



**DEPARTMENT OF PERSONNEL**  
**209 East Musser Street, Room 101**  
**Carson City, Nevada 89701-4204**  
**(775) 684-0150**  
**<http://dop.nv.gov>**


**MEMO PERD # 36-09**

June 24, 2009

**TO:** Personnel Commission Members  
Department Directors  
Division Administrators  
Agency Personnel Liaisons  
Agency Personnel Representatives  
Designees for Rules Distribution  
Employee Representatives  
Interested Parties

**FROM:** Teresa J. Thienhaus, Director  
Department of Personnel

**SUBJECT:** NOTICE OF PUBLIC MEETING – Adoption of Emergency Regulations  
NAC 284



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The regulation changes included with this memorandum are being proposed for emergency adoption at the June 29, 2009 Personnel Commission meeting. This meeting will be held via conference call at 12:30 p.m. Individuals wishing to make public comments can appear at the Department of Personnel, 209 E. Musser St, Room 100, Carson City, Nevada and by telephone conference call at 555 E. Washington Ave, Room 4406, Grant Sawyer Building Las Vegas, Nevada.

Please circulate or post the enclosed *Notice of Public Meeting* along with the *text of the proposed regulations*, or otherwise notify your employees.

Please visit our website for the full agenda at <http://dop.nv.gov/meetings-agendas.html>.

TJT:sb

Enclosures

bcc: Media Representatives

DOP Staff



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**NOTICE OF INTENT TO ACT UPON A REGULATION**  
**Notice of Meeting for the Emergency Adoption of Regulations of the**  
**Department of Personnel**

The Personnel Commission will hold a public meeting at 12:30 p.m., on June 29, 2009, at the Department of Personnel, 209 E. Musser, Room 100 in Carson City and in Las Vegas at the Grant Sawyer Building, 555 East Washington Avenue via teleconference. The purpose of the meeting is to adopt emergency regulations that pertain to chapter 284 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

- These regulations do not have a direct economic effect on any business or the public.
- Enforcement of these regulations will not result in an increased cost.
- To our knowledge, these regulations do not overlap or duplicate the regulations of other State or local governmental agencies.
- These regulations do not establish any new fee or increase an existing fee.
- A statement of the need for and the purpose of the proposed regulations precedes the text of each regulation included in the attached document. The following regulation amendments will be considered at this meeting:

**Regulation Lead Line:**  
Unpaid Furlough Leave

**NAC #**  
New

A public comment period will follow the proposed action of the Personnel Commission. Persons wishing to comment may appear at the scheduled public meeting or may address their comments, data, views, or arguments, in written form, to Department of Personnel, 209 E. Musser Street, Suite 101, Carson City, Nevada 89701, Attention Shelley Blotter. Written submissions must be received by the Department of Personnel on or before June 29, 2009.

A copy of this notice and the regulations to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the Department of Personnel, 209 E. Musser Street, Room 300, Carson City, and 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

**CARSON CITY**

Blasdel Building, 209 East Musser Street  
Nevada State Library and Archives, 100 Stewart St.  
Capitol Building, Main Floor  
Legislative Building, 401 South Carson Street  
Department of Personnel Web Site [www.dop.nv.gov](http://www.dop.nv.gov)  
Main branch of Nevada County Public Libraries

**LAS VEGAS**

Grant Sawyer State Office Building  
555 East Washington Avenue

Additionally, this notice has been sent to all State agencies.

**Statement of Emergency:** Senate Bill 433 of the 2009 Legislative Session requires most State classified employees to take 96 hours of unpaid furlough leave in each of the next two fiscal years and for other than classified employees 12 days of unpaid furlough leave in each of the next two fiscal years. Since this bill goes into effect on July 1, 2009, there is insufficient time for the Personnel Commission to adopt temporary or permanent regulations, so an emergency regulation is being adopted. The purpose of this regulation is to ensure the fair and equitable administration of the furlough for classified, unclassified, and non-classified employees.

**Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:**

*New Section. Unpaid furlough leave.*

*1. Except as provided for in section 5 of Senate Bill 433 of the 2009 Legislative Session, every employee must take unpaid furlough leave. An employee shall not be required to take any more or less unpaid furlough leave than required by statute if he moves from one position to another. A new employee in state service will only be responsible for the proportional number of hours or days of unpaid furlough leave remaining in the fiscal year. The hours or days required of the employee cannot be adjusted due to salary savings for the position.*

*2. To the extent practicable, a supervisor and employee shall work together to develop a schedule in which unpaid furlough leave is taken. If a schedule cannot be agreed upon, a supervisor may direct an employee to take unpaid furlough leave on a specific day and/or at a specific time, due to business necessity.*

*3. In no case will more than 8 hours of unpaid furlough leave be allowed in a pay week.*

*4. A full-time classified employee shall use 8 hours of unpaid furlough leave each month and a part-time classified employee shall use the proportional full-time equivalency of unpaid furlough leave each month, unless:*

*a. The employee's appointing authority files a plan for the employee to use an alternate schedule of unpaid furlough leave during different periods of the year, due to workload demands, and*

*b. The plan is approved in advance by the Director and the Director of the Department of Administration or their designated representatives in the executive branch of government, or*

*c. The plan is approved in advance by the chief fiscal officer of the institution in the case of employees in the Nevada System of Higher Education.*

*In no case will an employee be required to use more unpaid furlough leave than the maximum set forth for the employee in Senate Bill 433.*

*5. There is no cash value to unpaid furlough leave. If an employee leaves state service and has taken more than the equivalent of 8 hours of unpaid furlough leave per month, the employee will not be reimbursed the difference.*

*6. Each appointing authority shall develop a policy to define the minimum increment of unpaid furlough leave to be taken by its classified employees. The policy may specify different increments of time for its divisions, locations, and/or work groups*

*due to business necessity. The appointing authority shall disseminate the policy to all employees that are subject to the furlough.*

*7. In no case will overtime, standby pay, added regular time, or call back pay be allowed in the same pay period as unpaid furlough leave, unless approved in advance by the Director and the Director of the Department of Administration or their designated representatives in the executive branch of government or by the chief fiscal officer of the institution in the case of employees in the Nevada System of Higher Education.*

*8. Unpaid furlough leave will be counted as time worked for the purpose of determining eligibility under the Family and Medical Leave Act (FMLA). Unpaid furlough leave taken during the time an employee is on FMLA qualifying leave will not be counted against an employee's 12-week or 26-week FMLA entitlement.*