

Steve Sisolak
Governor



Laura E. Freed
Director

Colleen Murphy
Deputy Director

Peter Long
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
209 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 684-0122

MEMORANDUM
HR#28-20

March 31, 2020

TO: DHRM Listserv Recipients
Nevada County Libraries
State Library and Archives

FROM: Peter Long, Administrator *Peter Long*
Division of Human Resource Management

SUBJECT: NOTICE OF WORKSHOP – Amendments to NAC 284

The regulation changes included with this memorandum are being proposed for permanent adoption. This meeting will be held via teleconference only. Pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006, requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Corona Virus). Accordingly, anybody planning to participate in the meeting must participate by using the teleconference number.

Wednesday, April 15, 2020 – 9:00 a.m.

Meeting materials are available on the Division of Human Resource Management's website at:
http://hr.nv.gov/Boards/Master_Meetings_Calendar/

Teleconference Access:
Teleconference Number – 877-848-7030
Participant Code – 4277490#

Please circulate or post the attached *Notice of Workshop to Solicit Comments on Proposed Permanent Regulations* along with the text of the proposed regulations.

PL:mg

Attachments

Steve Sisolak
Governor



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REGULATIONS WORKSHOP

DATE: April 15, 2020
TIME: 9:00 a.m.

AGENDA

***This meeting will be held via teleconference only.**

Pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006, requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Corona Virus). Accordingly, anybody planning to participate in the meeting must participate by using the teleconference number.

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Teleconference Access:

Teleconference Number – 877-848-7030

Participant Code – 4277490#

- 1. Call to Order**
- 2. Review of proposed changes to NAC 284:**

NAC #
284.589

Regulation Leadline
Administrative leave with pay.

- 3. Adjournment**

This workshop will be conducted in accordance with the Open Meeting Law (NRS 241.020).

NOTE: Comments by the general public will be taken following a description of the proposed regulation changes. Public comment may be limited to 5 minutes per person at the discretion of the staff member conducting the workshop.

If anyone has questions or wishes to discuss in further detail, the items scheduled for this regulations workshop, please contact Michelle Garton at (775) 684-0136.

Notices have been posted on the Division of Human Resource Management's website at www.hr.nv.gov and at the following locations:

CARSON CITY

Blasdel Building, 209 E. Musser Street
NV State Library and Archives, 100 N. Stewart Street
Legislative Counsel Bureau (LCB), 401 S. Carson Street

LAS VEGAS

Grant Sawyer State Office Building,
555 E. Washington Avenue

LCB website: www.leg.state.nv.us

Nevada Public Notice website: www.notice.nv.gov

We are pleased to make reasonable accommodations for individuals with disabilities who wish to participate in the meeting. If special arrangements for the meeting are necessary, please notify Breece Flores at (775) 684-0135 or bdflores@admin.nv.gov no later than five working days before the meeting.

**NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED PERMANENT REGULATIONS**

The Division of Human Resource Management, 100 N. Stewart Street, Suite 200, Carson City, Nevada, telephone number (775) 684-0136, is proposing the permanent adoption and amendment of regulations pertaining to Chapter 284 of Nevada Administrative Code.

Wednesday, April 15, 2020 – 9:00 a.m.

***This meeting will be held via teleconference only.**

Pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006, requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Corona Virus). Accordingly, anybody planning to participate in the meeting must participate by using the teleconference number.

Meeting materials are available on the Division of Human Resource Management's website at:

http://hr.nv.gov/Boards/Master_Meetings_Calendar/

Teleconference Access:

Teleconference Number – 877-848-7030

Participant Code – 4277490#

The purpose of the workshop is to solicit comments from interested persons on the following topics that may be addressed in the proposed regulations:

NAC #

284.589

Regulation Leadline

Administrative leave with pay.

A copy of all materials relating to the proposal may be obtained by contacting the Division of Human Resource Management at (775) 684-0149 or dseymour@admin.nv.gov. A reasonable fee for copying may be charged. The agency's Small Business Impact Statement is attached.

