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**MEMO PERD #74/09**

TO: Designees for Rules Distribution

FROM: Teresa J. Thienhaus, Director  
Department of Personnel 

DATE: December 24, 2009

SUBJECT: Revision #8, Rules for State Personnel Administration

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Attached is Revision #8 to the *Rules for State Personnel Administration* (NRS and NAC Chapter 284). Changes reflect regulations that were recently approved by the Legislative Commission's Subcommittee to Review Regulations and went into effect on November 25, 2009. An updated table of contents is also included.

This revision can be added to your rulebook by replacing the existing page with a similarly numbered page. Revision 1-8 are also available separately on our website at [www.dop.nv.gov](http://www.dop.nv.gov) for downloading and printing to update an existing hardcopy. In addition, the complete text of the *Rules for State Personnel Administration* with updates will be available soon on our website.

Updated pages with corresponding section of the rulebook are listed in the chart below:

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Thank you for your assistance.

Attachment

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TJT:me/vk

cc: Department Directors  
Division Administrators  
Agency Personnel Liaisons  
Agency Personnel Representatives

CHAPTER 284

STATE PERSONNEL SYSTEM

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**NRS REFERENCES**

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## ATTENDANCE AND LEAVES

**NAC 284.523 Definitions. (NRS 284.065, 284.155, 284.345)** As used in NAC 284.523 to 284.598, inclusive, unless the context otherwise requires, the words and terms defined in NAC 284.5231 to **284.52375** inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A by R082-00, 8-2-2000; **R060-09, 11-25-2009**)

**NAC 284.5231 "Care" defined. (NRS 284.065, 284.155, 284.345)** "Care" means the activities performed or attention provided when an employee:

1. Provides psychological comfort and reassurance to his spouse, child or parent with a serious health condition who is receiving inpatient or home care;
2. Substitutes for another person who is caring for the employee's spouse, child or parent who has a serious health condition;
3. Makes arrangements for any change in the care of his spouse, child or parent with a serious health condition; or
4. Provides physical or psychological care to his spouse, child, parent or other member of his immediate family who is unable to provide for his own:
  - (a) Basic medical, hygienic or nutritional needs;
  - (b) Safety; or
  - (c) Transportation to a provider of health care.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; A by Personnel Comm'n by R145-05, 12-29-2005)

**NAC 284.52315 "Child" defined. (NRS 284.065, 284.155, 284.345)** "Child" means a person who is:

1. A biological, adopted or foster child, a stepchild, a legal ward or the child of a person with the daily responsibility of caring for and financially supporting that child; and
2. Except as otherwise provided in NAC 284.5235 and 284.562, under 18 years of age or is 18 years of age or older and incapable of caring for himself because of a mental or physical disability.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A by Personnel Comm'n by R096-03, 10-30-2003)

**NAC 284.52345 "Family and Medical Leave Act" defined. (NRS 284.065, 284.155, 284.345)** "Family and Medical Leave Act" means the Family and Medical Leave Act of 1993 adopted by reference in NAC 284.581.

(Added to NAC by Dep't of Personnel by R082-00, eff. 8-2-2000)

**INFORMATIONAL NOTE: For more information on the FMLA, see the Department of Personnel's *Overview of the Family and Medical Leave Act* or the Department of Labor's 29 CFR §825 The Family and Medical Leave Act of 1993 Final Rule.**

**NAC 284.5235 "Immediate family" defined. (NRS 284.065, 284.155, 284.345)** "Immediate family" means:

1. The employee's parents, spouse, children, regardless of age, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren and stepparents.
2. 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. *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 servicemember.***

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

**NAC 284.5237 "Parent" defined. (NRS 284.065, 284.155, 284.345)** "Parent" means the biological parent of an employee or the person who had the daily responsibility of caring for and financially supporting the employee when the employee was a child. The term does not include a parent of the spouse of an employee.

