

**REVISED ADOPTED REGULATION OF THE
DEPARTMENT OF PERSONNEL**

LCB File No. R019-97

Effective September 25, 1997

EXPLANATION - Matter in *italics* is new; matter in brackets [] is material to be omitted.

AUTHORITY: §§ 2-20, NRS 284.155

Section 1. Chapter 284 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Individual classification study” means a classification study initiated by an employee of this state, an agency of this state or the department of personnel which is based upon a new position or a significant change that has occurred in an existing position.*

Sec. 3. *“Occupational study” means a classification study of a group of positions in related classes and class series which is initiated by the department of personnel and subsequently approved by the commission.*

Sec. 4. NAC 284.010 is hereby amended to read as follows:

284.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 284.022 to 284.112, inclusive, *and sections 2 and 3 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 5. NAC 284.126 is hereby amended to read as follows:

284.126 1. For the purposes of this section:

(a) “Agency personnel officer” means the director of personnel within the University and Community College System of Nevada 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 department of personnel or agency personnel officer must be notified on the appropriate form. If the creation, reclassification [.] or reallocation is approved, the department of personnel will allocate the position to one of the existing classes in the classification plan or to a new, revised or reallocated class as appropriate. The effective date will be the date *on which* form NPD-19 is received by the department of personnel or agency personnel officer unless information *concerning the qualifications of the incumbent or information* which 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. 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 the form should reasonably have been submitted to the department of personnel or agency personnel officer. In no case, however, may a retroactive adjustment because of an administrative or clerical error exceed 6 months from the date of receipt.

3. 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 University and Community College System of Nevada, the budget division of the applicable institution. The proposed change may not be required of an employee nor be submitted to the department of personnel until funding for it is approved. If the change is approved by the department of personnel, the effective date will be determined by the budget division.

4. *In effecting a reclassification pursuant to subsection 2 or 3, 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.*

5. The establishment of a new class, or reallocation of a class or a class series based on an occupational study conducted by the department of personnel, becomes effective when the funding is provided by the Nevada legislature in the biennial operating budget for the state.

[5.] 6. From the date that the department of personnel formally announces the beginning of an occupational study until the date that the occupational study is funded by the Nevada legislature:

(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 pay grade.

(c) A new position may be allocated to an existing class or a new class as determined by the department of personnel.

Sec. 6. NAC 284.132 is hereby amended to read as follows:

284.132 1. An appointing authority, an employee [,] or the department of personnel may request a temporary classification which allows the classification of a position for a temporary period of *1 year or less* . [~~than 1 year.~~] Each promotion which is designated as temporary must have specific criteria established which justify the grade of the position and the projected date of expiration of the period. A position which no longer meets this criteria will revert back to the class from which it was reclassified. This method of classification is subject to the following conditions:

(a) Temporary classifications must meet the allocation standards and the criteria established for the higher class before this method may be used. The classification must be approved by the department of personnel before the promotion.

(b) An employee who is promoted into a temporary class must sign the payroll document.

This signature acknowledges that the employee understands the conditions of the reclassification and its projected date of expiration.

2. [An assignment in a temporary classification is subject to the provisions of NAC 284.138.] *If the employee meets the minimum qualifications for the temporary classification, he:*

(a) Must be promoted;

(b) Retains his status of appointment; and

(c) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.

An incumbent who has reverted to his previous class is entitled to the step, date of record [,] and status of appointment as though he had not been promoted.

3. *An employee who is promoted pursuant to this section must receive a new date of record if his promotion results in an increase of at least two grades. The rate of compensation for the employee will be determined in accordance with the provisions of NAC 284.170 governing compensation on promotion.*

4. In case of a layoff, the temporarily assigned employee's class of layoff is his former class. The time served in the temporary class is counted for seniority purposes if it was in the same occupational class, as provided in NRS 284.171.

Sec. 7. NAC 284.134 is hereby amended to read as follows:

284.134 [If a class is reclassified to a higher grade and all the positions in that class are affected in a similar manner, the incumbents of the reclassified positions may retain their status

of appointment and their dates of record and they may move to the grade of the position which has been reclassified. Their rates of compensation will be determined by the regulations]

1. An incumbent who meets the minimum qualifications for an individual reclassification as provided in NAC 284.126 may be reclassified to a higher level. If the incumbent's position is reclassified as a result of an individual classification study, the incumbent will continue to serve in the position and he:

(a) Must be promoted;

(b) Retains his status of appointment; and

(c) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.