This Notice of Workshop to Solicit Comments on Proposed Permanent Regulations has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

CARSON CITY

Blasdel Building, 209 E. Musser Street
NV State Library and Archives, 100 N. Stewart Street
Legislative Counsel Bureau (LCB), 401 S. Carson Street

LAS VEGAS

Grant Sawyer Building, 555 E. Washington Avenue

WEBSITES

LCB website: www.leg.state.nv.us

Division of Human Resource Management website: www.hr.nv.gov

Nevada Public Notice website: www.notice.nv.gov

In addition, this Notice of Workshop to Solicit Comments on Proposed Permanent Regulations has been sent to:

ALL STATE AGENCIES

ALL NEVADA COUNTY PUBLIC LIBRARIES

NOTE: We are pleased to make reasonable accommodations for individuals with disabilities who wish to participate in the meeting. If special arrangements for the meeting are necessary, please notify Breece Flores at (775) 684-0135 or bdflores@admin.nv.gov no later than five working days before the meeting.

Explanation of Proposed Change: The amendment to NAC 284.589 was approved as an emergency regulation by Governor Sisolak on March 15, 2020, in response to the State of Emergency declared due to the COVID-19 pandemic. This amendment provides an appointing authority of a State of Nevada agency the discretion to grant administrative leave to an employee during a State of Emergency declared pursuant to NRS 414 when necessary for health and safety purposes.

NAC 284.589 Administrative leave with pay. (NRS 284.065, 284.155, 284.345, 284.383, 284.385, 284.390)

1. An appointing authority may grant administrative leave with pay to an employee:

(a) To relieve the employee of his or her duties during the active investigation of a suspected criminal violation or the investigation of alleged wrongdoing;

(b) For up to 30 days when the appointing authority initiates the leave to obtain the results of an examination concerning the ability of the employee to perform the essential functions of his or her position;

(c) For up to 30 days to remove the employee from the workplace when he or she has committed or threatened to commit an act of violence;

(d) For up to 2 hours to donate blood;

(e) To relieve the employee of his or her duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065; or

(f) To attend a general employee benefits orientation or an educational session relating to employee benefits, including, without limitation, retirement and deferred compensation.

2. The appointing authority, upon approval of the Risk Management Division, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.

3. If an employee is granted administrative leave with pay pursuant to subsection 1 or 2, the employee must be available:

(a) By telephone to the supervisor of the employee; and

(b) To report to a work site or another location, as directed by the supervisor of the employee, during regular business hours.

4. Except as otherwise provided in subsection 5, an appointing authority or the Division of Human Resource Management may grant administrative leave with pay to an employee for any of the following purposes:

(a) His or her participation in, or attendance at, activities which are directly or indirectly related to the employee's job or employment with the State but which do not require him or her to participate or attend in an official capacity as a state employee.

(b) His or her safety during an emergency when employees have been authorized by the Governor not to report to work or to leave work before the end of their shifts during the emergency, including, without limitation, emergencies relating to enemy attacks or other hostile actions, natural causes or other catastrophes, except for employees who are designated as essential and notified that they are required to report to work or remain at work.

(c) Closure of the employee's office or work site caused by a natural disaster, pandemic or other similar adverse condition when the employee is scheduled and expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(d) Closure, as a result of a pandemic, of a school or a center or facility that provides day care services which is attended by the employee's dependent child or the temporary cancellation, as a result of a pandemic, of a program attended by the employee's dependent child. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(e) His or her appearance as an aggrieved employee, an employee who filed a complaint described in NAC 284.658 or a witness at a hearing of the Committee.

(f) His or her appearance as a witness at a hearing regarding a matter described in subparagraph (1), (2) or (3) of paragraph (f) of subsection 6.

(g) His or her appearance to provide testimony at a meeting of the Commission.

5. An appointing authority or the Division of Human Resource Management shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (e), (f) or (g) of subsection 4 if:

(a) The employee requests the administrative leave for a period of time that is reasonably needed to testify at the hearing or meeting;

(b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and

(c) The absence of the employee will not cause an undue hardship to the operations of the appointing authority or adversely impact the provision of services to clients or to the public.

6. An appointing authority shall grant administrative leave with pay to an employee for any of the following purposes:

(a) The initial appointment and one follow-up appointment if the employee receives counseling through an employee assistance program, including, without limitation, consultations provided in person or telephonically.

(b) His or her attendance at a health fair or related event coordinated by the Public Employees' Benefits Program.

(c) His or her participation in an official capacity as a member of a committee or board created by statute on which he or she serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.