(Added to NAC by Dep't of Personnel, eff. 3-23-94)

**NAC 284.52375 "Provider of health care" defined. (NRS 284.065, 284.155, 284.345)** "Provider of health care" means:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state or country in which the doctor practices.

2. A podiatric physician, a dentist, a clinical psychologist, an optometrist or a chiropractor who is authorized to practice as a podiatric physician, a dentist, a clinical psychologist, an optometrist or a chiropractor by the state or country in which he practices and who is performing within the scope of his practice as defined by the law of that state or country.

3. A nurse practitioner, nurse midwife or clinical social worker who is authorized to practice as a nurse practitioner, nurse midwife or clinical social worker by the state or country in which he practices and who is performing within the scope of his practice as defined by the law of that state or country.

4. A practitioner in Christian Science who is listed with The First Church of Christ, Scientist, in Boston, Massachusetts. The list of practitioners may be obtained from the Christian Science Committee on Publication for Nevada, P.O. Box 92752, Henderson, Nevada 89009, 702.566.1097, at a cost of \$3.50.

5. A provider of health care, as defined in NRS 629.031, acting within the scope of his license whose certification of the existence of a serious health condition is acceptable to substantiate a claim for benefits under the Public Employees' Benefits Program.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R082-00, 8-2-2000)

**INFORMATIONAL NOTE: NRS 281.100 "Hours of service of employees of state and political subdivision; exceptions; penalty." may be found preceding NAC 284.242.**

**NRS 281.110 states, "State offices to maintain 40-hour workweeks and remain open during certain hours; exception; variable schedules for workweek.**

1. Unless required for the efficient transaction of business and the convenience of the persons with whom business is transacted, the offices of all state officers, departments, boards, commissions and agencies must:

(a) Maintain not less than a 40-hour workweek.

(b) Be open for the transaction of business at least from 8 a.m. until 12 p.m. and from 1 p.m. until 5 p.m. every day of the year, with the exception of Saturdays, Sundays and legal holidays.

2. Variable workweek scheduling may be required in those agencies where coverage is needed on Saturdays, Sundays and legal holidays or on other days or during other hours, as necessary.

3. The offices of all state officers, departments, boards, commissions and agencies that are open on the days and during the hours set forth in paragraph (b) of subsection 1 must remain open during the noon hour of each regular working day if any such office has more than one person on its staff."



**NRS 284.180 (innovative workweeks) states in part,**

“8. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.”

**NAC 284.524 Reporting for work; workweeks and workdays; periods for meals and rest. (NRS 284.065, 284.155, 284.345)**

1. An employee shall report for a work shift on time and ready to perform the duties and tasks assigned to his position.

2. Except as otherwise provided in this subsection, the workweek for state employees is 40 hours. A workweek of a different number of hours may be established to meet the needs of state agencies in compliance with the provisions of NRS 281.100, 281.110 and 284.180. The workday for a full-time state employee who works a standard or nonstandard work schedule consists of two work periods separated by a 1/2- to 1-hour meal period. Insofar as practicable, the meal period must occur in the middle of the work shift. A rest period of 15 minutes must be granted for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.

3. Except as otherwise provided in subsections 4 and 5, an appointing authority shall provide a meal period and rest period to an employee who has an innovative work schedule during each workday as follows:

(a) A 1/2- to 1-hour meal period must be provided during each period of work that exceeds 6 hours. Insofar as practicable, the meal period must occur in the middle of the work shift.

(b) A rest period of 15 minutes must be provided for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.

4. The requirement to relieve an employee for a 1/2- to 1-hour meal period does not apply to an employee who receives a paid meal period.

5. The requirement for a rest period does not apply to an employee who works:

(a) Directly with the inmates at a correctional institution.

