

Joe Lombardo
Governor



Jack Robb
Director

Bachera Washington
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 684-0122

MEMORANDUM
HR#12-24

March 28, 2024

TO: DHRM Listserv Recipients

FROM: Bachera Washington, Administrator
Division of Human Resource Management

SUBJECT: NOTICE OF WORKSHOP – Amendments to NAC 284

The regulation changes included with this memorandum are being proposed for proposed for permanent adoption. In order to review the proposed changes in the regulations and solicit comments from interested persons, a workshop will be held at 9:00 a.m. on April 16, 2024, at the Nevada State Library and Archives Building, 100 N. Stewart Street, Room 110, Carson City, Nevada with videoconferencing to the Eureka Building, 7251 Amigo Street, Suite 120, Las Vegas Nevada.

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

Attachments



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 684-0122

REGULATION WORKSHOP

DATE: April 16, 2024
TIME: 9:00 a.m.
PLACE: Nevada State Library and Archives Eureka Building
100 N. Stewart Street 7251 Amigo Street
Room 110 Suite 120
Carson City, Nevada Las Vegas, Nevada

The sites will be connected by videoconference. The public is invited to attend at either location.

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/)

AGENDA

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

<u>NAC #</u>	<u>Regulation Leadline</u>
NEW	“Sexual assault” defined.
284.2508	Compensatory time: Use.
284.539	Annual leave: Written request; approval or denial; authorized use.
284.554	Sick leave: Authorized use.
284.578	Leave of absence without pay: Conditions for approval; restrictions on use; revocation.

284.5811	Family and medical leave: Maximum amount in 12-month period; eligibility; use.
284.599	Requirements.
NEW	Paid family leave: Definitions.
284.5235	“Immediate family” defined.
284.562	Sick leave or catastrophic leave: Death in employee’s immediate family.
284.611	Separation for physical, mental or emotional disorder.
284.096	“Reinstatement” defined.
284.126	Creation of new class, reclassification of position or reallocation of existing class.
284.172	Rate of pay: Effect of promotion.
284.179	Rate of pay: Minimum step for continuous employees hired before 1975.
284.182	Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date.
284.254	Compensatory time: Payment upon transfer.
284.437	Underfilling of positions.
284.444	Application of probationary or trial period.
284.576	Catastrophic leave: Use and administration; appeal of denial.
284.582	Civil leave with pay to serve on jury or as a witness.
284.589	Administrative leave with pay.
NEW	Discretionary 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 regulation 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
515 E. Musser Street
Legislative Counsel Bureau (LCB), 401 S. Carson Street
Nevada State Capitol Building, 101 N. Carson Street

LAS VEGAS

Eureka Building, 7251 Amigo Street, Suite 120

WEBSITES

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 Michelle Garton at (775) 684-0131 or mgarton@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) 684-0131, is proposing the permanent adoption and amendment of regulations pertaining to Chapter 284 of Nevada Administrative Code. A workshop has been set for 9:00 a.m. on April 16, 2024, at the Nevada State Library and Archives Building, 100 N. Stewart St., Room 110, Carson City, Nevada with videoconferencing to the Eureka Building, 7251 Amigo Street, Suite 120, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following topics that may be addressed in the proposed regulations:

**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/)

<u>NAC #</u>	<u>Regulation Leadline</u>
NEW	“Sexual assault” defined.
284.2508	Compensatory time: Use.
284.539	Annual leave: Written request; approval or denial; authorized use.
284.554	Sick leave: Authorized use.
284.578	Leave of absence without pay: Conditions for approval; restrictions on use; revocation.
284.5811	Family and medical leave: Maximum amount in 12-month period; eligibility; use.
284.599	Requirements.
NEW	Paid family leave: Definitions.
284.5235	“Immediate family” defined.
284.562	Sick leave or catastrophic leave: Death in employee’s immediate family.
284.611	Separation for physical, mental or emotional disorder.
284.096	“Reinstatement” defined.

284.126	Creation of new class, reclassification of position or reallocation of existing class.
284.172	Rate of pay: Effect of promotion.
284.179	Rate of pay: Minimum step for continuous employees hired before 1975.
284.182	Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date.
284.254	Compensatory time: Payment upon transfer.
284.437	Underfilling of positions.
284.444	Application of probationary or trial period.
284.576	Catastrophic leave: Use and administration; appeal of denial.
284.582	Civil leave with pay to serve on jury or as a witness.
284.589	Administrative leave with pay.
NEW	Discretionary 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) 684-0131 or mgarton@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 Listserv and posted at the following locations:

CARSON CITY

Blasdel Building, 209 E. Musser Street
 NV State Library and Archives, 100 N. Stewart Street
 515 E. Musser Street
 Legislative Counsel Bureau, 401 S. Carson Street
 Nevada State Capitol Building, 101 N. Carson Street

LAS VEGAS

Eureka Building, 7251 Amigo Street, Suite 120

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 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 Michelle Garton at (775) 684-0131 or mgarton@admin.nv.gov no later than five working days before the meeting.

Explanation of Proposed Change: Assembly Bill 163 of the 2023 State of Nevada Legislative Session (signed into law by the Governor), in part, provides for: a) employee leave if the employee or a household member (of the employee) is a victim of sexual assault; and b) accommodation for an employee if the employee or a household member (of the employee) is a victim of sexual assault. The new regulation and amendments to NAC 284.2508, 284.539, 284.554, 284.578, 284.5811 and 284.599, proposed by the Division of Human Resource Management, will adopt the statutory definition of ‘sexual assault’ and amend existing employee provisions to conform to the expanded protections now outlined in Nevada Revised Statutes.

