

ASSEMBLY BILL NO. 192—ASSEMBLYMEN SPRINKLE;
BENITEZ-THOMPSON AND FRIERSON

PREFILED FEBRUARY 13, 2017

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the temporary limited appointment of persons with disabilities by state agencies. (BDR 23-525)

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 Existing law encourages and authorizes agencies of the Executive Department
2 of the State Government and counties and cities to make temporary limited
3 appointments of certified persons with disabilities to positions in government
4 service for a period not to exceed 700 hours even though the positions being filled
5 are continuing positions. This provision of existing law is commonly referred to as
6 the "700-hour program." Under existing law, if a person appointed pursuant to the
7 program is subsequently appointed to a permanent position during or after the 700-
8 hour period, the 700 hours or the portion of the 700 hours completed counts toward
9 the employee's probationary period. (NRS 245.185, 268.4065, 284.327) With
10 limited exceptions, this bill requires rather than authorizes appointing authorities
11 for positions in the state service to make such temporary limited appointments. This
12 bill further requires each such appointing authority to ensure that at least one person
13 on the staff of the appointing authority satisfies certain training requirements.

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. ~~For~~ *Except as otherwise provided in subsection*
3 *4, if an appointing authority has a position available and the*



position is not required to be filled in another manner pursuant to this chapter, to assist persons with disabilities certified by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, the appointing ~~authorities are encouraged and authorized to~~ authority shall, if possible, make a temporary limited ~~appointments~~ appointment of a certified ~~persons with disabilities~~ person with a disability for a period not to exceed 700 hours notwithstanding that the ~~positions~~ position so filled ~~are continuing positions~~ is a continuing position.

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

(a) Possess the training and ~~experience~~ skills necessary for the position for which the person is certified ~~H~~ ; and

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

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

~~2.~~ 4. An appointing authority shall not make a temporary limited appointment of a certified person with a disability pursuant to this section:

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

(b) In any other circumstances that the appointing authority determines would create an actual or potential conflict of interest between the certified person with the disability and the agency of the Executive Department of the State Government in which the position exists.

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

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

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

6. The Commission shall adopt regulations to carry out the provisions of ~~subsection 1.~~

~~—3.— subsections 1 and 2.~~

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



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

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

7 ~~14~~ 8. If a person appointed pursuant to this section is
8 subsequently appointed to a permanent position during or after the
9 700-hour period, the 700 hours or portion thereof counts toward the
10 employee's probationary period.

11 **Sec. 2.** This act becomes effective upon passage and approval
12 for the purpose of adopting regulations and performing any other
13 preparatory administrative tasks that are necessary to carry out the
14 provisions of this act, and on January 1, 2018, for all other purposes.

