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MEMORANDUM
HR#21-26

May 22, 2026

TO: DHRM Listserv Recipients

FROM: Bachera Washington, Administrator *Bachera Washington*
Division of Human Resource Management

SUBJECT: NOTICE OF INTENT TO ACT UPON A REGULATION – Permanent Adoption of a Regulation that Pertains to NAC 284

The regulation changes included with this memorandum are being proposed for permanent adoption at the June 26, 2026, meeting of the Human Resources Commission. This meeting will be held at 9:00 a.m. at the Legislative Building, Room 3137, 401 S. Carson Street, Carson City, Nevada with videoconferencing to the Legislative Hearing Rooms Building, Room 6, 7120 Amigo Street, Las Vegas, Nevada.

Please circulate and post the attached *Notice of Intent to Act Upon A Regulation* along with the text of the proposed regulations.

BW:mg

Attachment

NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the Permanent Adoption of
Regulation Amendment of the Human Resources Commission

The Human Resources Commission will hold a public hearing at 9:00 a.m. on June 26, 2026, at the Legislative Building, Room 3137, 401 S. Carson Street, Carson City, Nevada with videoconferencing to the Legislature Hearing Rooms Building, Committee Room 6, 7120 Amigo Street, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the permanent adoption of regulation amendment that pertains to Chapter 284 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

- This regulation does not have a direct economic effect on any business or the public.
- Enforcement of this regulation will not result in an increased cost.
- To our knowledge, this regulation does not overlap or duplicate any regulation of other State or local governmental agencies.
- This regulation does not establish any new fee or increase an existing fee.

| <u>LCB File:</u> | <u>NAC:</u> | <u>Leadline or Description:</u> |
|-------------------------|-------------------------------|--|
| R022-26 | 284.096 284.313 284.386 | “Reinstatement” defined. Limitation of competition in recruitment; applications. Reinstatement of former permanent employee. |
| R023-26 | 284.693 | Removal of ineligible request for adjustment of grievance or complaint from procedure; notice; appeal. |
| R024-26 | NEW 284.589 | Paid family leave: substantiating medical leave documents. Administrative leave with pay. |

Persons wishing to comment upon the proposed action of the Human Resources Commission may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Department of Administration, Division of Human Resource Management, 515 E. Musser Street, Carson City, Nevada 89701, Attention: Michelle Garton. Written submissions must be received by the Division of Human Resource Management on or before June 26, 2026. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Human Resources Commission may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted or amended will be on file at the Nevada State Library, Archives and Public Records, 100 N. Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additionally, copies of this notice and the regulations to be adopted or amended will be available at the Division of Human Resource Management, 515 E. Musser Street, Carson City, Nevada, and 7251 Amigo Street, Las Vegas, Nevada; and in all counties in which an office of the agency is not maintained, at the

main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption or amendment of any regulation, the agency, if requested to do so by an interested person, either before adoption or amendment, or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or amendment, and incorporate therein its reason for overruling the consideration urged against its adoption or amendment.

This notice of hearing has been posted at the following locations:

Carson City

EICON Building, 515 E. Musser Street
Nevada State Library & Archives Building, 100 N. Stewart Street
Nevada State Capitol Building, 101 N. Carson Street
Legislative Counsel Bureau, 401 S. Carson Street

Las Vegas

Eureka Building, 7251 Amigo Street
Legislative Hearing Rooms Building, 7120 Amigo Street

Websites

Legislative Counsel Bureau website: www.leg.state.nv.us
Nevada Public Notice website: <http://notice.nv.gov>
Division of Human Resource Management website: www.hr.nv.gov

**PROPOSED REGULATION OF
THE HUMAN RESOURCES COMMISSION**

LCB File No. R022-26

March 16, 2026

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

AUTHORITY: § 1, NRS 284.065 and 284.330; § 2, NRS 284.065, 284.155 and 284.295; § 3,
NRS 284.065, 284.155, 284.305 and 284.330.

A REGULATION relating to human resources; revising provisions relating to the reinstatement of a former permanent employee; revising provisions relating to promotional recruitment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Human Resources Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations to carry out the State Human Resources System. (NRS 284.065)

Existing regulations authorize an appointing authority to reinstate a former permanent employee following his or her termination from state employment under certain circumstances. (NAC 284.386) Existing regulations define the term “reinstatement” to mean a noncompetitive appointment of a former permanent employee to a class he or she formerly held or to a comparable class. (NAC 284.096) **Section 1** of this regulation revises the definition of “reinstatement” to include competitive appointments.

Existing regulations require a reinstatement to a similar class to be approved by the Division before the appointing authority may make a commitment to reinstate. (NAC 284.386) **Section 3** of this regulation instead requires that all reinstatements be approved by the Division before the appointing authority may make a commitment to reinstate.

