

(Reprinted with amendments adopted on April 22, 2019)

FIRST REPRINT

S.B. 50

SENATE BILL NO. 50—COMMITTEE ON  
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE REHABILITATION DIVISION  
OF THE DEPARTMENT OF EMPLOYMENT,  
TRAINING AND REHABILITATION)

PREFILED NOVEMBER 19, 2018

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing the temporary limited appointment of persons with disabilities by state agencies. (BDR 23-230)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the state personnel system; revising provisions governing the temporary limited appointment of persons with disabilities by state agencies; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 With limited exceptions, existing law requires agencies of the Executive  
2 Department of the State Government to make temporary limited appointments of  
3 persons with disabilities who are certified by the Rehabilitation Division of the  
4 Department of Employment, Training and Rehabilitation to certain positions in  
5 state service for a period not to exceed 700 hours. (NRS 284.327) **Section 1** of this  
6 bill makes such appointments by those agencies discretionary, but requires the  
7 agencies to consider for a temporary limited appointment to such an available  
8 position any person with a disability who is certified by the Rehabilitation Division  
9 and is eligible for appointment to the position.

10 For purposes of temporary limited appointments, existing law requires a person  
11 with a disability who is certified by the Rehabilitation Division to: (1) possess the  
12 training and skills necessary for the position for which the person is certified; and  
13 (2) be able to perform, with or without accommodation, the essential functions of  
14 that position. (NRS 284.327) **Section 1** of this bill clarifies that such an  
15 accommodation must be reasonable.

16 Existing law prohibits an appointing authority from making a temporary limited  
17 appointment of a certified person with a disability if the certified person with a  
18 disability currently receives benefits from the agency of the Executive Department



\* S B 5 0 R 1 \*

19 of the State Government in which the position exists. (NRS 284.327) **Section 1** of  
20 this bill removes this prohibition and requires that the receipt of such benefits by a  
21 certified person with a disability not be deemed to create an actual or potential  
22 conflict of interest for purposes of the additional prohibition in existing law against  
23 an appointing authority making a temporary limited appointment in circumstances  
24 where an actual or potential conflict of interest would be created between the  
25 certified person with a disability and the agency in which the position exists.

26 **Section 2** of this bill makes these provisions become effective on October 1,  
27 2019.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 284.327 is hereby amended to read as follows:

2 284.327 1. Except as otherwise provided in subsection ~~[4.]~~ **5**,  
3 if an appointing authority has a position available and the position is  
4 not required to be filled in another manner pursuant to this chapter,  
5 to assist persons with disabilities certified by the Rehabilitation  
6 Division of the Department of Employment, Training and  
7 Rehabilitation, the appointing authority ~~[shall,~~  
8 ~~if possible, make a]~~ :

9 *(a) Shall consider for the position any such certified person*  
10 *with a disability who is eligible for appointment to the position;*  
11 *and*

12 *(b) May make a temporary limited appointment of any such*  
13 *certified person with a disability to the position.*

14 2. A temporary limited appointment of a certified person with a  
15 disability ~~[for a period]~~ *pursuant to this section must* not ~~[to]~~  
16 exceed *a period of* 700 hours notwithstanding that the position so  
17 filled is a continuing position.

18 ~~[2.]~~ 3. A person with a disability who is certified by the  
19 Rehabilitation Division must be placed on the appropriate list for  
20 which the person is eligible. Each such person must:

21 (a) Possess the training and skills necessary for the position for  
22 which the person is certified; and

23 (b) Be able to perform, with or without *reasonable*  
24 accommodation, the essential functions of that position.

25 ~~[3.]~~ 4. The Rehabilitation Division must be notified of an  
26 appointing authority's request for a list of eligibility on which the  
27 names of one or more certified persons with disabilities appear. A  
28 temporary limited appointment of a certified person with a disability  
29 pursuant to this section constitutes the person's examination as  
30 required by NRS 284.215.

31 ~~[4.]~~ 5. An appointing authority shall not make a temporary  
32 limited appointment of a certified person with a disability pursuant  
33 to this section ~~[:~~



1 ~~—(a) If the certified person with a disability currently receives~~  
2 ~~benefits from the agency of the Executive Department of the State~~  
3 ~~Government in which the position exists; or~~

4 ~~—(b) In] in any [other circumstances]~~ *circumstance* that the  
5 appointing authority determines would create an actual or potential  
6 conflict of interest between the certified person with the disability  
7 and the agency of the Executive Department of the State  
8 Government in which the position exists. *For the purposes of this*  
9 *subsection, the receipt of benefits by the certified person with the*  
10 *disability from the agency of the Executive Department of the*  
11 *State Government in which the position exists shall not be deemed*  
12 *to create an actual or potential conflict of interest between the*  
13 *certified person with the disability and the agency.*

14 ~~[5.]~~ 6. Each appointing authority shall ensure that there is at  
15 least one person on the staff of the appointing authority who has  
16 training concerning:

17 (a) Making a temporary limited appointment of a certified  
18 person with a disability pursuant to this section; and

19 (b) The unique challenges a person with a disability faces in the  
20 workplace.

21 ~~[6.]~~ 7. The Commission shall adopt regulations to carry out the  
22 provisions of subsections 1 ~~[and 2]~~.

23 ~~—7.] , 2 and 3.~~

24 8. This section does not deter or prevent appointing authorities  
25 from employing:

26 (a) A person with a disability if the person is available and  
27 eligible for permanent employment.

28 (b) A person with a disability who is employed pursuant to the  
29 provisions of subsection 1 in permanent employment if the person  
30 qualifies for permanent employment before the termination of the  
31 person's temporary limited appointment.

32 ~~[8.]~~ 9. If a person appointed pursuant to this section is  
33 subsequently appointed to a permanent position during or after the  
34 700-hour period, the 700 hours or portion thereof counts toward the  
35 employee's probationary period.

36 **Sec. 2.** This act becomes effective upon passage and approval  
37 for the purposes of adopting regulations and performing any other  
38 preparatory administrative tasks that are necessary to carry out the  
39 provisions of this act, and on October 1, 2019, for all other  
40 purposes.

