

(Reprinted with amendments adopted on May 30, 2019)

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

12 Existing law prohibits an appointing authority from making a temporary limited
13 appointment of a certified person with a disability if the certified person with a
14 disability currently receives benefits from the agency of the Executive Department
15 of the State Government in which the position exists. (NRS 284.327) **Section 1** of
16 this bill removes this prohibition and requires that the receipt of such benefits by a
17 certified person with a disability not be deemed to create an actual or potential
18 conflict of interest for purposes of the additional prohibition in existing law against



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19 an appointing authority making a temporary limited appointment in circumstances
20 where an actual or potential conflict of interest would be created between the
21 certified person with a disability and the agency in which the position exists.

22 **Section 2** of this bill makes these provisions become effective on October 1,
23 2019.

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, if
3 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, if possible, make a
8 temporary limited appointment of a certified person with a disability
9 for a period not to exceed 700 hours notwithstanding that the
10 position so filled is a continuing position.

11 2. A person with a disability who is certified by the
12 Rehabilitation Division must be placed on the appropriate list for
13 which the person is eligible. Each such person must:

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

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

18 3. The Rehabilitation Division must be notified of an
19 appointing authority's request for a list of eligibility on which the
20 names of one or more certified persons with disabilities appear. A
21 temporary limited appointment of a certified person with a disability
22 pursuant to this section constitutes the person's examination as
23 required by NRS 284.215.

24 4. An appointing authority shall not make a temporary limited
25 appointment of a certified person with a disability pursuant to this
26 section ~~f~~:

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

30 ~~—(b) In~~ *in* any ~~[other circumstances]~~ *circumstance* that the
31 appointing authority determines would create an actual or potential
32 conflict of interest between the certified person with the disability
33 and the agency of the Executive Department of the State
34 Government in which the position exists. *For the purposes of this*
35 *subsection, the receipt of benefits by the certified person with the*
36 *disability from the agency of the Executive Department of the*



1 *State Government in which the position exists shall not be deemed*
2 *to create an actual or potential conflict of interest between the*
3 *certified person with the disability and the agency.*

4 5. Each appointing authority shall ensure that there is at least
5 one person on the staff of the appointing authority who has training
6 concerning:

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

9 (b) The unique challenges a person with a disability faces in the
10 workplace.

11 6. The Commission shall adopt regulations to carry out the
12 provisions of subsections 1 and 2.

13 7. This section does not deter or prevent appointing authorities
14 from employing:

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

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

21 8. If a person appointed pursuant to this section is subsequently
22 appointed to a permanent position during or after the 700-hour
23 period, the 700 hours or portion thereof counts toward the
24 employee's probationary period.

25 **Sec. 2.** This act becomes effective upon passage and approval
26 for the purposes of adopting regulations and performing any other
27 preparatory administrative tasks that are necessary to carry out the
28 provisions of this act, and on October 1, 2019, for all other
29 purposes.