Under existing regulations, an application for recruitment must be submitted as specified in the job announcement and received not later than 5 p.m. on the closing date. (NAC 284.313) **Section 2** of this regulation instead requires an application to be received on or before the closing date.

Existing regulations limit competition in a promotional recruitment to current state employees who: (1) have served at least 6 months of continuous full-time equivalent service in the classified service; and (2) are working in the division, department or state service which is specified in the publicized job announcement. (NAC 284.313) **Section 2** removes the requirement that a current classified state employee have served at least 6 months of continuous full-time equivalent service in the classified service to compete in a promotional recruitment.

Section 1. NAC 284.096 is hereby amended to read as follows:

284.096 “Reinstatement” means ~~fa noncompetitive~~ *an* appointment of a former permanent employee to a class he or she formerly held or to a comparable class.

Sec. 2. NAC 284.313 is hereby amended to read as follows:

284.313 1. Except as otherwise provided in this subsection, competition in a recruitment is limited to applicants who meet the minimum qualifications and other criteria or conditions for the class or position as specified in the publicized job announcement. The publicized job announcement may provide for the consideration of applicants who do not currently meet those minimum qualifications but who will do so by the time their names are placed on an eligible list.

2. It is the responsibility of an applicant to apply for any recruitment for which he or she is interested. Future vacancies may be filled from the results of appropriate prior recruitments.

3. Each applicant must submit an application as specified in the publicized job announcement. The application must be received ~~not later than 5 p.m.~~ on *or before* the closing date, as determined by the Division of Human Resource Management.

4. The incomplete or improper completion of an application that affects the ability of the Division of Human Resource Management to determine the qualifications of the applicant, including the failure to designate the locations where the applicant will work and other criteria or conditions, is cause for the rejection of the applicant.

5. If a recruitment produces a sufficient number of applicants, the Division of Human Resource Management may, as an additional phase of the process of examination, approve the obtaining of supplemental information from each applicant to assess his or her qualifications if the publicized job announcement includes notice that such supplemental information may be required. Only those applicants who are considered the most qualified, based on this assessment, may continue in the competition.

6. Except as otherwise provided in subsection 8, competition in a promotional recruitment is limited to current *classified* state employees who ~~†~~:

~~—(a) Have served at least 6 months of continuous full-time equivalent service in a probationary, special disabled, emergency, provisional or permanent status, or any combination of these, in the classified service.~~

~~—(b) Are~~ *are* working in the division, department or state service which is specified in the publicized job announcement.

7. An employee who competes in a promotional recruitment may be at a higher grade, the same grade or a lower grade than the grade of the class for which the recruitment is being conducted. Depending on the grade of the employee, an appointment resulting from a promotional recruitment may be a voluntary demotion, a lateral transfer or a promotion.

8. A former incumbent of a seasonal position who was separated from state service with the status of a permanent employee may apply for a promotional recruitment up to 1 year after the day of separation even though he or she is not currently employed. The prior appointment must have been in the division, department or state service which is specified in the publicized job announcement.

9. Applications and accompanying documents are the property of the Division of Human Resource Management.

Sec. 3. NAC 284.386 is hereby amended to read as follows:

284.386 1. An appointing authority may reinstate a former permanent employee following his or her termination from state employment, including, without limitation, a former permanent employee who was laid off and is entitled to have his or her name appear on a reemployment list pursuant to NAC 284.630, if the former permanent employee was separated without prejudice. A

separation without prejudice must be determined by the appointing authority using the standards contained in NRS 284.240.

2. The grade of the class to which a ~~{person}~~ *former permanent employee* is reinstated may only exceed the current grade of the class he or she formerly held or a comparable class if that class has been reallocated.

3. Except as otherwise provided in subsection 2, a ~~{person}~~ *former permanent employee* may not be reinstated to underfill a position allocated at grade 30 or higher if that position is allocated at a higher grade than the position the ~~{person}~~ *permanent former employee* formerly held.

4. A reinstatement ~~{to a similar class}~~ requires the approval by the Division of Human Resource Management before the appointing authority may make a commitment to reinstate ~~{}~~ *a former permanent employee.*

5. It is the responsibility of a ~~{person}~~ *former permanent employee* seeking reinstatement to make his or her interest known by providing a new application to the appointing authority.

6. The ~~{person}~~ *former permanent employee* must meet the current minimum qualifications for the class for which the reinstatement is sought.

**PROPOSED REGULATION OF THE
HUMAN RESOURCES COMMISSION**

LCB File No. R023-26

March 6, 2026

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

AUTHORITY: § 1, NRS 284.065, 284.155 and 284.384.

