

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

LCB FILE NO. R121-17I

**The following document is the initial draft regulation proposed
by the agency submitted on 11/01/2017**

Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

Explanation of Proposed Change: Proposed by the Division of Human Resource Management, this amendment adds a new section to NAC 284. When filling a vacancy in the classified system, utilizing the open competitive or non-competitive process, an agency’s human resources staff must first check with the Division of Human Resource Management to verify if any candidates are available through reemployment, through reassignment, or on a list of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327. If no candidates are available through these methods, the appointing authority may then utilize the non-competitive or competitive process to fill the vacancy.

NEW Priority for filling a vacancy.

1. Prior to filling a vacancy, an appointing authority shall contact the Division of Human Resource Management to determine if persons are available through the reemployment list, through reassignment, or on a list of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327, as amended by section 1 of Assembly Bill No. 192, chapter 189, Statutes of Nevada 2017, at page 1016.

2. Offers of employment must be made in the following order if such a person is available:

(a) To individuals on the reemployment list pursuant to NAC 284.360;

(b) To employees that are eligible for reassignment in accordance with Sections 1-4 and 6 of LCB File No. R097-16; then

(c) To individuals on the list of persons with disabilities who are eligible for temporary limited appointment pursuant to NRS 284.327, as amended by section 1 of Assembly Bill No. 192, chapter 189, Statutes of Nevada 2017, at page 1016, and NAC 284.364,

↪ prior to using any other method of filling a vacancy.

3. If no such person exists or an offer of employment is not accepted by eligible persons, an appointing authority may proceed by filling the vacancy through the non-competitive or competitive process.

Section 2. NAC 284.027 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, makes a conforming change to NAC 284.027, reflecting the movement of the Budget Division from the Department of Administration to the Governor’s Finance Office.

NAC 284.027 “Budget Division” defined. “Budget Division” means the Budget Division of the ~~Department of Administration.~~ ***Governor’s Finance Office.***

(Supplied in codification)

Section 3. NAC 284.126 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, makes a conforming change to NAC 284.126, reflecting the movement of the Budget Division from the Department of Administration to the Governor's Finance Office.

NAC 284.126 Creation of new class, reclassification of position or reallocation of existing class. (NRS 284.065, 284.155)

1. For the purposes of this section:

(a) "Agency personnel officer" means the Director of Personnel within the Nevada System of Higher Education or any person holding a position in the classified service with the title of Personnel Officer.

(b) "Significant change" means a change in the duties and responsibilities assigned to a position in a class that:

(1) Is outside of the scope of the class as described by the class specification;

(2) Is not part of the scope of responsibility of the position; and

(3) Results in the preponderance of duties and responsibilities being allocated to a different class.

2. If an appointing authority or an employee proposes the creation of a new class, a reclassification of a position to a different class or the reallocation of an existing class based upon a gradual accumulation of duties and responsibilities which results in a significant change and is intended to be permanent, the Division of Human Resource Management or agency personnel officer must be notified on the appropriate form. If the creation, reclassification or reallocation is approved, the Division of Human Resource Management will allocate the position to one of the existing classes in the classification plan or to a new, revised or reallocated class as appropriate.

3. The effective date of the classification decision will be the date on which form NPD-19 is received by the Division of Human Resource Management or agency personnel officer unless information that substantially affects the decision concerning the creation, reclassification or reallocation is received after this date. In that case, the effective date will be the date on which the appropriate information necessary to make the decision is received. However, the subsequent receipt of an application or examination score that confirms the qualifications of an incumbent will not have a bearing on the effective date. If the form was prepared but delayed due to an administrative or clerical error, the effective date must be determined by the appointing authority and must be based upon the date on which the form should reasonably have been submitted to the Division of Human Resource Management or agency personnel officer. In no case, however, may a retroactive adjustment because of an administrative or clerical error exceed 6 months after the date of receipt.

4. If an agency makes or anticipates making a significant change in the duties for a position or the agency anticipates a reorganization which will require the reclassification of an existing position, the reallocation of an existing class or the creation of a new class, it shall advise the Budget Division of the ~~{Department of Administration}~~ *Governor's Finance Office* or, in the case of the Nevada System of Higher Education, the budget division of the applicable institution. The proposed change may not be required of an employee nor be submitted to the Division of Human Resource Management until funding for it is approved. If the change is approved by the Division of Human Resource Management, the effective date will be determined by the Budget Division.

5. In effecting a reclassification pursuant to subsection 2 or 4, the appointing authority must review and take into consideration the organizational structure and the qualifications of the incumbent before assigning new duties to a position which are intended to be permanent. No position will be reclassified to a higher grade through the individual classification process if the incumbent does not meet the minimum qualifications for the higher level position. If an employee does not meet the minimum qualifications to reclassify his or her position, the employee is not eligible for promotion, but may be eligible for a special adjustment to his or her pay pursuant to NAC 284.206.

6. The establishment of a new class or reallocation of a class in an occupational study which results in a fiscal cost becomes effective when the funding is provided by the Legislature in the biennial operating budget for this State.

7. From the date on which the Division of Human Resource Management formally announces the beginning of an occupational study until the date on which the occupational study becomes effective:

(a) An existing position in the occupational study that has a significant change may only be reclassified to an existing class.

(b) An existing class in the occupational study must not be reallocated to a different grade.

(c) A new position may be allocated to an existing class or a new class as determined by the Division of Human Resource Management.

[Personnel Div., Rule II § D subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 8-14-90; 12-26-91; 11-16-95; 10-27-97; R098-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R069-02, 8-14-2002; R038-03, 10-30-2003)