NEW “Sexual assault” defined. “Sexual assault” has the meaning ascribed to it in NRS 200.366.

NAC 284.2508 Compensatory time: Use. (NRS 284.065, 284.155, 284.175, 284.345, 608.0198)

1. At the direction of the appointing authority, compensatory time must be used within a reasonable time after it is accrued.

2. Unless it would cause an undue hardship to the agency, a request for the use of compensatory time may not be unreasonably denied if the request is made at least 2 weeks in advance of the first date on which the employee wishes to use his or her compensatory time.

3. Unless it would cause an employee to forfeit an amount of annual leave pursuant to subsection 2 of NRS 284.350, an employee must, to the extent possible, exhaust his or her compensatory time before using his or her available annual leave.

4. An appointing authority shall approve a request for compensatory time of an employee who is a victim of an act which constitutes domestic violence *or sexual assault* or whose family or household member is a victim of an act which constitutes domestic violence *or sexual assault*, and the employee is not the alleged perpetrator if:

(a) The employee has been employed in public service for at least 90 days;

(b) The employee has accrued the amount of compensatory time necessary to cover the time requested; and

(c) The combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence *or sexual assault* occurred.

(Added to NAC by Dep’t of Personnel by R147-01, eff. 1-22-2002; A by Personnel Comm’n by R088-17, 12-19-2017, eff. 1-1-2018)

NAC 284.539 Annual leave: Written request; approval or denial; authorized use. (NRS 284.065, 284.155, 284.345, 284.350, 608.0198)

1. Except as otherwise provided by the Family and Medical Leave Act, an appointing authority shall determine the time when annual leave is taken after considering the needs of the agency and the seniority and wishes of the employee. Annual leave may not be granted in excess of the accumulated annual leave.

2. A written request for annual leave that is submitted by an employee within a reasonable time before the date upon which the annual leave is requested to commence must be approved or denied by the appointing authority, in writing, before the date upon which the annual leave is requested to commence or within 15 days after the appointing authority receives the request, whichever is sooner.

3. Except as otherwise provided in subsection 7, the appointing authority may deny a request for

annual leave for good and sufficient reason. The appointing authority may not prohibit an employee from using at least 5 consecutive days of annual leave in any calendar year.

4. An employee shall request annual leave at least 30 days in advance if the need for leave is foreseeable and the annual leave is to be taken in conjunction with a planned leave of absence without pay.

5. An employee who has accumulated both annual leave and compensatory time off, and who may lose annual leave at the end of the calendar year, may elect to use the annual leave instead of the compensatory time for approved leave. In all other instances, compensatory time must, as far as practicable, be exhausted before annual leave is used.

6. An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS may use his or her accrued annual leave pursuant to NAC 284.5775.

7. An appointing authority shall approve a request for annual leave of an employee who is a victim of an act which constitutes domestic violence *or sexual assault* or whose family or household member is a victim of an act which constitutes domestic violence *or sexual assault*, and the employee is not the alleged perpetrator if:

(a) In accordance with NRS 284.350, the employee has been employed in public service for at least 6 months;

(b) The employee has accrued the amount of annual leave necessary to cover the time requested; and

(c) The combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence *or sexual assault* occurred.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 6-18-86; 9-17-87; 7-14-88; 4-20-90; 3-23-94; 11-16-95; R031-98, 4-17-98; R082-00, 8-2-2000; A by Personnel Comm'n by R145-05, 12-29-2005; R037-17, 10-31-2017, eff. 1-1-2018)

NAC 284.554 Sick leave: Authorized use. (NRS 284.065, 284.155, 284.345, 284.355, 608.0198)

1. An employee is entitled to use sick leave if the employee:

(a) Is unable to perform the duties of his or her position because he or she is sick, injured or physically incapacitated due to a medical condition;

(b) Is physically incapacitated due to pregnancy or childbirth and is therefore unable to perform the duties of the employee's position;

(c) Is quarantined;

(d) Is receiving required medical, psychological, optometric or dental service or examination;

(e) Is receiving counseling through an employee assistance program for a condition which would otherwise qualify pursuant to the provisions of this section;

(f) Has an illness, death or other authorized medical need in his or her immediate family and he or she complies with the requirements of NAC 284.558 or 284.562; or

(g) Meets the requirements set forth in subsection 2.

2. An appointing authority shall approve a request for sick leave of an employee who is a victim of an act which constitutes domestic violence *or sexual assault* or whose family or household member is a victim of an act which constitutes domestic violence *or sexual assault*, and the employee is not the alleged perpetrator if:

(a) The employee has been employed in public service for at least 90 days;

(b) The employee has accrued the amount of sick leave necessary to cover the time requested; and

(c) The combination of all leave taken by the employee for this purpose does not exceed 160 hours

in the 12-month period immediately following the date on which the act which constitutes domestic violence *or sexual assault* occurred.

[Personnel Div., Rule VII § D part subsec. 6, eff. 8-11-73; A 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 4-20-90; 11-16-95; A by Personnel Comm'n by R141-07, 1-30-2008; R037- 17, 10-31-2017, eff. 1-1-2018)

NAC 284.578 Leave of absence without pay: Conditions for approval; restrictions on use; revocation. (NRS 284.065, 284.155, 284.345, 284.360, 608.0198)

1. Except as otherwise provided in NRS 284.360, an appointing authority may grant a leave of absence without pay to an employee for not more than 1 year for any satisfactory reason.

2. The Commission may grant leaves of absence without pay in excess of 1 year for purposes deemed beneficial to the public service.

3. An appointing authority may require an employee on leave of absence without pay to submit every 2 weeks a statement of his or her intent to return to work.