A REGULATION relating to the State Human Resources System; revising certain provisions governing requests for the adjustment of certain grievances and complaints; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Human Resources Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations governing the State Human Resources System. (NRS 284.065) Existing law also requires the Commission to adopt regulations which provide for the adjustment of certain grievances and complaints. (NRS 284.384) Existing regulations set forth a procedure for the adjustment of these grievances and complaints. (NAC 284.658-284.697) This procedure requires the Division to determine whether a person satisfies the eligibility requirements for an adjustment. If the Division determines that a person does not satisfy the eligibility requirements, existing regulations authorize the person who submitted the request for the adjustment to appeal the determination of the Division to the Employee-Management Committee. (NAC 284.693) **Section 1** of this regulation requires, with certain exceptions, that the appeal be filed with the Committee not later than 10 working days after the date on which the person receives notice of the determination of the Division.

Section 1. NAC 284.693 is hereby amended to read as follows:

284.693 1. Except as otherwise provided in NAC 284.458, if the Division of Human Resource Management determines that a request for the adjustment of:

- (a) A grievance is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, because the person who submitted the request is not a person described in subsection 2

of NAC 284.658 or because a hearing is provided for the grievance pursuant to federal law or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390; or

(b) A complaint is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, because the person who submitted the request is not a person described in paragraph (a) of subsection 4 of NRS 281.755,

↳ the Division must take the actions described in subsection 2.

2. Except as otherwise provided in NAC 284.458, upon making a determination pursuant to subsection 1 that a request for the adjustment of a grievance or complaint is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, the Division must, as soon as practicable:

(a) Remove the request from the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive; and

(b) Provide to the person who submitted the request and the agency in which the grievance or complaint arose:

(1) Notice that the Division has determined that the request is not eligible for the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive, and an explanation for that determination;

(2) Notice that the Division has removed the request from the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive;

(3) If applicable, information relating to the appropriate procedure for resolving the person's concern; and

(4) Information relating to the person's right to appeal the determination to the Committee.

3. If the Division ~~{of Human Resource Management}~~ determines that a request for the adjustment of a grievance or complaint is not eligible for the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive, the person who submitted the request may appeal the determination *in writing* to the Committee.

4. Except as otherwise provided in this subsection, a person who wishes to appeal the determination of the Division to the Committee pursuant to subsection 3 must file the appeal not later than 10 working days after the date on which the person receives notice of the determination by the Division. The Committee may consider an appeal that was filed more than 10 working days after the date on which the person receives notice if the Committee determines that an extenuating circumstance prevented the timely filing of the appeal.

**PROPOSED REGULATION OF THE
HUMAN RESOURCES COMMISSION**

LCB File No. R024-26

March 5, 2026

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

AUTHORITY: § 1, NRS 284.065, 284.155, 284.345 and 284.356; § 2, NRS 284.065 and 284.345.

A REGULATION relating to state employees; requiring an employee who wishes to take paid family leave under certain circumstances to provide medical documentation; requiring, under certain circumstances, an appointing authority or the Division of Human Resource Management of the Department of Administration to grant administrative leave to an employee who is a veteran to attend an appeal hearing concerning the determination of a service-connected disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Human Resources Commission in the Division of Human Resource Management of the Department of Administration to adopt regulations governing attendance and leave for state employees. (NRS 284.345)

Existing law provides that, under certain circumstances, employees of the Executive Department of the State Government are entitled to take 8 weeks of paid family leave for certain purposes, including to: (1) recover from or undergo treatment for a serious illness; or (2) care for a seriously ill member of the immediate family of the employee. (NRS 284.356) **Section 1** of this regulation requires an employee who wishes to take paid family leave under such circumstances to provide to the appointing authority or its designee medical documentation to support his or her need for paid family leave.

Existing regulations require an appointing authority or the Division of Human Resource Management to grant up to 96 hours of administrative leave with pay to an employee who is a veteran during the first 12 months of his or her employment for: (1) attending an appointment with a provider of health care for purposes of determining whether he or she has a service-connected disability; or (2) receiving health care services relating to a service-connected disability. (NAC 284.589) **Section 2** of this regulation requires an appointing authority or the Division to also grant administrative leave to such an employee for attending an appeal hearing concerning the determination of whether the employee has a service-connected disability.

Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

An employee who wishes to take paid family leave pursuant to NRS 284.356 to:

1. Recover from or undergo treatment for a serious illness; or

2. Care for a seriously ill member of the immediate family of the employee,

↪ must provide to the appointing authority or its designee medical documentation to support his or her need for paid family leave.

Sec. 2. 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 the employee of his or her duties during the active investigation of a suspected criminal violation or the investigation of alleged wrongdoing;

(b) For up to 30 days when the appointing authority initiates the leave to obtain the results of an examination concerning the ability of the employee to perform the essential functions of his or her position;

(c) For up to 30 days to remove the employee from the workplace when he or she has committed or threatened to commit an act of violence; or

(d) To relieve the employee of his or her duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065.

