

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:**

1 With limited exceptions, existing law requires agencies of the Executive  
2 Department of the State Government to make temporary limited appointments of  
3 persons with disabilities who are certified by the Rehabilitation Division of the  
4 Department of Employment, Training and Rehabilitation to certain positions in  
5 state service for a period not to exceed 700 hours. For purposes of temporary  
6 limited appointments, existing law requires a person with a disability who is  
7 certified by the Rehabilitation Division to: (1) possess the training and skills  
8 necessary for the position for which the person is certified; and (2) be able to  
9 perform, with or without accommodation, the essential functions of that position.  
10 (NRS 284.327) **Section 1** of this bill clarifies that such an accommodation must be  
11 reasonable.

12 Existing law prohibits an appointing authority from making a temporary limited  
13 appointment of a certified person with a disability if the certified person with a  
14 disability currently receives benefits from the agency of the Executive Department  
15 of the State Government in which the position exists. (NRS 284.327) **Section 1**  
16 of this bill removes this prohibition and requires that the receipt of such benefits by a  
17 certified person with a disability not be deemed to create an actual or potential  
18 conflict of interest for purposes of the additional prohibition in existing law against



19 an appointing authority making a temporary limited appointment in circumstances  
20 where an actual or potential conflict of interest would be created between the  
21 certified person with a disability and the agency in which the position exists.  
22 **Section 2** of this bill makes these provisions become effective on October 1,  
23 2019.

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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,  
5 to assist persons with disabilities certified by the Rehabilitation  
6 Division of the Department of Employment, Training and  
7 Rehabilitation, the appointing authority shall, if possible, make a  
8 temporary limited appointment of a certified person with a disability  
9 for a period not to exceed 700 hours notwithstanding that the  
10 position so filled is a continuing position.

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

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

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

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

24 4. An appointing authority shall not make a temporary limited  
25 appointment of a certified person with a disability pursuant to this  
26 section ~~;~~

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

30 ~~—(b) In~~ *in* any ~~[other circumstances]~~ *circumstance* that the  
31 appointing authority determines would create an actual or potential  
32 conflict of interest between the certified person with the disability  
33 and the agency of the Executive Department of the State  
34 Government in which the position exists. *For the purposes of this*  
35 *subsection, the receipt of benefits by the certified person with the*  
36 *disability from the agency of the Executive Department of the*



1 *State Government in which the position exists shall not be deemed*  
2 *to create an actual or potential conflict of interest between the*  
3 *certified person with the disability and the agency.*

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

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

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

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

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

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

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

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

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



