

**NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION**

**330**

**EMPLOYEE RESIGNATION & REINSTATEMENT/REHIRE**

**Supersedes:** 06/17/12; (Temporary, 03/11/13); 03/19/13; (Temporary, 07/20/17)  
**Effective Date:** 08/30/17

**AUTHORITY**

NRS 209.131; 284.330; 284.391; 284.390; NAC 284.170; 284.386; 284.439; 284.444; 284.602, 42 U.S.C. § 15601, *et seq.* and 28 C.F.R. Part 115

**PURPOSE**

To establish clear guidelines governing employee resignations and define specific policies that will govern the reinstatement or rehiring of employees.

**RESPONSIBILITY**

The Deputy Director of Support Services shall ensure compliance with this regulation.

The Human Resources Division Administrator is responsible for implementation of this regulation and personnel actions related to the issues of reinstatement and rehire.

Wardens and Department Heads are required to have knowledge of, and conform to the requirements of this regulation.

All employees are required to comply with this regulation.

**330.01 RESIGNATIONS**

1. An employee who has selected to resign from employment with the Nevada Department of Corrections (NDOC) shall complete and submit the State of Nevada Resignation from State Service or Notice of Transfer to Another Agency, form NPD-45, located in the Stewart shared drive/ Human Resources/Forms.

A. Unless the Wardens or Department Head and employee agree to a shorter period of time, an employee who elects to resign shall submit an NPD-45 to his or her supervisor at least two (2) weeks before the effective date of the employee's resignation. If an employee fails to comply with the required two (2) week notice, the Human Resources Division shall note the insufficient notice in the employee's file.

- B. The completed NPD-45 shall be forwarded to the Human Resources Division immediately.
- C. The employee shall report to the Human Resources Division to complete his or her final separation paperwork.
- D. Non-custody employees shall surrender their ID card(s). Custody employees shall surrender both their employee ID card(s) and their NDOC state issued badge to the Human Resources Division.
- E. All other state issued property (keys, equipment, laptops, etc.) shall be surrendered to the employee's supervisor, prior to the completion of the employee's final paperwork.
- F. An employee has three (3) days to revoke a resignation from the date it is accepted by the Department.

2. The Human Resources Division shall:

- A. Collect employee ID cards and Peace Officer badges. Contact the employee's supervisor to verify that all agency issued items have been returned, and create a NOTIS entry for ALL Peace Officer badges not returned.
- B. Provide information to the employee regarding the State of Nevada Exit Interview Survey.

3. A resignation during an ongoing internal investigation shall be noted in NOTIS and the investigation may be closed, depending on the investigation.

- A. A resignations during a Prison Rape Elimination Act (PREA) investigation will not result in a closed case. Any such investigation will remain active until closed by the Inspector General's (IG) office as mandated by PREA standards.

**330.02 REINSTATEMENT & REHIRE**

1. A former employee seeking rehire/reinstatement must apply to an open recruitment and provide a letter to the Department or Human Resources Division detailing the reasons for the employee's resignation and interest in being rehired to the Appointing Authority or Human Resources Division,.

- A. Except as provided by NRS 284.390, only employees who left the Department in good standing and without prejudice pursuant to NRS 284.240 shall be considered for reinstatement or rehire.

2. An Appointing Authority may approve a request to reinstate a former permanent employee within a two (2) year period following resignation of employment, if the employee was separated without prejudice. The two (2)-year reinstatement period for an employee who has been laid off

begins after their right to reemployment expires.

A. Reinstatement is considered a non-competitive appointment and can be made without regard to a certified list.

B. Employees reinstated to their former position or a comparable position of the same grade shall be paid at or below the step most recently held in the former position.

C. Employees reinstated to a lower grade than the former position shall be paid at or below the step in the lower grade which corresponds to the base rate of pay of the former position.

3. The Appointing Authority may approve a request to rehire an employee who was previously employed.

A. A rehire is an employee who was employed with the state less than one year or has been separated from state service for longer than a two (2) year period.

B. A rehire may be a competitive appointment and would require placement on a certified list as specified by the Department of Administration, Division of Human Resource Management.

C. Employees rehired to their former position, comparable position or lower grade will be paid at the lowest step of the grade of the position's class, unless a special salary request is made by the Appointing Authority and approved by the Department of Administration, Division of Human Resources Management.

4. The Human Resources Division shall include the following information affixed to DOC-1025:

A. Prior service dates;

B. Any results of IG investigations, completed or pending;

(1) To include PREA action.

C. Previous evaluation(s);

D. Disciplinary actions;

E. Letters of appreciation.

5. The Human Resources Division Administrator must approve or deny the reinstatement or rehire requests of former employees.

A. Approved rehire/reinstatement requests will be forwarded to the Director for final review approval.

6. The approved rehire/reinstatement of a former permanent employee is subject to completion and passage of a National Crime Information Center (NCIC) background check, the PHQ background investigative packet (not limited to NOTIS) and any other applicable PREA related checks.

7. Successful completion of a drug test, psychological test and heart/lung medical physical is mandatory if reinstated/rehired into a class with such requirements.

8. Failure to satisfy any portion of the required conditions of employment will result in denial of the request for reinstatement or rehire.

9. All employees reinstated or rehired must serve a new probationary period.

#### **APPLICABILITY**

1. This regulation applies to all Department employees.

2. This regulation requires an Operation Procedure (OP) for the Department's Human Resources Division.

3. This regulation requires an audit.

  
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James Dzurenda, Director

8/30/17  
Date