

**PROPOSED REGULATION OF THE
DIVISION OF HUMAN RESOURCE MANAGEMENT OF THE
DEPARTMENT OF ADMINISTRATION**

LCB FILE NO. R168-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/27/2024**

Explanation of Proposed Change: The Division of Human Resource Management is proposing the repeal of this regulation. There are no individuals employed with the State of Nevada to which this regulation would apply since they would have had to be continuously employed for over 48 years.

~~{NAC 284.179—Rate of pay: Minimum step for continuous employees hired before 1975. (NRS 284.065, 284.155, 284.175)—An employee who has been continuously employed without a break in service may not have his or her step set below:~~

- ~~—1. Step 4 of any grade if his or her date of hire is before April 26, 1973; or~~
- ~~—2. Step 3 of any grade if his or her date of hire is before May 3, 1975, but on or after April 26, 1973, except for disciplinary reasons which result in demotion.~~
- ~~—(Added to NAC by Personnel Comm'n by R133-12, eff. 10-4-2013)}~~

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, requires the agency an employee is leaving to pay the compensatory time an employee has accrued. This change will result in the payment of compensatory time by the agency in which the hours were actually accrued, and not allow the liability to be placed on another agency.

NAC 284.254 Compensatory time: Payment upon transfer. (NRS 284.065, 284.155, 284.175)

1. Except as otherwise provided in subsection 2, if a nonexempt employee who has accrued compensatory time transfers from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority, the accrued compensatory time must be paid by the agency he or she is leaving ~~{, unless the receiving agency agrees in writing to assume the liability for the compensatory time and the employee concurs}.~~

2. The accrued compensatory time of an employee transferring to an exempt position must be paid by the agency the employee is leaving.

3. As used in this section, “exempt position” means a position in the classified or unclassified service that is subject to the provisions of NRS 284.148.

[Personnel Div., Rule III § L subsec. 12, eff. 8-11-73; renumbered as subsec. 11, 10-10-76]—
(NAC A by Dep’t of Personnel, 10-26-84; 10-27-97; R147-01, 1-22-2002)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, allows an appointing authority to waive the probationary period of an employee who transfers from the unclassified or nonclassified service.

NAC 284.444 Application of probationary or trial 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,

Ê unless the trial period is waived in writing by the appointing authority. If the appointing authority waives the trial period, the employee is entitled to the status of appointment held at the time he or she transferred.

3. Promotion to a vacant position requires a new probationary period or trial period. A promotion that results from a reclassification is 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.

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.

6. A probationary employee who is reappointed must serve a new probationary period.

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 in writing by the appointing authority.

(b) At the same grade level or a lower grade level is not required to serve a trial period.

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.

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.

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.

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 *unless it is waived in writing by the appointing authority*. 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; R068-19, 6-8-2020)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, will provide flexibility to work with a modern human resource information system while maintaining the intent.

NAC 284.576 Catastrophic leave: Use and administration; appeal of denial. (NRS 284.065, 284.155, 284.3621, 284.3626)

1. An account for catastrophic leave may be established for an employee when he or she or a member of his or her immediate family experiences a catastrophe and the employee has used all of his or her accrued leave.

2. An employee who is affected by a catastrophe and has used or is about to use all of his or her leave may request ~~{, on the appropriate form,}~~ the transfer of leave to an account for catastrophic leave for his or her personal use after the balance of all of his or her leave has been used. Such a request must be accompanied by a statement from a physician on a form provided by the Committee on Catastrophic Leave created pursuant to NRS 284.3627 which substantiates the necessity of the leave.

3. When a member of the immediate family of an employee is affected by a catastrophe, the appointing authority of the employee may require substantiating evidence that the member of the immediate family requires the employee's attendance before approving the transfer of leave to an account for catastrophic leave for use by the employee. Such evidence may include a statement by an attending physician regarding the status of the catastrophe.

4. The appointing authority shall approve or deny a request for catastrophic leave, taking into consideration the nature of the catastrophe and the expected duration of the leave. The decision of the appointing authority may be appealed to the Committee on Catastrophic Leave pursuant to NRS 284.3629.

5. An employee who wishes to donate hours to an account for catastrophic leave for use by another employee who has been approved to receive the donated hours shall notify his or her appointing authority ~~{on the appropriate form}~~ of his or her intent to donate the leave. The appointing authority of the employee donating the leave shall ~~{submit a copy of the form to}~~ **notify** the appointing authority of the employee receiving the leave. The appointing authority of the recipient shall use the notice to effect a transfer of leave from the account of the donor to the account of the recipient when the recipient needs to use those hours. If more than one notice of intent to donate leave is received by the recipient's appointing authority on behalf of the recipient, the notices must be ~~{maintained in chronological order and}~~ used, one at a time as needed, according to the date in which they were received.

6. A donor and his or her appointing authority must be notified ~~{on the appropriate form}~~ when the donated leave specifically designated for use by another employee has been used or if the amount of leave donated is in excess of the amount approved for use by the recipient. Except as otherwise provided in this subsection, excess leave must be restored to the account of the donor within 30 working days after the last day on which the recipient was eligible to receive catastrophic leave. If the donor is separated from state service before the excess leave is restored pursuant to this subsection, the excess leave must be transferred to the account for catastrophic leave of the appointing authority of the donor when the donation of leave was made.

7. For each employee who donates or uses catastrophic leave, the appointing authority shall annually, or as requested by the Administrator, provide to the Administrator ~~{the number assigned to each employee in accordance with subsection 8 and}~~ the grade and rate of pay and the number

of hours and dollar value of the leave donated, excluding any excess leave restored to the account of a donor, pursuant to subsection 6, or used by each such employee.

8. The appointing authority shall ~~assign numbers to employees~~ *not provide the employees' names* for the purposes of subsection 7 ~~in a sequential order and in such a manner that ensures~~ *to ensure* the confidentiality of the identity of those employees.

9. Hours donated to an account for catastrophic leave must be donated in increments of 8 hours.

10. As used in this section, "immediate family" has the meaning ascribed to it in NAC 284.562.

(Added to NAC by Dep't of Personnel, eff. 10-18-89; A 8-14-90; 3-23-94; R146-01, 1-18-2002; A by Personnel Comm'n by R145-05, 12-29-2005; R136-12, 10-4-2013; R166-18, 1-30-2019)