2. An employee who is reclassified pursuant to this section must receive a new date of record if his promotion results in an increase of at least two grades. The rate of compensation will be determined in accordance with the provisions of NAC 284.170 governing compensation on promotion.

Sec. 8. NAC 284.138 is hereby amended to read as follows:

284.138 1. Except as otherwise provided in [subsection 3,] *subsections 3 and 4*, if a class or a position within a class is reclassified or reallocated to a higher grade [,] *as a result of an occupational study*, the incumbent will continue to serve in the position and he:

(a) Must be promoted;

(b) Retains his status of appointment; [and]

(c) *Retains his date of record; and*

(d) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.

2. The rate of compensation for employees who are promoted will be determined [by] *in accordance with* the provisions [contained in] of NAC 284.170 [.] *governing compensation on promotion.*

3. The provisions of subsection 1 do not apply to an incumbent who is filling a position in a class which is at a lower grade than the authorized level of the position unless the class held by the incumbent is reclassified or reallocated to a higher grade.

4. *If a position is reclassified to a higher grade in a different occupational class, the employee must meet the minimum qualifications of the higher level position before he is promoted. If the employee does not meet the minimum qualification, he must not be promoted, the position will be temporarily reclassified pursuant to NAC 284.132 and the employee may be eligible for a special salary adjustment as provided in NAC 284.206. If the employee does not meet the minimum qualifications within 1 year after the effective date of the reclassification, the duties must be reassigned and the position must be reclassified accordingly.*

Sec. 9. NAC 284.182 is hereby amended to read as follows:

284.182 1. Except as otherwise provided in this section, an employee's date of record is 1 year of employment equivalent to full-time service from the date of the employee's appointment to his current grade.

2. An employee who receives a promotion or *an individual* reclassification that [does not include the rest of his class and] results in an increase of at least two grades must receive a new date of record.

3. [If an employee is in a class that is reclassified upward, and all the positions in the class are similarly affected, he retains his date of record.

4.] If an employee is in a position that is reclassified upward as a result of an occupational study, he retains his date of record.

[5.] 4. An employee who is reinstated must receive a new date of record.

[6.] 5. An employee who is demoted retains his date of record. If an employee was promoted but is being restored to his former position pursuant to the provisions of NAC 284.462, the date of appointment and date of record of the former position must be restored.

[7.] 6. If an employee transfers to a position without receiving an increase in grade or is reappointed to a position at a grade he formerly held, he retains his date of record.

[8.] 7. An employee's date of record must be adjusted for the amount of time in excess of 240 hours or, in the case of an excluded classified employee, 30 working days, that he spends on leave without pay and on catastrophic leave, combined, in a year, except for leave without pay pursuant to NRS 281.390 or NAC 284.580. An employee whose regular work schedule is more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the number of hours that his regular work schedule exceeds 80 hours biweekly. For the purpose of this subsection, the year begins on the employee's most recent date of appointment except when there is a retained date of record. In that instance, the year begins 1 year before the retained date of record. Each subsequent year begins on the date the employee attains his date of record.

[9.] 8. A person who is rehired within 1 calendar year after having been laid off or received a seasonal separation will have his date of record adjusted on a day-for-day basis for the time during which he was not employed.

[10.] 9. A person with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 will have his date of record adjusted on a day-for-day basis for the time during which he was not employed.

[11.] 10. If a person is reemployed and has remained continuously employed, he retains his date of record.

[12.] 11. If a person eligible for military reemployment is reemployed, he retains the date of record held when he separated from the state for his service in the military.

[13.] 12. An employee who changes from working full time to part time or from part time to full time must have his date of record adjusted to equal 1 year of service equivalent to full-time service.

[14.] 13. Service in:

(a) Provisional, temporary, special disabled [,] and emergency status must be credited toward eligibility for an increase in salary based on merit if it is immediately followed by a probationary or permanent status.

(b) A seasonal position which is probationary or permanent must be credited toward eligibility for an increase in salary based on merit. If an incumbent's status of appointment is other than probationary or permanent, the provisions in paragraph (a) apply. An incumbent in

a seasonal position must complete 1 year of employment equivalent to full-time service with the state before he is eligible for the increase.

Sec. 10. NAC 284.206 is hereby amended to read as follows:

284.206 1. The department of personnel may approve a special adjustment to a salary equivalent to one grade to recognize conditionally:

(a) An employee who works out of his class on a continuing basis and who performs essentially all the duties and responsibilities of a position classified at a higher grade. To receive the increase the employee must:

(1) Be assigned duties and responsibilities of the higher grade which are clearly demonstrated in the class specification; and

(2) Carry out the duties for at least 16 consecutive workdays before the increase becomes effective.

