

Amendment No. 1035

Assembly Amendment to Senate Bill No. 50 First Reprint	(BDR 23-230)
<b>Proposed by:</b> Assembly Committee on Legislative Operations and Elections	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

DP/WLK



Date: 5/29/2019

S.B. No. 50—Revises provisions governing the temporary limited appointment of persons with disabilities by state agencies. (BDR 23-230)





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:**

With limited exceptions, existing law requires agencies of the Executive Department of the State Government to make temporary limited appointments of persons with disabilities who are certified by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to certain positions in state service for a period not to exceed 700 hours.

~~[(NRS 284.327) Section 1 of this bill makes such appointments by those agencies discretionary, but requires the agencies to consider for a temporary limited appointment to such an available position any person with a disability who is certified by the Rehabilitation Division and is eligible for appointment to the position.]~~

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

Existing law prohibits an appointing authority from making a temporary limited appointment of a certified person with a disability 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. (NRS 284.327) **Section 1** of this bill removes this prohibition and requires that the receipt of such benefits by a certified person with a disability not be deemed to create an actual or potential conflict of interest for purposes of the additional prohibition in existing law against an appointing authority making a temporary limited appointment in circumstances where an actual or potential conflict of interest would be created between the certified person with a disability and the agency in which the position exists.

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

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. Except as otherwise provided in subsection ~~4.~~ ~~5.~~ 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 authority shall,

if possible, make a ~~+~~

~~(a) Shall consider for the position any such certified person with a disability who is eligible for appointment to the position; and~~

~~(b) May make a temporary limited appointment of any such certified person with a disability to the position.~~

~~2. A~~ temporary limited appointment of a certified person with a disability for a period ~~[pursuant to this section must]~~ not to exceed ~~[a period of]~~ 700 hours notwithstanding that the position so filled is a continuing position.

2. ~~3.~~ 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:

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

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

3. ~~4.~~ 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.

4. ~~5.~~ 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]~~ circumstance 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. For the purposes of this subsection, the receipt of benefits by the certified person with the disability from the agency of the Executive Department of the State Government in which the position exists shall not be deemed to create an actual or potential conflict of interest between the certified person with the disability and the agency.

5. ~~6.~~ 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. ~~7.~~ The Commission shall adopt regulations to carry out the provisions of subsections 1 and 2.

~~7.~~ ~~1, 2 and 3.~~

~~8.~~ This section does not deter or prevent appointing authorities from employing:

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

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

6 8. ~~10.1~~ If a person appointed pursuant to this section is subsequently  
7 appointed to a permanent position during or after the 700-hour period, the 700  
8 hours or portion thereof counts toward the employee's probationary period.

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