(d) Up to 8 hours for preparation for any predisciplinary review.

(e) Up to 8 hours for preparation for any hearing described in paragraph (f).

(f) The appearance of the employee as a party at a hearing regarding:

(1) An alleged reprisal or retaliatory action against the employee for disclosing an improper governmental action as provided in NRS 281.641;

(2) An involuntary transfer of the employee as provided in NRS 284.376; or

(3) A suspension, demotion or dismissal of the employee as provided in NRS 284.390 and at a predisciplinary review as provided in NAC 284.6561.

7. During a State of Emergency declared pursuant to NRS Chapter 414, an appointing authority may, in its discretion, grant administrative leave with pay to an employee if necessary for health and safety purposes.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-20-90; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 9-13-91; 12-26-91; 11-12-93; 3-23-94; 11-16-95; 10-27-97; R042-99, 9-27-99; R058-01, 9-6-2001; A by Personnel Comm'n by R038-03, 10-30-2003; R183-03, 1-27-2004; R145-05, 12-29-2005; R141-07, 1-30-2008; R061-09 & R081-09, 10-27-2009; R063-09, 11-25-2009; R058-10, 10-15-2010; R137-13, 6-23-14; R042-15, 12-21-2015; R033-17, 10-31-2017; R150-17, 6-26-2018)



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Regulation Small Business Impact Statement

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 284. Additionally, NRS 284.013 provides limitations to which employees of the Executive Branch are covered by NRS 284. NRS 284.065 authorizes the Personnel Commission to adopt regulations to carry out the provisions of this chapter.

Due to the limitations of the Nevada State Constitution and NRS 284, the Division of Human Resource Management staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. These regulations only impact employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

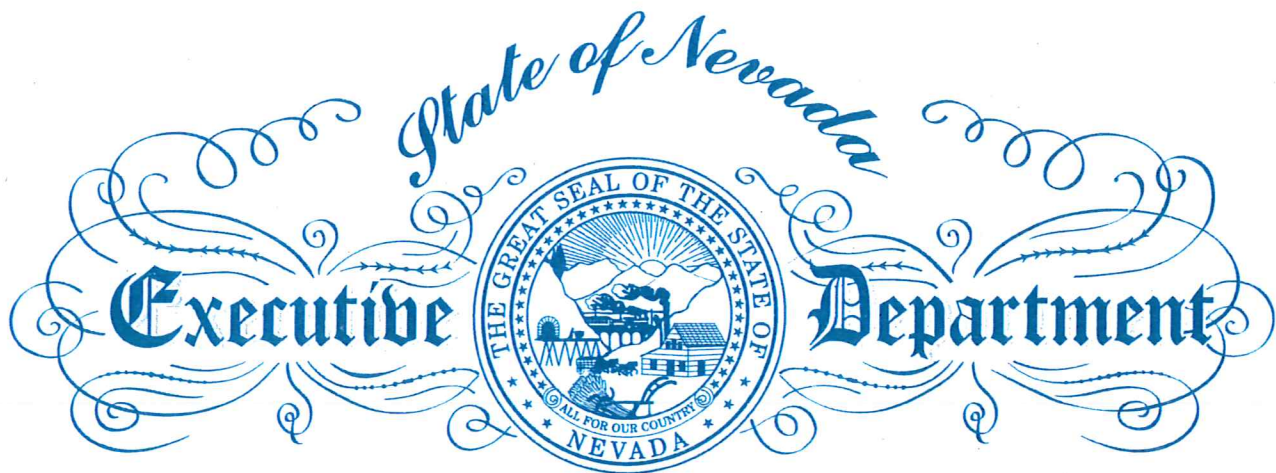
I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business and that the information contained in this statement was prepared properly and is accurate.