The adjustment in salary must not continue for more than 6 months in any 12-month period unless the person is underfilling a position pursuant to NAC 284.437 and recruitment has failed to produce a sufficient number of applicants on the appropriate list.

(b) An employee required to use bilingual skills or sign language for the deaf at least 10 percent of his work time.

(c) An employee supervising other employees of the same or a higher grade if the supervision is not of a program or function which is provided for in the specification of the class.

(d) An employee of the mental hygiene and mental retardation division of the department of human resources or the division of child and family services of the department of human

resources or of the department of prisons which provides mental health services to inpatients, who is required regularly to perform custodial work and clean up human bodily wastes, or, if his principal place of work is located in an assaultive environment as determined by the administrator, to provide medical treatment, maintain buildings, instruct academic courses [.] or provide therapy. The adjustment will be:

(1) Granted only when such duties are not required of the class as a whole; and

(2) Granted only once although the employee performs more than one duty described in this paragraph.

Except as otherwise provided in this paragraph, such an employee who is assigned to the unit located in an assaultive environment for one or more hours but who is not assigned there permanently must also receive the adjustment for each hour and portion thereof he works in the unit. An excluded classified employee who is assigned to the unit located in an assaultive environment for any portion of a workday but who is not assigned there permanently must receive the adjustment for all of his regularly scheduled hours of employment on that workday.

(e) Except as otherwise provided in this paragraph, an employee who conducts a formal program of training for employees in an occupational class series. The training must:

(1) Be conducted weekly;

(2) Consist of training on the job and in the classroom or training only in the classroom;

(3) Include a test to determine the employee's progress in the program; and

(4) Result in the award of a certificate of completion or advancement in a training class series to the journey level.

If granted, the adjustment begins when the employee starts conducting the program of training and ends when the program is completed. An adjustment will not be granted if the duty to conduct training is clearly set forth in the class specification. Informal orientation given to new employees in a class series will not be considered for this special adjustment.

(f) An investigator of the state industrial insurance system who is required by his appointing authority to carry a concealed weapon and to investigate threats of violence against employees of the agency and who has been authorized by the appropriate law enforcement agency to carry a concealed weapon.

(g) A law enforcement officer who is assigned to motorcycle duty.

(h) An employee of the department of prisons who regularly supervises, or is responsible for the supervision of, a group of inmates assigned to a work area of a prison and who is responsible for implementing security procedures, including, without limitation, securing the work area from inmates who are not authorized to enter, accounting for all inmates who have been assigned to the work area, and accounting for all materials, tools and equipment in the work area. This adjustment will be granted only if such duties are not provided for in the class specification.

(i) An employee who occupies a position in which the duties have been recognized pursuant to a position questionnaire as being at a higher level, but who does not meet the minimum qualifications for promotion to the new grade. The special adjustment may continue in effect from the date the position is reclassified or the position questionnaire is received:

(1) Until the employee meets the minimum qualifications and is promoted;

(2) For 1 year after the effective date of the special salary adjustment; or

*(3) Until the date the higher level duties are removed,
whichever occurs first.*

2. A request for a special adjustment to a salary made pursuant to this section may be initiated by an employee, the appointing authority [,] or the department of personnel.

3. A special adjustment authorized by this section does not constitute a promotion.

4. Any special adjustment made pursuant to subsection 1 must be revoked when the conditions justifying it cease to exist.

5. Except as otherwise provided in this section, the effective date of a special adjustment to a salary is the date the appropriate document is received by the department of personnel. If a special adjustment to a salary is delayed because an administrative or clerical error prevented the delivery of a prepared document to the department, the effective date must be determined by the appointing authority and must be based on the date the document should reasonably have been submitted to the department of personnel. A retroactive adjustment due to administrative or clerical error must not exceed 6 months from the date of receipt of the document.

Sec. 11. NAC 284.210 is hereby amended to read as follows:

284.210 1. Except as otherwise provided in this subsection, compensation equivalent to an adjustment of one grade must be authorized for an employee for all hours worked within a work shift if the employee is assigned to a qualifying shift. An excluded classified employee who is assigned to a qualifying shift for any portion of a workday must receive such compensation for all of his regularly scheduled hours of employment on that workday.