4. If the reason for granting the leave no longer exists, the appointing authority may revoke the leave after notifying the employee in writing and allowing, so far as is practicable, not less than 5 working days after the date of notification for the employee to return to work.

5. An employee shall request leave without pay at least 30 days in advance of when the need for the leave is foreseeable, if practicable.

6. An employee may not use leave without pay in lieu of sick leave or annual leave without approval of the appointing authority.

7. An employee who is using leave pursuant to the Family and Medical Leave Act may not use leave without pay until the employee has exhausted all the accrued sick leave, accrued annual leave, accrued compensatory time and catastrophic leave that the employee is eligible to use based on the nature of the absence, as required by NAC 284.5811.

8. An appointing authority shall grant leave without pay, upon request, to an employee who is a victim of an act which constitutes domestic violence *or sexual assault* or whose family or household member is a victim of an act which constitutes domestic violence *or sexual assault*, and the employee is not the alleged perpetrator if:

(a) The employee has been employed in public service for at least 90 days; and

(b) The combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence *or sexual assault* occurred.

[Personnel Div., Rule VII § E subsecs. 1-4, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10- 26- 84; 3-23-94; 10-27-97; A by Personnel Comm'n by R145-05, 12-29-2005; R060-09, 11-25- 2009; R037-17, 10-31-2017, eff. 1-1-2018; R063-18, 9-27-2018)

NAC 284.5811 Family and medical leave: Maximum amount in 12-month period; eligibility; use. (NRS 284.065, 284.155, 284.345, 284.350, 284.355, 284.3626, 608.0198)

1. Except as otherwise provided in subsection 2, an employee who is entitled to take leave pursuant to the Family and Medical Leave Act is limited to a total of 12 weeks of such leave during a rolling 12-month period. The rolling 12-month period is measured backward from the date an employee uses any leave pursuant to the Family and Medical Leave Act.

2. An employee who is entitled to take leave pursuant to the Family and Medical Leave Act to care for a covered service member is limited to a total of 26 weeks of such leave during a single 12-month period.

3. To calculate eligibility for leave pursuant to the Family and Medical Leave Act, each hour that

an employee is in paid status in the 12-month period immediately preceding the leave must be considered as time worked.

4. Except as otherwise provided in subsections 5 and 6, an employee who meets the requirements for eligibility for and who is taking leave pursuant to the Family and Medical Leave Act must exhaust all the accrued sick leave, accrued annual leave, accrued compensatory time and catastrophic leave that the employee is eligible to use based on the nature of the absence before using leave without pay. Any accrued sick leave, accrued annual leave, accrued compensatory time, catastrophic leave and holiday pay to which the employee is entitled pursuant to NAC 284.255 runs concurrently with the leave granted pursuant to the Family and Medical Leave Act if the employee is otherwise eligible for that sick leave, annual leave, compensatory time, catastrophic leave or holiday pay.

5. If an employee is absent from work as the result of a work-related injury or illness and meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:

(a) Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and

(b) The employee may elect to use paid leave or leave without pay for the portion of time that he or she is not being compensated for the work-related injury or illness.

6. If an employee is absent from work as the result of a non-work-related injury or illness, the employee is receiving compensation for the injury or illness from a disability benefit plan and the employee meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:

(a) Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and

(b) The employee may use paid leave for the time that the employee is being compensated for the non-work-related injury or illness if the employee has entered into an agreement with the appointing authority to use the paid leave. If the employee and the appointing authority have not entered into such an agreement, the employee may not elect to use and the appointing authority may not require the employee to use paid leave for that time.

7. If an employee who is a victim of an act which constitutes domestic violence *or sexual assault* or whose family or household member is a victim of an act which constitutes domestic violence *or sexual assault*, and the employee is not the alleged perpetrator, is absent from work and meets the requirements for eligibility pursuant to the Family and Medical Leave Act, any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act.

8. An appointing authority may require an employee to provide medical or other appropriate documentation to support his or her need for leave pursuant to the Family and Medical Leave Act.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R096-03, 10-30-2003; R145-05, 12-29-2005; R060-09, 11-25-2009; R021- 13, 10-23-2013; R037-17, 10-31-2017, eff. 1-1-2018)

NAC 284.599 Requirements. (NRS 284.065, 613.222)

1. Except as otherwise provided in subsection 2, the appointing authority of an employee who is a victim of an act which constitutes domestic violence *or sexual assault* or whose family or household member is a victim of an act which constitutes domestic violence *or sexual assault*, and the employee is not the alleged perpetrator, shall, upon the request of the employee, provide reasonable accommodation to the employee.

2. Reasonable accommodation provided pursuant to this section must not cause an undue hardship

to the operations of the appointing authority and must be deemed by the appointing authority to ensure the safety of the employee, the workplace, the employer or other employees. Such accommodation may include, without limitation:

- (a) Relocating the employee, including, without limitation, providing a different work area for the employee or changing the location to which the employee reports;
- (b) Modifying the schedule of the employee; or
- (c) Providing the employee a new telephone number for work.

3. For the purposes of this section, a relocation of an employee must not be construed:

- (a) As a transfer as defined in NAC 284.106; or
- (b) To authorize the employee to appeal the relocation using the process for an appeal of a transfer set forth in NRS 284.376.

(Added to NAC by Personnel Comm'n by R037-17, 10-31-2017, eff. 1-1-2018)

Explanation of Proposed Change: Assembly Bill 376 of the 2023 State of Nevada Legislative Session (signed into law by the Governor), provides for an employee to receive 50% of their regular wages for up to 8 weeks to: a) bond with a newborn child; b) bond with a newly adopted child; c) recover from or undergo treatment for a serious illness; d) care for a seriously ill immediate family member; or e) participate in a qualifying event resulting from the military deployment of an immediate family member.