Peter Long

Peter Long, Administrator

March 25, 2020

Date



**DECLARATION OF EMERGENCY
DIRECTIVE 006**

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, the World Health Organization and United States Centers for Disease Control and Prevention have advised that there is a correlation between density of persons gathered and the risk of transmission of COVID-19; and

WHEREAS, close proximity to other persons is currently contraindicated by public health and medical best practices to combat COVID-19; and

WHEREAS, recreational social gatherings unnecessarily extend periods of interpersonal contact and promulgates spread of COVID-19; and

WHEREAS, certain non-essential activities result in the congregation of persons for extended periods of time; and

WHEREAS, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, Nevada Revised Statutes 414.060(3) states: "In performing his or her duties under this chapter and to effect its policy and purpose, the Governor may: (a) Make, amend and rescind the necessary orders and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon the Governor in this chapter, with due consideration of the plans provided by the Federal Government;" and

WHEREAS, NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing

for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, on March 15, 2020, I directed executive branch agencies to close state offices to the public and to wind down in-person public services and to the extent practicable, transition services to online and over-the-phone services; and

WHEREAS, Nevada Revised Statutes 241.010 provides that “[i]n enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly;” and

WHEREAS, the continued operations of state public bodies are essential to the State of Nevada; and

WHEREAS, on March 20, 2020, I issued Declaration of Emergency Directive 003 that ordered the closure of all Non-Essential Businesses by 11:59 p.m. on March 20, 2020, authorized criminal and civil penalties for Non-Essential Businesses that continued to operate in violation of that order, and authorized all local, city, and county governments along with the Office of the Attorney General to enforce that Directive; and

WHEREAS, immediate enforcement of Declaration of Emergency Directive 003 is vital to protect the Health and Safety of the public:

NOW THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1: The requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended.

SECTION 2: If a public body holds a meeting by means of teleconference or videoconference and a physical location where members of the public can attend is not provided, the public body must provide a means for the public to provide public comment, and post that means on the public notice agenda posted in accordance with NRS 241.020. Public comment options may include, without limitation, telephonic or email comment.

SECTION 3: The requirements contained in NRS 241.020(4)(a) that public notice agendas be posted at physical locations within the State of Nevada are suspended.

SECTION 4: Public bodies must still comply with the requirements in NRS 241.020(4)(b) and NRS 241.020(4)(c) that public notice agendas be posted to Nevada’s notice website and the public body’s website, if it maintains one along with providing a copy to any person who has requested one via U.S. mail or electronic mail.

SECTION 5: The requirement contained in NRS 241.020(3)(c) that physical locations be available for the public to receive supporting material for public meetings is suspended.

SECTION 6: If a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one.

SECTION 7: A public body that holds a meeting pursuant to this Executive Order must ensure that any party entitled to or required to appear before it shall be able to do so through remote means and fully able to participate in the agenda items that pertain to them.

SECTION 8: The requirements of NRS 241.033, NRS 241.034 are suspended for any actions necessary to enforce Declaration of Emergency Directive 003 against entities, owners, representatives, agents, or employees that continue to operate or assist in operation after 11:59 p.m. on March 2020. Public bodies enforcing Declaration of Emergency Directive 003 against entities, owners, agents, or employees pursuant to this section shall provide the responding party with at least 24 hours notice of a meeting to take action; and

SECTION 9: Public bodies may enforce Declaration of Emergency Directive 003 at an emergency meeting as authorized by NRS 241.020(11) and may make use of all other amendments to NRS chapter 241 included in this Executive Order.

SECTION 10: This Directive shall remain in effect until April 16, 2020, unless renewed by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 22nd day of March, in the year two thousand twenty.



Governor of the State of Nevada

Barbara K. Cegavske
Secretary of State

Scott M. Kuehn
Deputy Secretary of State

ONE HUNDRED ONE NORTH CARSON STREET
CARSON CITY, NEVADA 89701
OFFICE: (775) 684-5670
FAX NO.: (775) 684-5683



555 EAST WASHINGTON AVENUE, SUITE 5100
LAS VEGAS, NEVADA 89101
OFFICE: (702) 486-2500
FAX NO.: (702) 486-2505

Office of Governor Steve Sisolak

March 16, 2020

Dear State of Nevada Executive Branch Employees:

As you know, the Great State of Nevada is not immune to the global COVID-19 pandemic. No matter how much we hope this will go away, if we wait one more day to take action, it will not.

There are a lot of unknowns right now. But I want to provide important information on what I *do* know to Nevada's hardworking state employees. Protecting the health and safety of our workforce and the general public is of paramount importance to me.

Administrative Leave

Last night I issued an emergency regulation, attached, to expand the authorization of paid administrative leave for state employees in a state of emergency. I encourage directors, administrators, and supervisors to review this emergency regulation, as well as NAC 284.589, and work with your employees and the Division of Human Resource Management to figure out what works best for your agency and staff.