2. One shift qualifies an employee to receive the compensation.

3. The compensation applies during the time when an employee is on sick and annual leave, holidays [,] and other leave with pay if the employee is still assigned to that shift when the leave is taken.

4. Any hours exceeding the qualifying 8-hour shift are eligible for overtime at the differential rate of pay for that shift if they are worked by an employee other than an excluded classified employee, in conjunction with, immediately before [,] or following the shift.

5. *A qualifying shift, including the times at which the shift started and ended, must be clearly designated on the employee's time sheet and approved by the employee's supervisor.*

6. As used in this section, "qualifying shift" means a scheduled period of work of at least 8 hours, of which 4 hours must fall within the hours from 6 p.m. to 7 a.m.

Sec. 12. NAC 284.214 is hereby amended to read as follows:

284.214 1. [An] *Except as otherwise provided in subsection 3, an* employee must be credited with [at least] 2 hours of [work] *call back pay* at the rate of time and one-half if [he is so eligible:

(a) *When an] his* employer calls him back to work on an unscheduled basis [, if:

(1) *The work begins more than 1 hour after completion of the work shift, but ends more than 1 hour before the next scheduled work shift, and the time for beginning the work was not set at his request;*

(2) *He is called back to work] without having [been] notified him* before the completion of his last normal working day [;

(3) *He is called back to work on his regularly scheduled day off; or*

(4) *He is called back to work on a holiday.*

(b) When he is called out pursuant to the policy of an agency to respond to an emergency or a condition requiring immediate action.] , and overtime for each additional hour if he is eligible therefor pursuant to NRS 284.180.

2. An employee who is required to appear as a witness in court or at an administrative hearing:

- (a) During his regularly scheduled time off; and
- (b) Concerning a matter which relates directly to his job,

must be credited with [at least] 2 hours of [work] call back pay at the rate of time and one-half [if he is so eligible unless he voluntarily accepts a witness fee in lieu of this compensation.] , and overtime for each additional hour if he is eligible therefor pursuant to NRS 284.180. If he receives a witness fee as well as this compensation, he shall relinquish the witness fee to the agency by which he is employed.

3. Subsection 1 does not apply to any:

- (a) Employee who is [receiving standby pay.] called into work while on standby status.
- (b) Excluded classified employee or excluded unclassified employee.
- (c) Employee who works part-time or intermittently unless he has worked 8 hours in [a 24-hour period.] 1 calendar day.
- (d) Employee who performs duties [which are not in the nature of an emergency and do not require immediate action but which are performed] pursuant to an understanding with the agency whereby the employee is given discretion as to performance of the duties and the duties are initiated by the action of the employee. In such a case, the employee receives compensation at the appropriate rate only for the actual time spent in the performance of those duties.

(e) Employee who is not required to leave the premises where he is residing or located at the time of notification in order to respond to a call.

(f) Employee who is called back to work if:

(1) The work begins 1 hour or less before or after his scheduled work shift;

(2) The time for beginning the work is set at the employee's request; or

(3) The work begins during the same 2-hour period previously credited for call back pay.

Sec. 13. NAC 284.385 is hereby amended to read as follows:

284.385 1. Reemployment is a type of appointment which does not result in a break in service and other benefits as provided in this chapter.

2. The types of reemployment and the authority for these types are as follows:

(a) Military reemployment entitles the person to the same or similar class within the department in which he was previously employed when the provisions of 38 U.S.C. §§ [2021 to 2026,] 4301 to 4307, inclusive, are met.

(b) Layoff reemployment, when a layoff has occurred pursuant to NRS 284.254 or 284.380, entitles the permanent employees who are affected to appointment to the class and option from which they were laid off, throughout the state service, and to other classes as provided in subsection 2 of NAC 284.390 and in NAC 284.630.

(c) Reemployment, when a position is reclassified to a lower grade, entitles the person to the class, option [,] and department when the provisions of NAC 284.140 are met.

(d) Seasonal reemployment allows former seasonal employees to be reemployed when the provisions in NAC 284.434 are met.

(e) Reemployment because an employee sustained a permanent disability arising from a disability related to work entitles the person to reemployment by the department with which the employee was employed at the time he sustained his permanent disability as determined pursuant to NAC 284.6013 and within the same class and option as his regular position or in another class as provided in NAC 284.6014.

3. The grade of the class at which a person is reemployed cannot exceed the current grade of the class he formerly held.

4. Except as otherwise provided in subsection 3, an employee may not be reemployed in a position allocated at grade 30 or higher if that position is at a higher grade than the position the employee held before attaining reemployment rights.

