

Amendment No. 22

Assembly Amendment to Assembly Bill No. 192	(BDR 23-525)
Proposed by: Assembly Committee on Government Affairs	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐		Adopted	☐	Lost	☐	
Concurred In	☐	Not	☐		Concurred In	☐	Not	☐	
Receded	☐	Not	☐		Receded	☐	Not	☐	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

AMI/RRY



Date: 4/5/2017

A.B. No. 192—Revises provisions governing the temporary limited appointment of persons with disabilities by state agencies. (BDR 23-525)



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:

Existing law encourages and authorizes agencies of the Executive Department of the State Government and counties and cities to make temporary limited appointments of certified persons with disabilities to positions in government service for a period not to exceed 700 hours even though the positions being filled are continuing positions. This provision of existing law is commonly referred to as the “700-hour program.” Under existing law, if a person appointed pursuant to the program is subsequently appointed to a permanent position during or after the 700-hour period, the 700 hours or the portion of the 700 hours completed counts toward the employee’s probationary period. (NRS 245.185, 268.4065, 284.327) With limited exceptions, this bill requires rather than authorizes appointing authorities for positions in the state service to make such temporary limited appointments. This bill further requires each such appointing authority to ensure that at least one person 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:**Section 1.** NRS 284.327 is hereby amended to read as follows:

284.327 1. ~~For~~ *Except as otherwise provided in subsection ~~4~~ 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*.

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

4 (a) Possess the training and ~~experience~~ skills necessary for the position for
5 which the person is certified ~~+~~ and

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

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

13 ~~12+~~ 4. *An appointing authority shall not make a temporary limited*
14 *appointment of a certified person with a disability pursuant to this section:*

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

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

22 ~~13+~~ 5. *Each appointing authority shall ensure that there is at least one*
23 *person on the staff of the appointing authority who has training concerning:*

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

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

27 ~~14+~~ 6. The Commission shall adopt regulations to carry out the provisions of
28 ~~subsection 1.~~

29 ~~3-5+~~ subsections 1 and 2.

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

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

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

37 ~~14-6+~~ 8. If a person appointed pursuant to this section is subsequently
38 appointed to a permanent position during or after the 700-hour period, the 700
39 hours or portion thereof counts toward the employee's probationary period.

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