(b) For the Division of Mental Health and Developmental Services of the Department of Health and Human Services and who:

(1) Maintains or monitors the equipment in a heat plant which operates 24 hours a day; and

(2) Works a straight 8-hour work shift.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-20-90; 8-1-91; 11-12-93; R031-98, 4-17-98; R098-99, 9-27-99; A by Personnel Comm'n by R068-03, 10-30-2003; R145-05, 12-29-2005)

**NAC 284.525 Reduction of hours by mutual agreement. (NRS 284.065, 284.155, 284.345)** Except with respect to a leave of absence without pay during a fiscal emergency of the State or an agency pursuant to NAC 284.580, an appointing authority and an employee may reduce the employee's working hours to less than full-time by mutual agreement.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R096-03, 10-30-2003)

**NAC 284.5255 Time sheets. (NRS 284.065, 284.155, 284.175, 284.345)**

1. Except as otherwise provided in subsection 2, an employee shall provide an accurate accounting of the hours worked and leave used during a pay period on the appropriate form provided by his employer, including, without limitation, the specific times at which his work shifts started and ended. Entries must be made to account for all hours in the pay period, as prescribed by his employer. The employee shall submit the form in a timely manner to his supervisor or the designated representative of the supervisor.

2. An exempt classified employee or exempt unclassified employee shall provide on the appropriate form an accurate accounting of leave used pursuant to NAC 284.5895.

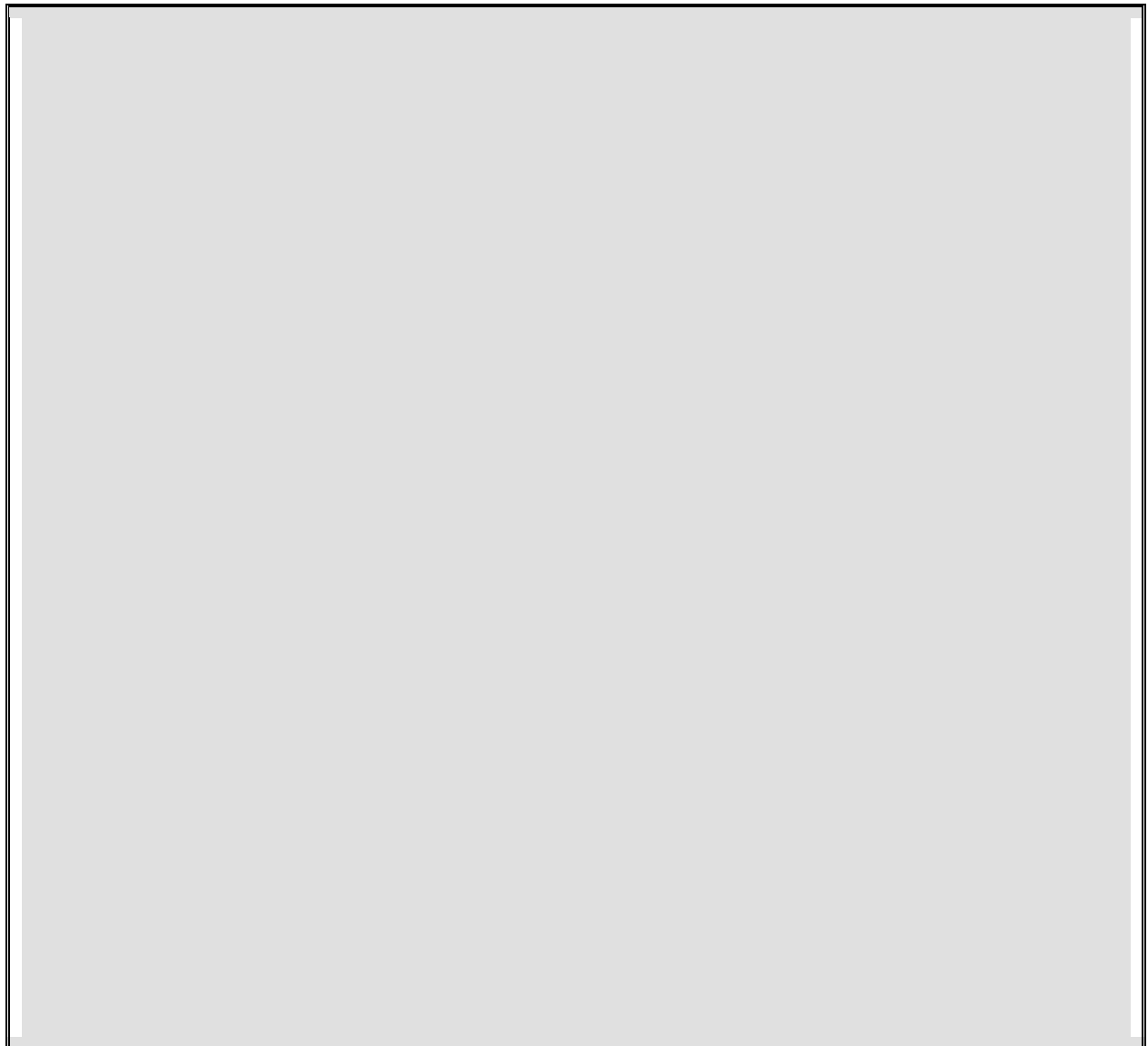
3. An employee who falsifies his time sheet or who causes or attempts to cause another employee to falsify a time sheet may be subject to disciplinary action pursuant to NAC 284.650.

