

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

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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/](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



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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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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](http://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](http://www.leg.state.nv.us)

Nevada Public Notice website: [www.notice.nv.gov](http://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](mailto: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.**

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**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](mailto: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](http://www.leg.state.nv.us)

Division of Human Resource Management website: [www.hr.nv.gov](http://www.hr.nv.gov)

Nevada Public Notice website: [www.notice.nv.gov](http://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](mailto: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*

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Peter Long, Administrator

March 25, 2020

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Date