Sec. 14. NAC 284.386 is hereby amended to read as follows:

284.386 1. Except as otherwise provided in this subsection, an appointing authority may reinstate an employee within a 2-year period following his termination of employment if he was separated without prejudice. A separation without prejudice must be determined by the appointing authority in accordance with the standards contained in NRS 284.240. If an employee is laid off and is entitled to have his name appear on a reemployment list pursuant to NAC 284.630, the appointing authority may reinstate the employee within 2 years after the date on which his right to reemployment expires.

2. The grade of the class to which a person is reinstated cannot exceed the current grade of the class he formerly held.

3. *Except as otherwise provided in subsection 2, a person may not be reinstated in a position allocated at grade 30 or higher if that position is at a higher grade than the position the person formerly held.*

4. A reinstatement to a similar class requires the approval by the department of personnel before the appointing authority may make a commitment to reinstate.

[4.] 5. The person seeking a reinstatement must provide a new application to the appointing authority.

[5.] 6. The person must meet the current minimum qualifications for the class for which the reinstatement is sought or for a similar class.

[6.] 7. It is the responsibility of a person seeking the reinstatement to make his interest known to the hiring agencies.

Sec. 15. NAC 284.390 is hereby amended to read as follows:

284.390 1. Except as otherwise provided in this subsection, an appointing authority may, after giving 5 working days' notice, transfer for the convenience of the state any employee from one position to another position in the same or a related class. The notice need not be given if the transfer does not exceed 10 working days. If a bona fide or justifiable emergency exists, a transfer may be made immediately with the prior approval of the department of personnel. This may not be used to harass or discipline an employee.

2. Any permanent employee required to transfer to a different geographical location, as defined in NAC 284.612, who declines the transfer has the same rights provided in NAC 284.630 as an employee who is laid off.

3. Upon the request of an employee, he may transfer from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority if the positions are in the same or related class. The position to which the employee is being transferred may be in a location different from that from which he is being transferred.

4. A transfer of an employee to a position in a related class may require the completion of an application by the employee to determine his qualifications. **[A transfer to a related class may not exceed the grade of the employee's former class.]** *An employee may not transfer through noncompetitive means to a position allocated at grade 30 or higher if that position is at a higher grade than the position the employee currently occupies.*

5. A transfer may not be made to harass or discipline an employee.

6. An employee who desires a transfer to a position in his current class must make his interest known to:

- (a) The hiring agency, following its procedures for transfer;
- (b) The department of personnel by requesting, on a form provided by the department of personnel, that his name be placed on the appropriate list; or
- (c) Both the hiring agency and the department of personnel.

7. An employee who desires a transfer to a position in a related class must make his interest known to the hiring agency.

Sec. 16. NAC 284.402 is hereby amended to read as follows:

284.402 *1.* An employee may request or accept a demotion to a position in a class with a lower grade. The demotion may be permitted if the employee meets the minimum qualifications and if the appointing authority approves.

2. An employee may not be demoted through noncompetitive means to attain a position allocated at grade 30 or higher if that position is at a higher grade than the position the employee currently occupies.

Sec. 17. NAC 284.404 is hereby amended to read as follows:

284.404 1. An employee may be reappointed to a class he formerly held or to a comparable class if he meets the current minimum qualifications and the appointing authority approves.

2. An employee who desires reappointment must make his interest known to the hiring agency.

3. The grade of the class to which an employee is reappointed must not exceed the current grade of the class he formerly held.

4. *Except as otherwise provided in subsection 3, and employee may not be reappointed to a position allocated at grade 30 or higher if that position is at a higher grade than the position the employee formerly held.*

5. The department of personnel must approve reappointment to a comparable class.

Sec. 18. NAC 284.5255 is hereby amended to read as follows:

284.5255 1. Except as otherwise provided in subsection 2, an employee shall provide an accurate accounting of the hours worked and leave used during a pay period on the appropriate form provided by his employer, **[either by accounting for each hour worked or by accounting for each hour to be charged against accumulated leave]** *including the specific times at which his work shifts started and ended. Entries must be made to account for all hours in the pay period,*

as prescribed by his employer. The employee shall submit the form in a timely manner to his supervisor or the designated representative of the supervisor.

2. An excluded classified employee or excluded unclassified employee shall provide on the appropriate form an accurate accounting of leave used pursuant to NAC 284.5895.