4. An employee's supervisor is responsible for reviewing the employee's time sheet and verifying the accuracy of all hours worked and leave used by the employee.

5. The supervisor or the person who is responsible for coordinating the payroll of the agency may change an entry on an employee's time sheet in accordance with the policy of the agency. If a change is made to an entry on the employee's time sheet, the employee must be notified of the change. If the employee contests a change to an entry on his time sheet, he is entitled only to his base pay for the workweek in question. The contested entry must be resolved as soon as practicable, and any adjustment must be made during the next pay period following the resolution of the contested entry.

6. A supervisor who is negligent in reviewing and certifying the accuracy of an employee's time sheet may be subject to disciplinary action pursuant to NAC 284.650.

(Added to NAC by Dep't of Personnel, eff. 11-16-95; A 10-27-97; R031-98, 4-17-98; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005)



7. No employee in the public service may be paid for accumulated annual leave upon termination of employment unless he has been employed for 6 months or more.”

8. Upon the request of an employee, the appointing authority of the employee may approve the reduction or satisfaction of an overpayment of the salary of the employee that was not obtained by the fraud or willful misrepresentation of the employee with a corresponding amount of the accrued annual leave of the employee.”

**NAC 284.538 Annual leave: Computation; part-time employees; long-term employees. (NRS 284.065, 284.155, 284.345, 284.350)**

1. Except as otherwise provided in this subsection and NAC 284.5415, to compute the amount of annual leave to which an employee is entitled, an employee must be considered to work not more than 40 hours each week. If an employee occupies more than one position in different departments, he must be considered to work not more than 40 hours each week in each position.

2. A part-time employee is entitled to receive annual leave that is prorated based on the number of hours he is in paid status, excluding overtime.

3. An employee who holds two or more part-time positions in state service may combine the number of hours he is in paid status for all positions to compute annual leave, excluding overtime.

4. The basis for the computation of annual leave to which an exempt classified employee or exempt unclassified employee is entitled must not exceed the number of hours authorized in the biennial operating budget of this State for his position.

5. For each calendar month of full-time service, an employee is entitled to accrue annual leave at the rate of:

(a) One and one-half days per month for an employee who has completed 10 years or more but less than 15 years of continuous full-time or part-time state service; or

(b) One and three-fourths days per month for an employee who has completed 15 years or more of continuous full-time or part-time state service.

➔ If an employee has not been in continuous public service, the period before the interruption will not be counted except as otherwise provided in NAC 284.5405.

