

**PROPOSED REGULATION OF THE  
PERSONNEL COMMISSION**

**LCB FILE NO. R068-19I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 09/11/2019**

**Section 1. NAC 284.444 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, will allow an appointing authority to waive a trial period in writing for a permanent employee who voluntarily transfers. The intent here is to allow an appointing authority greater flexibility in the appointment process similar to other subsections of the regulation. In addition, subsection 3 has been moved to the end of the regulation and subsections 11 and 12 have been moved up in the regulation.

**NAC 284.444 Application of probationary period. (NRS 284.065, 284.155, 284.290, 284.300)**

1. A probationary employee who transfers:
  - (a) Within the same class must serve the remaining portion of the probationary period.
  - (b) From one class to another class must serve a new probationary period.
2. A permanent employee must serve a trial period if he or she voluntarily transfers:
  - (a) Within the same class; or
  - (b) From one class to another class and such classes are comparable classes ~~†~~  
~~†3.— An employee who transfers from the unclassified or nonclassified service to the classified service must serve a new probationary period. Except for those unclassified employees who transfer pursuant to subsection 2 of NAC 284.398, the status of a permanent employee may not be attained until the satisfactory completion of the probationary period.†~~,  
*↪ unless the trial period is waived in writing by the appointing authority. If the trial period is waived by the appointing authority, the status of the appointment of the employee remains as it was prior to the transfer.*
3. *Promotion to a vacant position requires a new probationary or trial period. Promotions which result from reclassification are governed by NAC 284.134 and 284.138.*
4. *Except as otherwise provided in subsection 11:*
  - (a) *No probationary period will be required if a permanent employee is demoted.*
  - (b) *A new probationary period will be required if a probationary employee is demoted.*
- ~~†4.†~~ 5. An employee who is reinstated must serve a new probationary period unless it is waived in writing by the appointing authority. If an appointing authority waives the probationary period, the status of the appointment of the employee is permanent.
- ~~†5.†~~ 6. A probationary employee who is reappointed must serve a new probationary period.
- ~~†6.†~~ 7. A permanent employee who is reappointed to a class:
  - (a) At a higher grade level must serve a trial period unless it is waived by the appointing authority.
  - (b) At the same grade level or a lower grade level is not required to serve a trial period.
- ~~†7.†~~ 8. An employee who is laid off, but who is reemployed within 1 year, must serve a new probationary period if reemployed in a different class or in a different department than that from which he or she was laid off, and the employee is subject to the provisions of subsection 8 of NAC 284.630.
- ~~†8.†~~ 9. A person with a permanent disability arising from a work-related injury or occupational disease who is reemployed in a different class or option than his or her regular position must serve a new probationary period as required by NAC 284.6018.
- ~~†9.†~~ 10. A person who is on a military leave of absence pursuant to NRS 284.359 is entitled to return to the status of appointment held at the time he or she commenced the military leave of

absence. If the employee did not complete the probationary period, he or she will only be required to complete the remaining portion thereof. Upon successful completion of the probationary period, permanent status must be granted to the employee as of the date on which permanent status would have been granted if the employee had not taken a military leave of absence.

~~10. Promotion to a vacant position requires a new probationary or trial period. Promotions which result from reclassification are governed by NAC 284.134 and 284.138.~~

~~11. Except as otherwise provided in subsection 12:~~

~~(a) No probationary period will be required if a permanent employee is demoted.~~

~~(b) A new probationary period will be required if a probationary employee is demoted.~~

~~12.~~ **11.** An employee who is restored to his or her former position or class pursuant to NAC 284.462 following a promotional appointment must serve the portion of the trial period which was remaining at the time of the promotion. No probationary period is required if, pursuant to subparagraph (1) of paragraph (c) of subsection 2 of NAC 284.462, an employee is placed in a position in a class equal to or lower than the class held by the employee immediately before the promotion.

*12. An employee who transfers from the unclassified or nonclassified service to the classified service must serve a new probationary period. Except for those unclassified employees who transfer pursuant to subsection 2 of NAC 284.398, the status of a permanent employee may not be attained until the satisfactory completion of the probationary period.*

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-21-89; 8-1-91; 12-26-91; 3-1-96; A by Personnel Comm'n by R142-05 & R143-05, 12-29-2005; R141-07, 1-30-2008; R102-15, 12-21-2015, eff. 1-1-2016; R163-18, 1-30-2019)

**Sec. 2. NAC 284.446 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, will clarify the time counted toward the completion of a probationary period and the time counted toward the completion of a trial period. Essentially, a new employee serves an initial probationary period of 6 months or 1 year as required for the class, a permanent employee who has been promoted serves a 1-year trial period in the new class and a permanent employee who voluntarily transfers to a vacant position may be required to serve a trail period (NAC 284.108).