Closing Offices to Public

I am also ordering that all state offices be closed to the public as soon as possible. For those agencies that provide essential services to the public, I understand that it may take a few days to execute this directive. For those agencies, I've asked directors to make every attempt to wind down in-person public services and transactions and transition as much of the work as possible to online and over-the-phone services by close of business on Friday, March 20, 2020. For those essential services that absolutely must be provided to the public in person, directors, administrators, and supervisors should take steps to protect employees who must work with the public in accordance with social distancing guidance appropriate to the individual workplace. We must protect the health and safety of the public and our state workforce while ensuring that the important work of our state government does not grind to a halt.

Office Closures and Telework

Nevada is a unique and diverse state—this applies to our state workforce, too. Often, there is no one-size-fits-all approach. With that in mind, I am delegating to agency leadership the authority to decide what works best for their offices and employees, whether that means the implementation of teleworking, office closures for non-essential employees who cannot safely practice social

distancing at the office and cannot telework, or a hybrid approach. These are unprecedented circumstances that call for creative solutions. Directors, administrators, and supervisors should take steps to protect employees who must work in person in accordance with social distancing guidance appropriate to the individual workplace.

Social Distancing

Underlying all of these actions is an important precautionary measure that has been shown to mitigate the spread of the virus in other states and all around the world: social distancing. Our Nevada Health Response Medical Advisory Team has been working around the clock to provide guidance and recommendations on social distancing and other effective ways to address the spread of COVID-19. The initial guidance they have provided me is as follows:

When it comes to gatherings, the risk is not just based on how many people there are, but rather how closely they are gathered and how they are interacting with each other. The risk does not disappear in smaller gatherings. It's the distance and precautions that will make the difference. With that in mind, I'm issuing the following directives to the people of Nevada:

- o Any employees who can work from home should do so. While it may not be an ideal situation, it is preferable to having employees unnecessarily spreading disease at work.o
- o Ill employees must absolutely stay home from work.o
- o Supervisors should take steps to protect employees who must work in person in accordance with social distancing guidance appropriate to the individual workplace.o
- o Social distancing is not one-size-fits-all. What works for one community in our state will not work for another. There needs to be great focus in the approaches we take to reduce disease transmission. o
- o Older people, people with underlying health conditions, and other high-risk populations should stay at home and avoid unnecessary contact with others.o

As new guidance continues to come out from the CDC, the Medical Advisory Team will work with local health authorities and top medical professionals to review and provide recommendations, which I will communicate to agency directors.

Last night, I asked my fellow Nevadans to stand together, to unite against all odds, and put our neighbors before ourselves with more commitment and compassion than ever before. I commit to keeping you informed as this evolves, and as we have more answers to all of the measures I announced last night. Until then, take care of each other, and take care of yourselves. Together, we will get through this challenging time.

Sincerely,



Governor Steve Sisolak
State of Nevada

SECRETARY OF STATE
FILING DATA

FILED.NV.SOS
2020 MAR 15 PM8:08

Form For Filing
Administrative Regulations

Agency

Department of Administration

FOR EMERGENCY
REGULATIONS ONLY

Effective Date: 3-15-2020

Expiration Date: 7-13-2020

Classification: Proposed Adopted By Agency Emergency

Brief description of action: The Department of Administration, Division of Human Resource Management is submitting the proposed regulation changes for Nevada Administrative Code Chapter 284 to provide flexibility to appointing authorities within the Executive Branch to permit the use of administrative leave with pay during the COVID-19 pandemic.

Authority citation other than 233B: NRS 284.065, NRS 284.155.

Notice Date: N/A

Date of Adoption by Agency: _____

Hearing Date: N/A

Steve Sisolak
Governor



Laura E. Freed
Director

Colleen Murphy
Deputy Director

**STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
DIRECTOR'S OFFICE**

515 E. Musser Street, Suite 300 | Carson City, Nevada 89701
Phone: (775) 684-0299 | admin.nv.gov | Fax: (775) 684-0298

March 15, 2020

The Honorable Steve Sisolak, Governor
101 North Carson Street, Suite 1
Carson City, NV 89701

VIA EMAIL AND HAND DELIVERY

**Re: Emergency Regulation Regarding Administrative Leave for State Employees
Affected by COVID-19**

Dear Governor Sisolak:

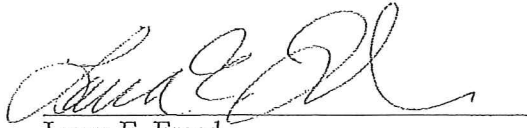
As the chief officer of the Department of Administration, I have determined that an immediate need exists to provide flexibility in the state's human resources regulations and policies in order to better respond to the public health danger presented by the COVID-19 pandemic.

