**Established under Nevada Administrative Code (NAC) 284.364, certain Nevada Revised Statutes (NRS) are recommended to be revised as follows:**

**NRS 284.327 -** 1.  Except as otherwise provided in subsection 4, and in alignment with Employment First efforts, 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~~ where the applicant is qualified, make a temporary limited appointment of a certified person with a disability for a period not to exceed 700 hours notwithstanding that the position so filled 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:

      (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, as established under the Americans with Disabilities Act (ADA) as Amended in 2008, 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](https://www.leg.state.nv.us/NRS/NRS-284.html#NRS284Sec215).

      4.  An appointing authority shall not make a temporary limited appointment of a certified person with a disability pursuant to this section in any circumstance that the appointing authority determines would create an actual or potential ~~conflict of interest~~  breech of an established rule, such as nepotism circumstances or a secondary employment 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 services or financial 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.  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, and

 (c) Civil Rights, the ADA, and the Rehabilitation Act as Amended in 2015.

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

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

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

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

      8.  If a person appointed pursuant to this section is subsequently appointed to a permanent position during or after the 700-hour period, the 700 hours or portion thereof counts toward ~~the employee’s~~ a modified probationary period not to exceed 1900 hours (or 47.5 weeks) in alignment with the potential loss of Social Security Disability Benefits thereafter, during which time the participant will receive a performance review at 400 hours, and again at 600 hours so that the participant is informed regarding the possibility of completing a probationary period after the 700 hour trial period, and to ensure the participant understands and has the opportunity to correct any deficits in performance as noted by the employing agency.

 9. If a participant is not retained after 700 hours, that individual will immediately be eligible for another 700 hour appointment by any, including the last, participating State Agency.

**NRS 284.215**Examination of persons with disabilities.  A person with a disability must be examined in a manner that fairly tests the person’s ability to perform the duties of the position, notwithstanding the person’s disability, and in consideration of reasonable accommodations when requested, per the Americans with Disabilities Act (ADA).

 **NRS 284.290**Probationary period: Length; dismissal or demotion; notification by appointing authority regarding permanent status.

 1.  All original competitive appointments to and promotions within the classified service must be for a fixed probationary period of 6 months, except that a longer period not exceeding 1 year may be established for classes of positions in which the nature of the work requires a longer period for proper evaluation of performance. Exception to a maximum 1 year probationary period would apply to individuals who would otherwise lose Social Security Disability benefits, and would not exceed 1900 hours, or 47.5 weeks for only those individuals currently participating in the 700 hour program as defined in NRS 284.327.

 2.  Dismissals or demotions may be made at any time during the probationary period in accordance with regulations adopted by the Commission; however, the reason for dismissal must not violate the ADA or any individual’s civil rights.

 3.  Before the end of the probationary period and in accordance with regulations adopted by the Commission, the appointing authority shall notify the Administrator in writing whether or not the probationer is a satisfactory employee and should receive the status of a permanent appointee.