The new proposed regulation establishes defined terms for administration and reference. NAC 284.523 may need to be revised as a conforming change to reflect the inclusion of the new paid family leave definitions if the regulation is submitted to the Legislative Counsel Bureau for preadoption review.

The amendments to NAC 284.5235 and 284.562 consolidate the three definitions of immediate family into one location for ease of use and to prevent misapplication of the wrong definition.

The amendment to NAC 284.611 clarifies the need for a qualifying employee to exhaust paid family leave before an agency can proceed with the separation process for physical, mental or emotional disorder.

The Division would also like to open up the discussion about adding “step” relationships, e.g., step grandchildren beyond what is in current regulation.

NEW Paid family leave: Definitions.

As used in Assembly Bill No. 376, chapter 284, Statutes of Nevada 2023, page :

- 1. “More than a short period of time” in NRS 232.4854 as referenced means a period of disability which a health care provider expects to exceed 30 consecutive calendar days.***
- 2. “Newborn” means within 12 months of birth.***
- 3. “Newly adopted” means within 12 months of adoption.***

NAC 284.5235 “Immediate family” defined. (NRS 284.065, 284.155, 284.345)

1. Except as otherwise provided in sections 2 and 3, ~~“Immediate”~~ “immediate family” means:

†† (a) The employee’s parents, spouse, children, regardless of age, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren and stepparents.

~~{2.}~~ (b) If they are living in the employee's household, the employee's father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law, granddaughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law and great-granddaughter-in-law.

~~{3.}~~ (c) The employee's next of kin if the employee is entitled to take leave pursuant to the Family and Medical Leave Act to care for a covered service member.

2. As used in NAC 284.562, "immediate family" means the employee's parents, spouse, children, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law, grand-daughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law, great-granddaughter-in-law, stepparents and stepchildren.

3. As used in Assembly Bill No. 376, chapter 284, Statutes of Nevada 2023, "immediate family" means a parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A by Personnel Comm'n by R060-09, 11-25-2009)

NAC 284.562 Sick leave or catastrophic leave: Death in employee's immediate family. (NRS 284.065, 284.155, 284.345, 284.355, 284.3626)

1. If a member of the employee's immediate family dies, he or she may use his or her accumulated sick leave, or request approval for catastrophic leave pursuant to NAC 284.576, not to exceed 5 working days for each death.

~~{2. For the purposes of this section, "immediate family" means the employee's parents, spouse, children, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren, father in law, mother in law, son in law, daughter in law, grandfather in law, grandmother in law, great-grandfather in law, great-grandmother in law, uncle in law, aunt in law, brother in law, sister in law, grandson in law, grand daughter in law, nephew in law, niece in law, great-grandson in law, great-granddaughter in law, stepparents and stepchildren.}~~

3. If a reasonable amount of additional time is needed for traveling related to funeral arrangements, the appointing authority shall approve an exception to this limitation.

[Personnel Div., Rule VII § D part subsec. 6, eff. 8-11-73; A and renumbered as subsec. 8, 25-82]—(NAC A by Dep't of Personnel, 10-26-84; 11-16-95)

NAC 284.611 Separation for physical, mental or emotional disorder. (NRS 284.065, 284.155, 284.305, 284.355, 284.383, 284.385, 284.390)

1. Before separating an employee because of a physical, mental or emotional disorder which results in the inability of the employee to perform the essential functions of his or her job, the appointing authority must:

(a) Verify with the employee's physician or by an independent medical evaluation paid for by the appointing authority that the condition does not, or is not expected to, respond to treatment or that an extended absence from work will be required;

(b) Determine whether reasonable accommodation can be made to:

(1) Enable the employee to perform the essential functions of his or her job; or

(2) Reassign the employee if it has been determined that:

(I) There is no reasonable accommodation that can be made to enable the employee to perform the essential functions of his or her job; or

(II) All other reasonable accommodations would cause an undue hardship to the appointing authority.

(c) Make a request to the Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to obtain the services provided by that Division, or if the employee is receiving worker's compensation, request the services of the rehabilitation provider, to evaluate the employee's condition and to provide any rehabilitative services possible; and

(d) Ensure that all reasonable efforts have been made to retain the employee.

2. A separation pursuant to this section is only justified when:

(a) The information obtained through the procedures specified in subsection 1 supports the decision to separate;

(b) The employee is not on sick leave, *paid family leave* or other approved leave; and

(c) A referral has been made to the Public Employees' Retirement System and the employee has been determined to be ineligible for, or has refused, disability retirement.

3. A permanent employee separated pursuant to this section is entitled to the same rights and privileges afforded permanent employees who are dismissed for disciplinary reasons. The procedures contained in NAC 284.656, 284.6561 and 284.6563 must be followed, and he or she may appeal the separation to the hearing officer.

4. A permanent employee who is separated because of a physical, mental or emotional disorder is eligible for reinstatement pursuant to NAC 284.386 if he or she recovers from the disorder.

5. As used in this section, "undue hardship" has the meaning ascribed to it in 29 C.F.R. § 1630.2.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91; 12-26-91; 7-6-92; R197-99, 1-26-2000; A by Personnel Comm'n by R182-03, 1-27-2004; R143-05, 12-29-2005; R063-09, 1125-2009, R009-14, 6-23-14; R097-16, 11-2-2016)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, amends the definition of reinstatement to include the appointment of a former permanent employee, regardless of if the appointment is made via competitive or noncompetitive means.

