursuant to the provisions of NAC 284.206.

(Added to NAC by Personnel Comm’n by R133-12, eff. 10-4-2013)