COVID-19 cases continue to increase across Nevada, including cases that affect our own State workforce. As you may know, certain employees and/or members of their households have been exposed to this virus, and more are likely to be exposed in the coming months. However, the current Nevada Administrative Code (NAC) does not provide sufficient flexibility to respond to the need for our employees to self-isolate or quarantine without closing entire offices. Furthermore, current regulation does not clarify what type of leave would be appropriate if an employee must quarantine but is otherwise not ill.

Therefore, pursuant to NRS 233B.0613, the Department of Administration respectfully requests an emergency addition to NAC 284.589 that expands the ability of appointing authorities to grant paid administrative leave under certain circumstances, such as when an employee is under mandatory quarantine. The Department of Administration has drafted policy guidance for departments, and we stand ready to assist appointing authorities in responding to the varied circumstances that may occur in different agencies and different geographic regions of our state.


As this emergency regulation will provide immediate assistance in protecting the health of our employees and all Nevadans, your endorsement is requested. Thank you for your assistance and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Laura E. Freed', written over a horizontal line.

Laura E. Freed
Director, Department of Administration

Endorsed:

A handwritten signature in cursive script, appearing to read 'Steve Sisolak', written over a horizontal line.

Steve Sisolak
Governor

**EMERGENCY REGULATION OF THE
DEPARTMENT OF ADMINISTRATION**

March 15, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets
~~[omitted material]~~ is material to be omitted.

Filing of an Emergency Administrative Regulation

AUTHORITY: NRS 284.345, 284.065, 284.155.

A REGULATION relating to state employee administrative leave during State of Emergency.

Explanation:

Existing law authorizes an appointing authority to grant administrative leave with pay to an employee due to closure of the employee's office or work site caused by a natural disaster, pandemic or other similar adverse condition when the employee is scheduled and expected to be at work. (NRS 284.345; NAC 284.589(4)(c)). An appointing authority may designate certain employees as essential and notify them that they are required to work. An appointing authority is also authorized to grant administrative leave with pay to an employee due to the closure, as a result of a pandemic, of a school or a center or facility that provides day care services which is attended by the employee's dependent child or the temporary cancellation, as a result of a pandemic, of a program attended by the employees dependent child. An appointing authority may designate certain employees as essential and notify them that they are required to report to work. (NRS 284.345; NAC 284.589(4)(d)).

This regulation authorizes the appointing authority additional discretion to grant administrative leave with pay to an employee during a State of Emergency when necessary for health and safety purposes. (NRS Chapter 414).

NAC 284.589 is hereby amended by adding thereto a new subsection 7 as follows:

NAC 284.589 Administrative leave with pay. (NRS 284.065, 284.155, 284.345, 284.383, 284.385, 284.390)

1. An appointing authority may grant administrative leave with pay to an employee:

(a) To relieve the employee of his or her duties during the active investigation of a suspected criminal violation or the investigation of alleged wrongdoing;

(b) For up to 30 days when the appointing authority initiates the leave to obtain the results of an examination concerning the ability of the employee to perform the essential functions of his or her position;

(c) For up to 30 days to remove the employee from the workplace when he or she has committed or threatened to commit an act of violence;

(d) For up to 2 hours to donate blood;

(e) To relieve the employee of his or her duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065; or

(f) To attend a general employee benefits orientation or an educational session relating to employee benefits, including, without limitation, retirement and deferred compensation.

2. The appointing authority, upon approval of the Risk Management Division, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.

3. If an employee is granted administrative leave with pay pursuant to subsection 1 or 2, the employee must be available:

(a) By telephone to the supervisor of the employee; and

(b) To report to a work site or another location, as directed by the supervisor of the employee, during regular business hours.