[Personnel Div., Rule VII § C, eff. 8-11-73; A 2-5-82]—(NAC A by Dep’t of Personnel, 10-26-84; 3-27-92; 9-16-92; 11-16-95; 10-27-97; R031-98, 4-17-98; A by Personnel Comm’n by R145-05, 12-29-2005)

**NRS 281.390 states, “Sick leave of public employees: Election of benefits; amount limited when eligible for benefits for industrial or occupational disease.**

1. When any public employee is eligible at the same time for benefits for temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS and for any sick leave benefit, he may, by giving notice to his employer, elect to continue to receive his normal salary instead of the benefits pursuant to those chapters until his accrued sick leave time is exhausted. The employer shall notify the insurer that provides industrial insurance for that employer of the election. The employer shall continue to pay the employee his normal salary but charge against the employee’s accrued sick leave time as taken during the pay period an amount which represents the difference between his normal salary and the amount of any benefit for temporary total disability received, exclusive of reimbursement or payment of medical or hospital expenses pursuant to chapters 616A to 616D, inclusive, or 617 of NRS for that pay period.

2. When the employee’s accrued sick leave time is exhausted, payment of his normal salary pursuant to subsection 1 must be discontinued and the employer shall promptly notify the insurer that provides industrial insurance for that employer so that it may begin paying the benefits to which the employee is entitled directly to the employee.

3. An employee who declines to make the election provided in subsection 1, may use all or part of the sick leave benefit normally payable to him while directly receiving benefits for temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS, but the amount of sick leave benefit paid to the employee for any pay period must not exceed the difference between his normal salary and the amount of any benefit received, exclusive of reimbursement or payment of medical or hospital expenses pursuant to those chapters for that pay period.

4. If the amount of the employee's sick leave benefit is reduced pursuant to subsection 3 below the amount normally payable, the amount of sick leave time charged against the employee as taken during that pay period must be reduced in the same proportion.

5. The public employee may decline to use any or part of the sick leave benefit normally payable to him while receiving benefits pursuant to chapters 616A to 616D, inclusive, or 617 of NRS. During that time, the employee must be considered on leave of absence without pay."

**NAC 284.5385 Annual leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability. (NRS 284.065, 284.155, 284.345, 284.350)**

1. Except as otherwise provided in NAC 284.580, an employee does not accrue annual leave during the time he is on leave without pay or on catastrophic leave.

2. A person who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS and makes the election provided in:

(a) Subsection 1 or 3 of NRS 281.390 is entitled to accrue annual leave during the period he is receiving those benefits and is being paid an amount of sick leave equal to the difference between his normal pay and the benefits received.

(b) Subsection 5 of NRS 281.390 must be placed on leave of absence without pay, unless the employee is on family and medical leave because a serious health condition prevents him from performing one or more of the essential functions of his position. Such an employee may, while he is on such leave, elect to use his accrued annual leave in lieu of being placed on leave of absence without pay.

3. An employee who does not have enough sick leave to make up the difference between his normal pay and the benefits for a temporary total disability must be placed on leave of absence without pay for the time he is receiving such benefits and the balance of time not covered by sick leave or other paid leave. The employee accrues annual leave only for the time he is in paid status, excluding overtime.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 12-17-87; 7-14-88; 7-21-89; 8-1-91; 3-27-92; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005)

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

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. 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 accrued annual leave pursuant to NAC 284.5775.

(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)

**NAC 284.5395 Annual leave: Payment upon separation from service. (NRS 284.065, 284.155, 284.175, 284.350)** An employee who has completed 6 months of continuous service and who has separated from state service must be paid a lump-sum payment for any unused annual leave which he has earned through the date of separation.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by R147-01, 1-22-2002)

**NAC 284.540 Records of earned and used leave. (NRS 284.065, 284.155, 284.345)** Each appointing authority shall keep accurate records of earned and used leave unless these records are maintained by a centralized time and attendance system.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R069-02, 8-14-2002)

**NAC 284.5405 Annual leave: Credit upon reinstatement, rehiring, reemployment or transfer. (NRS 284.065, 284.155, 284.345, 284.350)**

1. Except as otherwise provided in this section, any employee who returns to state service following a separation is eligible to accrue annual leave based on his total service with the State after he has completed 3 years of continuous service. The employee must requalify after each break in service.