NAC 284.096 "Reinstatement" defined. (NRS 284.065) "Reinstatement" means ~~fa nonecompetitive~~ *an* appointment of a former permanent employee to a class he or she formerly held or to a comparable class.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, removes 'preponderance of duties and responsibilities,' as this phrase is not clearly defined and creates confusion among agencies. The intent of this amendment is to streamline the classification process and allow more flexibility and agility in the classification process.

NAC 284.126 Creation of new class, reclassification of position or reallocation of existing class. (NRS 284.065, 284.155)

1. For the purposes of this section:

(a) "Agency personnel officer" means the Director of Personnel within the Nevada System of Higher Education or any person holding a position in the classified service with the title of Personnel Officer.

(b) "Significant change" means a change in the duties and responsibilities assigned to a position in

a class that:

- (1) Is outside of the scope of the class as described by the class specification;
- (2) Is not part of the scope of responsibility of the *current* position; and
- (3) Results in the ~~preponderance~~ *majority* of duties and responsibilities being allocated to a different class.

2. If an appointing authority or an employee proposes the creation of a new class, a reclassification of a position to a different class or the reallocation of an existing class based upon a gradual accumulation of duties and responsibilities which results in a significant change and is intended to be permanent, the Division of Human Resource Management or agency personnel officer must be notified on the appropriate form. If the creation, reclassification or reallocation is approved, the Division of Human Resource Management will allocate the position to one of the existing classes in the classification plan or to a new, revised or reallocated class as appropriate.

3. The effective date of the classification decision will be the date on which form NPD-19 is received by the Division of Human Resource Management or agency personnel officer unless information that substantially affects the decision concerning the creation, reclassification or reallocation is received after this date. In that case, the effective date will be the date on which the appropriate information necessary to make the decision is received. However, the subsequent receipt of an application or examination score that confirms the qualifications of an incumbent will not have a bearing on the effective date. If the form was prepared but delayed due to an administrative or clerical error, the effective date must be determined by the appointing authority and must be based upon the date on which the form should reasonably have been submitted to the Division of Human Resource Management or agency personnel officer. In no case, however, may a retroactive adjustment because of an administrative or clerical error exceed 6 months after the date of receipt.

4. If an agency makes or anticipates making a significant change in the duties for a position or the agency anticipates a reorganization which will require the reclassification of an existing position, the reallocation of an existing class or the creation of a new class, it shall advise the Budget Division of the Department of Administration or, in the case of the Nevada System of Higher Education, the budget division of the applicable institution. The proposed change may not be required of an employee nor be submitted to the Division of Human Resource Management until funding for it is approved. If the change is approved by the Division of Human Resource Management, the effective date will be determined by the Budget Division.

5. In effecting a reclassification pursuant to subsection 2 or 4, the appointing authority must review and take into consideration the organizational structure and the qualifications of the incumbent before assigning new duties to a position which are intended to be permanent. No position will be reclassified to a higher grade through the individual classification process if the incumbent does not meet the minimum qualifications for the higher level position. If an employee does not meet the minimum qualifications to reclassify his or her position, the employee is not eligible for promotion, but may be eligible for a special adjustment to his or her pay pursuant to NAC 284.206.

6. The establishment of a new class or reallocation of a class in an occupational study which results in a fiscal cost becomes effective when the funding is provided by the Legislature in the biennial operating budget for this State.

7. From the date on which the Division of Human Resource Management formally announces the beginning of an occupational study until the date on which the occupational study becomes effective:

- (a) An existing position in the occupational study that has a significant change may only be reclassified to an existing class.
- (b) An existing class in the occupational study must not be reallocated to a different grade.
- (c) A new position may be allocated to an existing class or a new class as determined by the

Division of Human Resource Management.

[Personnel Div., Rule II § D subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 8-14-90; 12-26-91; 11-16-95; 10-27-97; R098-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R069-02, 8-14-2002; R038-03, 10-30-2003)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, prescribes that an employee who is promoted retains their steps regardless of the number of grades in which the promotion results. The Division is keenly focused on amending regulations and creating policies that will assist with the recruitment and retention of State of Nevada employees, and this amendment is intended to support that effort.

NAC 284.172 Rate of pay: Effect of promotion. (NRS 284.065, 284.155, 284.175)

1. Except as otherwise provided in NAC 284.204, ~~the following provisions govern the rate of pay which must be paid~~ if an employee is promoted:

(a) The employee must be ~~placed at the lowest step in the higher grade that meets one of the following requirements:~~

~~(1) If the employee moves one or two grades above his or her former grade, he or she must be placed at the same step in the new grade as the step held in his or her former grade.~~

~~(2) If the employee moves three or more grades above his or her former grade, the employee must be placed:~~

~~(I) At a step which is equivalent to an increase of two steps above the step held in his or her former grade; or~~

~~(II) At the lowest step of the new grade,~~

~~whichever pay is higher and in accordance with the provisions of NAC 284.179.]~~

(b) A special adjustment to an employee's pay for performing supervisory duties which is granted in accordance with paragraph (c) of subsection 2 of NAC 284.206 is the present level of pay for the purpose of calculating a promotional increase authorized by paragraph (a) only if the employee has received the special adjustment to his or her pay for more than 6 months of continuous full-time service.

~~(c) If an employee has been demoted, he or she may not, within 1 year after the demotion, receive a promotional increase in pay that is greater than the increase which he or she would have otherwise been entitled to receive had he or she not been demoted unless the Administrator approves the promotional increase.~~

~~(d) This subsection does not apply when an employee is reemployed or reappointed to his or her former grade within 1 year after holding that grade.]~~

2. As used in this section, "present level of pay" means a rate of pay that is equal to the amount that is assigned to the step within the grade which is closest to, but does not exceed, the employee's pay after a special adjustment to pay pursuant to the provisions of NAC 284.206.