4. Except as otherwise provided in subsection 5, an appointing authority or the Division of Human Resource Management may grant administrative leave with pay to an employee for any of the following purposes:

(a) His or her participation in, or attendance at, activities which are directly or indirectly related to the employee's job or employment with the State but which do not require him or her to participate or attend in an official capacity as a state employee.

(b) His or her safety during an emergency when employees have been authorized by the Governor not to report to work or to leave work before the end of their shifts during the emergency, including, without limitation, emergencies relating to enemy attacks or other hostile actions, natural causes or other catastrophes, except for employees who are designated as essential and notified that they are required to report to work or remain at work.

(c) Closure of the employee's office or work site caused by a natural disaster, pandemic or other similar adverse condition when the employee is scheduled and expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(d) Closure, as a result of a pandemic, of a school or a center or facility that provides day care services which is attended by the employee's dependent child or the temporary cancellation, as a result of a pandemic, of a program attended by the employee's dependent child. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(e) His or her appearance as an aggrieved employee, an employee who filed a complaint described in NAC 284.658 or a witness at a hearing of the Committee.

(f) His or her appearance as a witness at a hearing regarding a matter described in subparagraph (1), (2) or (3) of paragraph (f) of subsection 6.

(g) His or her appearance to provide testimony at a meeting of the Commission.

5. An appointing authority or the Division of Human Resource Management shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (e), (f) or (g) of subsection 4 if:

(a) The employee requests the administrative leave for a period of time that is reasonably needed to testify at the hearing or meeting;

(b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and

(c) The absence of the employee will not cause an undue hardship to the operations of the appointing authority or adversely impact the provision of services to clients or to the public.

6. An appointing authority shall grant administrative leave with pay to an employee for any of the following purposes:

(a) The initial appointment and one follow-up appointment if the employee receives counseling through an employee assistance program, including, without limitation, consultations provided in person or telephonically.

(b) His or her attendance at a health fair or related event coordinated by the Public Employees' Benefits Program.

(c) His or her participation in an official capacity as a member of a committee or board created by statute on which he or she serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.

(d) Up to 8 hours for preparation for any predisciplinary review.

(e) Up to 8 hours for preparation for any hearing described in paragraph (f).

(f) The appearance of the employee as a party at a hearing regarding:

(1) An alleged reprisal or retaliatory action against the employee for disclosing an improper governmental action as provided in NRS 281.641;

(2) An involuntary transfer of the employee as provided in NRS 284.376; or

(3) A suspension, demotion or dismissal of the employee as provided in NRS 284.390 and at a predisciplinary review as provided in NAC 284.6561.

7. During a State of Emergency declared pursuant to NRS Chapter 414, an appointing

authority may, in its discretion, grant administrative leave with pay to an employee if necessary for health and safety purposes.

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS
AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB FILE NO. R
March 14, 2020

The following statement is submitted for adopted amendments to Chapters 293 of the Nevada Administrative Code (NAC):

1. A clear and concise explanation of the need for the adopted regulation

Pursuant to the Governor's Declaration of Emergency dated March 12, 2020, the state is in an emergency status due to the COVID-19 pandemic. As such, state employees may become sick and need to self-isolate or need to quarantine with infected or exposed household members. Currently, the NAC only provides for administrative leave with pay as a result of state office closure or school/day care closure. However, in this pandemic situation, some offices may not close, but social distancing is still needed to contain the spread of the virus. Therefore, an emergency regulation is needed to permit appointing authorities the flexibility to provide administrative leave with pay or sick leave as the circumstances change, without closing entire state offices.

2. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

Business:

a. Both adverse and beneficial effects; and

Adverse: The Department does not foresee any adverse economic impact on businesses.

Beneficial: The Department does not foresee any economic benefit to businesses.

b. Both immediate and long-term effects.

Same as above.

Public:

a. Both adverse and beneficial effects; and

Adverse: The Department does not foresee any adverse economic impact on the public.

Beneficial: The Department does not foresee any economic benefit to the public.

b. Both immediate and long-term effects.

Same as above.

3. The estimated cost to the agency for enforcement of the proposed regulation.

There is no additional cost to the Department of Administration for the enforcement of the proposed regulation.

4. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state agency regulations which are duplicated or overlapped by the proposed regulations.

5. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The federal Office of Personnel Management guidelines are no more stringent than the regulation proposed.

6. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The various proposed regulation changes do not provide new or increase any existing fees.