

**SECRETARY OF STATE
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**For Filing Administrative
Regulations**

Agency Department of Administration
Division of
Human Resource
Management
LCB File No. T006-25P

**FOR EMERGENCY
REGULATIONS ONLY**

Effective date _____

Expiration
date _____

Governor's signature

Classification: ☐ PROPOSED ☒ ADOPTED BY AGENCY ☐ EMERGENCY

Brief description of action Adoption of temporary regulation LCB File No. T006-25

Authority citation other than 233B NRS 284.065.

Notice date February 25, 2025 Date of Adoption by Agency _____

Hearing date March 28, 2025 March 28, 2025

ACTION – ADOPTION OF PERMANENT REGULATION

NAC REGULATION

Creation of new class, reclassification of position or reallocation of existing class. 284.126

**PROPOSED TEMPORARY REGULATION OF THE
HUMAN RESOURCES COMMISSION**

LCB FILE NO. T006-25P

**The following document is a proposed temporary regulation submitted
by the agency on 02/19/2025**

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management for temporary adoption, adds clarifying language to the specific position and duties as well as removes an outdated form name from the regulation and includes language that is flexible for any changes in the future.

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~~ *majority* 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~~ *the prescribed classification form* 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 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)

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. T006-25

1. A clear and concise explanation of the need for the adopted regulation.

The first amendment to NAC 284.126 is necessary to bring the regulation into alignment with the current classification process. Previously, the percentage of time performing each duty was evaluated to determine the correct classification of a position. Currently, the majority of the total number of duties are evaluated to determine the correct classification, rather than the percentage of time performing a duty. Therefore, “majority” is the most appropriate word to replace “preponderance” in the regulation.

The second amendment is necessary because “NPD” stands for Nevada Personnel Department, which no longer exists. Additionally, this amendment will bring the form title into alignment with the changes the Division of Human Resource Management is currently implementing.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

On February 25, 2025, copies of the proposed regulation amendments were sent by email to persons who were known to have an interest in the subject of proposed personnel regulation changes as well as any person who had specifically requested such notice via Listserv. These documents were also made available on the Division of Human Resource Management’s website, the Nevada Public Notice website, the Legislative Counsel Bureau’s website, and mailed to all county libraries in Nevada, and posted at the following locations:

EICON Building
515 E. Musser Street
Carson City, NV

Legislative Counsel Bureau
401 S. Carson Street
Carson City, NV

Nevada State Library & Archives
100 N. Stewart Street
Carson City, NV

Nevada State Capitol Building
101 N. Carson Street
Carson City, NV

Eureka Building
7251 Amigo Street
Las Vegas, NV

A regulation workshop concerning the first amendment to the regulation was conducted by the Division of Human Resource Management on April 16, 2024, and a public hearing was held by the Human Resources Commission on March 28, 2025. There was discussion about the proposed change at the regulation workshop.

A regulation concerning the second amendment to the regulation was held on December 6, 2024, and a public hearing was held by the Human Resources Commission on March 28,

2025. There was discussion about the proposed change at the regulation workshop.

At the public hearing, staff provided information regarding the intent and need for the regulation. No comments were received at the public hearing regarding the changes included in the LCB File No. T006-25.

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Carrie Hughes at cphughes@admin.nv.gov or by calling (775) 684-0111.

3. **The number of persons who:**
 - (a) **Attended each hearing:** 28
 - (b) **Testified at each hearing:** 1
 - (c) **Submitted written comments:** 0
4. **Following is a list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3(b):**

Heather Dapice, Supervisory Personnel Analyst
State of Nevada
Department of Administration
Division of Human Resource Management
7251 Amigo Street, Las Vegas, NV
702-486-2919
hdapice@admin.nv.gov

5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were not solicited from businesses, as the regulation does not affect businesses. Comments were solicited from affected parties including employees and employee associations. Written minutes and comments from the workshop and public hearing can be obtained as instructed in the response to question #2.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

There was no opposition to the regulation at the Human Resources Commission hearing.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**
 - (a) **Both adverse and beneficial effects; and**
 - (b) **Both immediate and long-term effects.**

There are no adverse or beneficial effects on regulated business and the public. There are no immediate or long-term effects on business and the public.

8. The estimated cost to the agency for enforcement of the proposed regulation:

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other State or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation does not overlap or duplicate any State or federal regulations.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The regulation does not include any provisions that are covered by any federal regulations.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

No fees are associated with this regulation.