(Added to NAC by Personnel Comm'n by R133-12, eff. 10-4-2013; A by R064-14, 10-24-2014; R164-18, 1-30-2019)

Explanation of Proposed Change: The Division of Human Resource Management is proposing the repeal of this regulation. There are no individuals employed with the State of Nevada to which this regulation would apply since they would have had to be continuously employed for over 48 years.

~~{NAC 284.179 — Rate of pay: Minimum step for continuous employees hired before 1975. (NRS 284.065, 284.155, 284.175) — An employee who has been continuously employed without a break in service may not have his or her step set below:—~~

- ~~— 1. — Step 4 of any grade if his or her date of hire is before April 26, 1973; or~~
- ~~— 2. — Step 3 of any grade if his or her date of hire is before May 3, 1975, but on or after April 26, 1973, except for disciplinary reasons which result in demotion.—~~
- ~~— (Added to NAC by Personnel Comm'n by R133-12, eff. 10-4-2013)}~~

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, allows an employee who is promoted to retain their pay progression date, regardless of the number of grades in which the promotion results. The Division is keenly focused on amending regulations and creating policies that will assist with the recruitment and retention of State of Nevada employees, and this amendment is intended to support that effort.

NAC 284.182 Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date. (NRS 284.065, 284.155, 284.175, 284.290, 284.300)

1. An employee receives a new pay progression date if he or she is ~~†~~
~~— (a) Promoted to a position that results in an increase of two grades or more; or~~
~~— (b) Reinstated.†~~ reinstated.
2. An employee who is:
 - (a) Promoted ~~†to a position that results in an increase of one grade†~~;
 - (b) In a position that is reclassified to a higher class as a result of an individual classification study or an occupational study;
 - (c) Transferred to a position without receiving an increase in grade;
 - (d) Reappointed to a position at a grade that he or she formerly held;
 - (e) Reemployed and has remained continuously employed; or
 - (f) Demoted,

↪ retains the pay progression date held before the action described in paragraphs (a) to (f), inclusive, occurred.
3. If a person who is eligible for military reemployment is reemployed, he or she retains the pay progression date held when separated from this State for his or her service in the military.

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, requires the agency an employee is leaving to pay the compensatory time an employee has accrued. This change will result in the payment of compensatory time by the agency in which the hours were actually accrued, and not allow the liability to be placed on another agency.

NAC 284.254 Compensatory time: Payment upon transfer. (NRS 284.065, 284.155, 284.175)

1. Except as otherwise provided in subsection 2, if a nonexempt employee who has accrued compensatory time transfers from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority, the accrued compensatory time must be paid by the agency he or she is leaving ~~†, unless the receiving agency agrees in writing to assume the liability for the compensatory time and the employee concurs†~~.
2. The accrued compensatory time of an employee transferring to an exempt position must be paid

by the agency the employee is leaving.

3. As used in this section, “exempt position” means a position in the classified or unclassified service that is subject to the provisions of NRS 284.148.

[Personnel Div., Rule III § L subsec. 12, eff. 8-11-73; renumbered as subsec. 11, 10-10-76]—(NAC A by Dep’t of Personnel, 10-26-84; 10-27-97; R147-01, 1-22-2002)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, expands the ability for an appointing authority to underfill any position by noncompetitive means and allows for underfilling a position with a position classified outside of the classification series of the budgeted position.

NAC 284.437 Underfilling of positions. (NRS 284.065, 284.155, 284.305)

1. The appointing authority may underfill ~~[a position at or below the journey level at the discretion of the appointing authority.~~

~~2.—The appointing authority may underfill a position above the journey level upon written approval of the Administrator or his or her designee.~~

~~—3. An employee or former employee may not be selected through noncompetitive means to underfill a position allocated at grade 30 or higher if that position is allocated at a higher grade than:~~

~~—(a) The position the employee currently holds; or~~

~~—(b) In the case of a former employee, the current grade of the position the person formerly held.]~~
any position by noncompetitive means.

2. An underfill need not be a position in the same class as the budgeted position.

(Added to NAC by Dep’t of Personnel, eff. 8-28-85; A by Personnel Comm’n by R183-03, 1-27-2004; R164-18, 1-30-2019)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, allows an appointing authority to waive the probationary period of an employee who transfers from the unclassified or nonclassified service.

NAC 284.444 Application of probationary or trial period. (NRS 284.065, 284.155, 284.290, 284.300)

1. A probationary employee who transfers:

(a) Within the same class must serve the remaining portion of the probationary period.

(b) From one class to another class must serve a new probationary period.

2. A permanent employee must serve a trial period if he or she voluntarily transfers:

(a) Within the same class; or

(b) From one class to another class and such classes are comparable classes,

↪ unless the trial period is waived in writing by the appointing authority. If the appointing authority waives the trial period, the employee is entitled to the status of appointment held at the time he or she transferred.

3. Promotion to a vacant position requires a new probationary period or trial period. A promotion that results from a reclassification is governed by NAC 284.134 and 284.138.

4. Except as otherwise provided in subsection 11:

(a) No probationary period will be required if a permanent employee is demoted.

(b) A new probationary period will be required if a probationary employee is demoted.

5. An employee who is reinstated must serve a new probationary period unless it is waived in writing by the appointing authority. If an appointing authority waives the probationary period, the status of the appointment of the employee is permanent.