3. An employee who falsifies his time sheet or who causes or attempts to cause another employee to falsify a time sheet may be subject to disciplinary action pursuant to NAC 284.650.

4. An employee's supervisor is responsible for reviewing the employee's time sheet and verifying the accuracy of all hours worked and leave used by the employee. If an entry on the time sheet is contested by the employee's supervisor, the employee is entitled only to his base pay for the work week in question. The contested entry must be resolved as soon as practicable and any adjustment must be made during the next pay period following the resolution of the contested entry.

5. A supervisor who is negligent in reviewing and certifying the accuracy of an employee's time sheet may be subject to disciplinary action pursuant to NAC 284.650.

Sec. 19. NAC 284.589 is hereby amended to read as follows:

284.589 1. An appointing authority may grant administrative leave with pay to an employee:

(a) To relieve him of his duties during the active investigation [by a law enforcement agency] of a suspected criminal violation or the investigation of an alleged wrongdoing ; [by the employee as provided in subsection 3 of NAC 284.656;]

(b) For up to 2 hours to donate blood; or

(c) To relieve him of his duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065.

2. An appointing authority or the department of personnel may grant administrative leave with pay to an employee for:

(a) His participation in, or attendance at, activities which are directly or indirectly related to the employee's job or his employment with the state but which do not require him to participate or attend in his official capacity as a state employee; or

(b) Closure of the employee's office or worksite caused by a natural disaster or other similar adverse condition [.] *when the employee is scheduled and expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.*

3. An appointing authority shall grant administrative leave with pay to an employee for:

(a) The initial appointment and one follow-up appointment if the employee receives counseling through the employee assistance program;

(b) His attendance at a wellness fair which has been authorized by the risk management division of the department of administration;

(c) His participation in an official capacity as a member of a committee or board created by statute on which he serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board; or

(d) Up to 8 hours for preparation for hearings regarding his suspension, demotion or dismissal as provided in subsection 1 of NAC 284.656.

Sec. 20. NAC 284.614 is hereby amended to read as follows:

284.614 1. Except as otherwise provided in NAC 284.438, if it becomes necessary for a classified employee to be laid off because of shortage of work or money, the abolition of a position, or some other material change in duties or organization:

(a) The administrator of the department shall determine in what geographical location, class series, class and option the reductions in staff will have the least detrimental effect on the operations of the department and shall specify layoffs accordingly. In the department of human resources and the University and Community College System of Nevada, the administrator of a division, with the approval of the director of the department, shall determine in what geographical location, class series, class [.] and option the reduction of staff will have the least detrimental effect on operations and shall specify the layoffs accordingly.

(b) Within the department, and within the geographical location, class series, class [.] and option selected, all employees of the department who are not permanent must be laid off before any permanent employees in the following order:

(1) Emergency employees.

(2) Temporary employees.

(3) Provisional employees.

(4) Probationary employees.

(c) If additional reductions are necessary, permanent employees must be laid off on the basis of performance and seniority. In computing seniority, the time covered by a report of performance “below standard” or “unacceptable” made during the last 4 years must not be included, except that no report may be considered for the time covered within 75 calendar days

before the notification of layoff was issued. Except as otherwise provided in this paragraph, the time “covered” by a report of substandard performance runs from the date the report was filed with the director until the date recorded on the employee’s subsequent performance report as the date on which his performance improved to standard or better. If the subsequent performance report is not filed within 30 days after the date required by subsection 4 of NRS 284.340, the employee’s performance shall be deemed standard effective on the date the performance report was due.

(d) In the department and within the geographical location, class series, class and option where layoffs are to take place, those employees with the least seniority must be laid off.

(e) For the purposes of this subsection, an appointing authority may consider whether positions are full time or part time and limit layoffs to full-time or part-time employees. Similar considerations may be given to and limitations placed on positions requiring selective certification pursuant to NAC 284.378.

2. When determining seniority for order of layoff:

(a) Seniority must be projected and counted up to the established date of layoff.

(b) Seniority for part-time employment must be prorated to its full-time equivalent.

(c) If a classified employee enters unclassified service and subsequently reenters classified service, his previous and current classified service is counted.

(d) Except as otherwise provided in NAC 284.580, authorized leave without pay for more than 240 hours or, in the case of an excluded classified employee, 30 working days, in a year, calculated pursuant to subsection [8] 7 of NAC 284.182, is not counted.

(e) When an employee was separated from service with the state for any of the reasons that do not result in a break in continuous service as provided in NAC 284.598, the time during the separation is not counted.