

ASSEMBLY BILL NO. 79—ASSEMBLYWOMAN BROWN-MAY

PREFILED JANUARY 30, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the temporary limited appointment of persons with disabilities by certain state agencies. (BDR 23-94)

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

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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 certain state agencies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 With certain exceptions, existing law requires an appointing authority of the
2 Executive Department of the State Government to make a temporary limited
3 appointment of a person with a disability who is certified by the Rehabilitation
4 Division of the Department of Employment, Training and Rehabilitation to certain
5 positions in state service for a period not to exceed 700 hours. (NRS 284.327) This
6 bill requires, with certain exceptions, that the appointing authority make at least one
7 temporary limited appointment of a person with a disability who has been certified
8 by the Rehabilitation Division. This bill also clarifies that, after making at least one
9 temporary limited appointment of such a person with a disability, if possible, the
10 appointing authority may employ a person without a disability who: (1) if
11 applicable, has been certified by the Administrator of the Division of Human
12 Resource Management of the Department of Administration; and (2) possesses the
13 training and skills necessary for the position.

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,



1 to assist persons with disabilities certified by the Rehabilitation
2 Division of the Department of Employment, Training and
3 Rehabilitation, the appointing authority shall, if possible, make ~~fa~~
4 *at least one* temporary limited appointment of a certified person
5 with a disability *for the available position* for a period not to exceed
6 700 hours notwithstanding that the position so filled is a continuing
7 position.

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

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

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

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

21 4. An appointing authority shall not make a temporary limited
22 appointment of a certified person with a disability pursuant to this
23 section in any circumstance that the appointing authority determines
24 would create an actual or potential conflict of interest between the
25 certified person with the disability and the agency of the Executive
26 Department of the State Government in which the position exists.
27 For the purposes of this subsection, the receipt of benefits by the
28 certified person with the disability from the agency of the Executive
29 Department of the State Government in which the position exists
30 shall not be deemed to create an actual or potential conflict of
31 interest between the certified person with the disability and the
32 agency.

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

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

38 (b) The unique challenges a person with a disability faces in the
39 workplace.

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

42 7. This section does not deter or prevent appointing authorities
43 from employing:

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



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

5 (c) *If the appointing authority has, if possible, made at least*
6 *one temporary limited appointment pursuant to subsection 1, a*
7 *person without a disability who:*

8 (1) *If applicable, has been certified by the Administrator;*
9 *and*

10 (2) *Possesses the training and skills necessary for the*
11 *position.*

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

16 **Sec. 2.** This act becomes effective on July 1, 2023.