6. A probationary employee who is reappointed must serve a new probationary period.

7. A permanent employee who is reappointed to a class:

(a) At a higher grade level must serve a trial period unless it is waived in writing by the appointing authority.

(b) At the same grade level or a lower grade level is not required to serve a trial period.

8. An employee who is laid off, but who is reemployed within 1 year, must serve a new probationary period if reemployed in a different class or in a different department than that from which he or she was laid off, and the employee is subject to the provisions of subsection 8 of NAC 284.630.

9. A person with a permanent disability arising from a work-related injury or occupational disease who is reemployed in a different class or option than his or her regular position must serve a new probationary period as required by NAC 284.6018.

10. A person who is on a military leave of absence pursuant to NRS 284.359 is entitled to return to the status of appointment held at the time he or she commenced the military leave of absence. If the employee did not complete the probationary period, he or she will only be required to complete the remaining portion thereof. Upon successful completion of the probationary period, permanent status must be granted to the employee as of the date on which permanent status would have been granted if the employee had not taken a military leave of absence.

11. An employee who is restored to his or her former position or class pursuant to NAC 284.462 following a promotional appointment must serve the portion of the trial period which was remaining at the time of the promotion. No probationary period is required if, pursuant to subparagraph (1) of paragraph (c) of subsection 2 of NAC 284.462, an employee is placed in a position in a class equal to or lower than the class held by the employee immediately before the promotion.

12. An employee who transfers from the unclassified or nonclassified service to the classified service must serve a new probationary period *unless it is waived in writing by the appointing authority*. Except for those unclassified employees who transfer pursuant to subsection 2 of NAC 284.398, the status of a permanent employee may not be attained until the satisfactory completion of the probationary period.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-21-89; 8-1-91; 12-26-91; 3-1-96; A by Personnel Comm'n by R142-05 & R143-05, 12-29-2005; R141-07, 1-30-2008; R102-15, 12-21-2015, eff. 1-1-2016; R163-18, 1-30-2019; R068-19, 6-8-2020)

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, will provide flexibility to work with a modern human resource information system while maintaining the intent. It will also allow the current processes to continue until they are superseded. This amendment also requires that a request for catastrophic leave must be approved if it meets the definition, unless an extenuating circumstance exists.

NAC 284.576 Catastrophic leave: Use and administration; appeal of denial. (NRS 284.065, 284.155, 284.3621, 284.3626)

1. An account for catastrophic leave may be established for an employee when he or she or a member of his or her immediate family experiences a catastrophe and the employee has used all of his or her accrued leave.

2. An employee who is affected by a catastrophe and has used or is about to use all of his or her leave may request ~~{, on the appropriate form,}~~ the transfer of leave to an account for catastrophic leave for his or her personal use after the balance of all of his or her leave has been used. Such a request must be accompanied by a statement from a physician on a form provided by the Committee on Catastrophic Leave created pursuant to NRS 284.3627 which substantiates the necessity of the leave.

3. When a member of the immediate family of an employee is affected by a catastrophe, the appointing authority of the employee may require substantiating evidence that the member of the immediate family requires the employee's attendance before approving the transfer of leave to an account for catastrophic leave for use by the employee. Such evidence may include a statement by an attending physician regarding the status of the catastrophe.

4. *Absent any extenuating circumstances, if a request for catastrophic leave meets all requirements, it must be approved.* The appointing authority shall ~~{approve or deny a request for catastrophic leave, taking into consideration the nature of the catastrophe and the expected duration of the leave.}~~ *consider* the nature of the catastrophe and the expected duration of the leave *in their determination*. The decision of the appointing authority may be appealed to the Committee on Catastrophic Leave pursuant to NRS 284.3629.

5. An employee who wishes to donate hours to an account for catastrophic leave for use by another employee who has been approved to receive the donated hours shall notify his or her appointing authority ~~{on the appropriate form}~~ of his or her intent to donate the leave. The appointing authority of the employee donating the leave shall ~~{submit a copy of the form to}~~ *notify* the appointing authority of the employee receiving the leave. The appointing authority of the recipient shall use the notice to effect a transfer of leave from the account of the donor to the account of the recipient when the recipient needs to use those hours. If more than one notice of intent to donate leave is received by the recipient's appointing authority on behalf of the recipient, the notices must be ~~{maintained in chronological order and}~~ used, one at a time as needed, according to the date in which they were received.

6. A donor and his or her appointing authority must be notified ~~{on the appropriate form}~~ when the donated leave specifically designated for use by another employee has been used or if the amount of leave donated is in excess of the amount approved for use by the recipient. Except as otherwise provided in this subsection, excess leave must be restored to the account of the donor within 30 working days after the last day on which the recipient was eligible to receive catastrophic leave. If the donor is separated from state service before the excess leave is restored pursuant to this subsection, the excess leave must be transferred to the account for catastrophic leave of the appointing authority of the donor when the donation of leave was made.

7. For each employee who donates or uses catastrophic leave, the appointing authority shall annually, or as requested by the Administrator, provide to the Administrator ~~{the number assigned to each employee in accordance with subsection 8 and}~~ the grade and rate of pay and the number of hours and dollar value of the leave donated, excluding any excess leave restored to the account of a donor, pursuant to subsection 6, or used by each such employee.

8. The appointing authority shall ~~{assign numbers to employees}~~ *not provide the employees' names* for the purposes of subsection 7 ~~{in a sequential order and in such a manner that ensures}~~ *to ensure* the confidentiality of the identity of those employees.