**NAC 284.446 Time counted toward completion of probationary *or trial* period. (NRS 284.065, 284.155, 284.290)**

1. Except as otherwise provided in subsection 4 and in NAC 284.4375, ~~an~~ *an employee serving an initial probationary ~~employee~~ period* must perform his or her duties continuously in the classified service for either 6 months or 1 year (full-time equivalent) as required for the class in which he or she is employed to attain permanent status. *A permanent employee who promotes must serve a trial period for 1 year full-time equivalent, and a permanent employee who voluntarily transfers may be required to serve a trial period if such is not waived by the appointing authority.*

2. Service in provisional, emergency, or special disabled status must be credited towards a probationary *or trial* period if it is immediately followed by probationary, *trial* or permanent status in the same class.

3. Service in a seasonal position must be credited towards the probationary *or trial* period for the class.

4. If an employee of a governmental agency transfers ~~to~~ *within* the classified service pursuant to NRS 284.022 and subsection 2 of NAC 284.398, the time which he or she spent in the ~~comparable~~ *same* class in the governmental agency counts toward the probationary *or trial* period which is required for the state class. If the employee has satisfactorily completed the equivalent of the State's probationary *or trial* period for the new class, the employee is entitled to transfer with permanent status. All continuous service which is equivalent to full-time employment in the governmental agency before the transfer counts towards permanent employee status.

[Personnel Div., Rule VIII § A part subsec. 1, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, 10-26-84; 1-22-90; 8-1-91; 7-6-92; 3-1-96)

**Sec. 3. NAC 284.448 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, will clarify the time counted toward the completion of a probationary period and the time counted toward the completion of a trial period. Essentially, a new employee serves an initial probationary period of 6 months or 1 year as required for the class, a permanent employee who has been promoted serves a 1-year trial period in the new class and a permanent employee who voluntarily transfers to a vacant position may be required to serve a trail period (NAC 284.108).

**NAC 284.448 Time not counted toward completion of probationary *or trial* period. (NRS 281.145, 284.065, 284.155, 284.290, 284.345)** The following types of leave or temporary status do not count toward the completion of any probationary *or trial* period:

1. Authorized military leave for active service, as set forth in subsection 9 of NAC 284.444.
2. Authorized military leave for training beyond the 15 paid working days authorized by NRS 281.145 during a 12-month period, as prescribed in NAC 284.5875.
3. Except as otherwise provided in NAC 284.580, any leave without pay and catastrophic leave, combined, in excess of 240 hours or, in the case of an exempt classified employee, 30 working days, in a year if the regular work schedule of the employee is 80 hours or less biweekly. If the regular work schedule of an employee is more than 80 hours biweekly, the employee must be allotted additional leave without pay and catastrophic leave in proportion to the number of hours his or her regular work schedule exceeds 80 hours biweekly. As used in this subsection, "year" means a period equal to 12 months of full-time equivalent service measured backward from the employee's pay progression date.

4. Time which is served in a temporary position pursuant to NAC 284.414.

5. Any hours worked which exceed 40 in a week.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 5-27-86; 3-27-92; 9-16-92; 11-16-95; 3-1-96; R147-01, 1-22-2002; A by Personnel Comm'n by R182-03, 1-27-2004; R141-07, 1-30-2008; R039-15, 10-27-15; R163-18, 1-30-2019)

**Sec. 4. NAC 284.450 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, will clarify the time counted toward the completion of a probationary period and the time counted toward the completion of a trial period. Essentially, a new employee serves an initial probationary period of 6 months or 1 year as required for the class, a permanent employee who has been promoted serves a 1-year trial period in the new class and a permanent employee who voluntarily transfers to a vacant position may be required to serve a trail period (NAC 284.108).

**NAC 284.450 Adjustment of probationary *or trial* period. (NRS 284.065, 284.155, 284.290)**

1. Except as otherwise provided in NAC 284.448, if a probationary *or trial* employee has not, during his or her prescribed probationary *or trial* period, worked the required number of months (full-time equivalent) which are established for the probationary *or trial* period for the class, his or her probationary *or trial* period must be extended until he or she has worked the required number of months.

2. An employee who changes from working full-time to part-time or the reverse will have his or her probationary *or trial* period adjusted to equal the required number of months of service which are applicable to the probationary *or trial* period of the class.

[Personnel Div., Rule VIII § A part subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 3-1-96)