2. The appointing authority, upon approval of the Risk Management Division, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.

3. If an employee is granted administrative leave with pay pursuant to subsection 1 or 2, the employee must be available:

- (a) By telephone to the supervisor of the employee; and
- (b) To report to a work site or another location, as directed by the supervisor of the employee, ↪ during regular business hours.

4. Except as otherwise provided in subsection 6, an appointing authority or the Division of Human Resource Management may grant administrative leave with pay to an employee for any of the following purposes:

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

(b) His or her safety during an emergency when employees have been authorized by the Governor not to report to work or to leave work before the end of their shifts during the emergency, including, without limitation, emergencies relating to enemy attacks or other hostile actions, natural causes or other catastrophes, except for employees who are designated as essential and notified that they are required to report to work or remain at work.

(c) Closure of the employee's office or work site caused by a natural disaster, pandemic 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.

(d) Closure, as a result of a pandemic, of a school or a center or facility that provides day care services which is attended by the employee's dependent child or the temporary cancellation, as a result of a pandemic, of a program attended by the employee's dependent child. An appointing

authority may designate certain employees as essential and notify them that they are required to report to work.

(e) Up to 2 hours for participating in Veterans Day at the Legislature established pursuant to NRS 236.047, if the employee is a veteran.

(f) Up to 2 hours for donating blood.

(g) For attending a general employee benefits orientation or an educational session relating to employee benefits, including, without limitation, retirement and deferred compensation.

(h) His or her appearance as an aggrieved employee, an employee who filed a complaint described in NAC 284.658 or a witness at a hearing of the Committee.

(i) His or her appearance as a witness at a hearing regarding a matter described in subparagraph (1), (2) or (3) of paragraph (f) of subsection 7.

(j) His or her appearance to provide testimony at a meeting of the Commission.

5. To the extent not already covered in subsection 4, during any period in which a state of emergency or declaration of disaster has been proclaimed pursuant to NRS 414.070, an appointing authority may grant administrative leave with pay to an employee for purposes related to health and safety.

6. An appointing authority or the Division of Human Resource Management shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (h), (i) or (j) of subsection 4 if:

(a) The employee requests the administrative leave for a period of time that is reasonably needed to testify at the hearing or meeting;

(b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and

(c) The absence of the employee will not cause an undue hardship to the operations of the appointing authority or adversely impact the provision of services to clients or to the public.

7. An appointing authority shall grant administrative leave with pay to an employee for any of the following purposes:

(a) The initial appointment and one follow-up appointment if the employee receives counseling through an employee assistance program, including, without limitation, consultations provided in person or telephonically.

(b) His or her attendance at a health fair or related event coordinated by the Public Employees' Benefits Program.

(c) His or her participation in an official capacity as a member of a committee or board created by statute on which he or she serves as a representative of state employees, including, without limitation, any time spent reviewing materials submitted in connection with any agenda item or otherwise preparing for the meeting. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.

(d) Up to 8 hours for preparation for any predisciplinary review.

(e) Up to 8 hours for preparation for any hearing described in paragraph (f).

(f) The appearance of the employee as a party at a hearing regarding:

(1) An alleged reprisal or retaliatory action against the employee for disclosing an improper governmental action as provided in NRS 281.641;

(2) An involuntary transfer of the employee as provided in NRS 284.376; or

(3) A suspension, demotion or dismissal of the employee as provided in NRS 284.390 and at a predisciplinary review as provided in NAC 284.6561.

8. In addition to any leave to which an employee is entitled pursuant to paragraph (a) of subsection 7, an appointing authority or the Division of Human Resource Management shall grant up to 96 hours of administrative leave with pay to an employee who is a veteran during the first 12 months of his or her employment for:

(a) Attending an appointment with a provider of health care for purposes of determining whether he or she has a service-connected disability; ~~for~~

(b) *Attending an appeal hearing concerning the determination of whether he or she has a service-connected disability; or*

(c) Receiving health care services relating to a service-connected disability.

9. As used in this section:

(a) “Health care services” means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease, including, without limitation, mental health services.

(b) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

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Regulation Small Business Impact Statement

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 284. Additionally, NRS 284.013 provides limitations to which employees of the Executive Branch are covered by NRS 284. NRS 284.065 authorizes the Human Resources Commission to adopt regulations to carry out the provisions of this chapter.

Due to the limitations of the Nevada State Constitution and NRS 284, the Division of Human Resource Management staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. This regulation only impacts employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

A concerted effort was made to determine any economic burden. The Department has relied on the expert knowledge of Department staff. The regulation solely addresses pay for government employees so the impact is solely on government employees and agencies and no small business will be affected.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business and that the information contained in this statement was prepared properly and is accurate.

Bachera Washington
Bachera Washington, Administrator

May 22, 2026
Date