9. Hours donated to an account for catastrophic leave must be donated in increments of 8 hours.

10. As used in this section, "immediate family" has the meaning ascribed to it in NAC 284.562. (Added to NAC by Dep't of Personnel, eff. 10-18-89; A 8-14-90; 3-23-94; R146-01, 1-18-2002; A by Personnel Comm'n by R145-05, 12-29-2005; R136-12, 10-4-2013; R166-18, 1-30-2019)

Explanation of Proposed Change: This amendment, proposed by the Division of Welfare and Supportive Services and the Division of Human Resource Management, will provide clarity on when employees are entitled to use civil leave in relation to trial jury or grand jury duty.

NAC 284.582 Civil leave with pay to serve on *trial jury, grand jury, or as witness.* (NRS 284.065, 284.155, 284.175, 284.345)

1. Except as otherwise provided in subsection 2, civil leave with pay must be granted to any employee who is required, during his or her normal hours of work, to serve:

(a) On a *trial or grand* jury; or

(b) As a witness in a court or at an administrative hearing if he or she is not a party to the action and the action is not related to his or her job.

↳ The period of the leave must not be deducted from the balance of the employee's sick leave or annual leave. An employee who is granted the leave must receive his or her regular pay while on the leave and may retain any fee paid to him or her for serving as a juror or witness.

2. If an employee, in his or her official capacity as a state employee and as part of his or her required duties, serves as a witness during his or her regular working hours, the employee shall accept any witness fee offered and relinquish it to the agency by which he or she is employed.

3. If an employee is paid travel expenses and subsistence allowances by the court or public agency for which he or she performs service as a witness, the employee may retain that payment only if the State has not provided payment for the same purpose. If the State has provided such a payment, the employee shall relinquish it to the agency by which he or she is employed.

4. In accordance with NRS 6.190, an agency shall attempt to adjust the working hours of employees who work night shifts and are called as witnesses or for jury duty during the day. If an agency feels this is impractical, in the case of jury duty, it shall petition the court to excuse the juror.

[Personnel Div., Rule VII § E subsec. 5, eff. 8-11-73]—(NAC A by Dep't of Personnel, 12-13-83, 10-26-84; 5-27-86; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005; R203-07, 4-17-2008)

Explanation of Proposed Change: The amendment and proposed new regulation, proposed by the Division of Human Resource Management (DHRM), will provide clarity and ease of use by dividing the existing regulation into separate regulations outlining the nondiscretionary and discretionary bases of administrative leave, extending the provision for employee assistance program counseling and codifying current practice in relation to resolution conferences, mediation and rejection from a trial period.

Currently, an employee is entitled to administrative leave for up to two counseling appointments through an employee assistance program in an undefined period of time. The amendment will change the amount of administrative leave from two appointments to the number of appointments an employee is entitled to through the State's employee assistance program and establishes a time period for the administrative leave allowance (i.e., a fiscal year). The State's current contract for employee assistance program services provides up to four counseling appointments per issue per fiscal year.

The amendment and proposed new regulation provide administrative leave for participating in a resolution conference or mediation. Additionally, the proposed new regulation allows an appointing authority to grant administration leave to remove an employee from the workplace between rejection from a trial period and reversion to the employee's previous position.

NAC 284.589 ~~[Administrative]~~ *Nondiscretionary 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; or~~

~~(d) 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.~~

~~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) Up to 2 hours for participating in Veterans Day at the Legislature established pursuant to NRS 236.047, if the employee is a veteran.~~

~~(f) Up to 2 hours for donating blood.~~

~~(g) For attending a general employee benefits orientation or an educational session relating to employee benefits, including, without limitation, retirement and deferred compensation.~~

~~(h) 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.~~

~~(i) 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 7.~~

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

~~5. To the extent not already covered in subsection 4, during any period in which a state of emergency or declaration of disaster has been proclaimed pursuant to NRS 414.070, an appointing authority may grant administrative leave with pay to an employee for purposes related to health and safety.~~

~~6.1~~ 1. 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 (h), (i) or (j) of subsection 4]~~ :

(a) 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.

(b) 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 2.

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

(d) His or her participation in a resolution conference or mediation.

↳ 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.

~~7.1~~ 2. 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]~~ *In person or telephonic appointments for counseling* through an employee assistance program ~~[, including, without limitation, consultations provided in person or telephonically]~~ *up to the number of appointments provided by the State's employee assistance program in a fiscal year.*

(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, including, without limitation, any time spent reviewing materials submitted in connection with any agenda item or otherwise preparing for the meeting. 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.

NEW Discretionary administrative leave with pay.

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; or

(d) 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.

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 1 of NAC 284.589, 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) Up to 2 hours for participating in Veterans Day at the Legislature established pursuant to NRS 236.047, if the employee is a veteran.

(f) Up to 2 hours for donating blood.

(g) For attending a general employee benefits orientation or an educational session relating to employee benefits, including, without limitation, retirement and deferred compensation.

(h) 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.

(i) His or her appearance as a witness 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.

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

(k) His or her participation in a resolution conference or mediation.

5. To the extent not already covered in subsection 4, during any period in which a state of emergency or declaration of disaster has been proclaimed pursuant to NRS 414.070, an appointing authority may grant administrative leave with pay to an employee for purposes related to health and safety.

6. An appointing authority may grant administrative leave to a permanent employee during the period between failure to complete a trial period and restoration to the employee's previous position.



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

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 Human Resources 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. This regulation only impacts employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

A concerted effort was made to determine any economic burden. The Department has relied on the expert knowledge of Department staff. The regulation solely addresses pay for government employees so the impact is solely on government employees and agencies and no small business will be affected.

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.

Bachera Washington
Bachera Washington, Administrator

March 29, 2024

Date