2. An employee who is rehired within 1 year after being laid off accrues annual leave at a rate based on his total state service. He may use his annual leave immediately upon accruing it if he has completed 6 months of employment.

3. An employee with a permanent disability arising from a work-related injury or occupational disease who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 accrues annual leave at a rate based on his total state service. He may use his annual leave immediately upon accruing it if he has completed 6 months of employment.

4. An employee who is rehired within 1 year after being laid off is entitled to buy back the balance of the annual leave for which he received payment in a lump sum on the date of the layoff. The rate of pay at which he is rehired applies to the buying back of annual leave.

5. An employee with a permanent disability arising from a work-related injury or occupational disease who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 is entitled to buy back the balance of the annual leave for which he received payment in a lump sum at the time of separation. The rate of pay at which he is reemployed applies to the buying back of annual leave.

6. If an employee who was laid off before completing 6 months of employment is rehired within 1 year after his layoff, the amount of the unpaid annual leave he had earned before the layoff must be restored to him.

7. If a person eligible for military reemployment is reemployed, he accrues annual leave at the rate which he would have earned if he had not left state service.

8. If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority, the balance of his annual leave is charged to the agency to which he is appointed.

9. If a nonclassified employee, an unclassified employee of the Nevada System of Higher Education or an employee included in the State Personnel System pursuant to NRS 284.022 is appointed without a break in service to the classified or unclassified service, his annual leave must be recomputed to reflect the amount that would have accrued to him as a classified or unclassified employee less any annual leave which he used during his nonclassified, Nevada System of Higher Education or governmental agency employment, and the remaining balance will be transferred to the new appointment. The amount of annual leave transferred by the employee pursuant to this subsection may not exceed the maximum amount which is permitted by the classified or unclassified rate of accrual as set forth in NRS 284.350 and NAC 284.538. The agency to which the employee is appointed is not responsible for payment of any annual leave in excess of the amount which is transferable. It is the responsibility of the employee who is transferring annual leave to seek payment of any excess amount of annual leave remaining to his credit from his former employer. If the amount of annual leave which is recomputed pursuant to this subsection results in a negative amount, the employee will begin the new appointment in the classified or unclassified service without any hours of annual leave.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-19-88; 3-27-92; 11-12-93; 3-1-96; R031-98, 4-17-98; A by Personnel Comm'n by R096-03, 10-30-2003; R022-05, 10-31-2005; R142-05 & R145-05, 12-29-2005)

**NAC 284.541 Annual leave: Service in provisional, special disabled, emergency or temporary status; seasonal employees. (NRS 284.065, 284.155, 284.345, 284.350)**

1. Service in a provisional, special disabled, emergency or temporary status must be credited toward annual leave if it is immediately preceded or followed by a status of appointment which enables the employee to obtain the required 6 months of continuous service.

2. Service in a special position, which is temporary, in the University may be credited toward annual leave if it is immediately followed by probationary or permanent status.

3. An employee in a seasonal position who works a combined amount of time which equals 6 months is eligible for annual leave. The employee may choose to maintain the balance of the annual leave or receive a payment in lieu of annual leave upon his separation from the seasonal position if he has completed the qualifying period of 6 months. An employee who is not paid for his annual leave upon his separation from a seasonal position and who does not return to state service within 1 year must be paid the balance of his annual leave no later than 1 year after his termination if he has completed the qualifying period of 6 months.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-6-92)

**NRS 284.355 states, "Leave for sickness and disability: Accrual; payment for unused leave; employees with mental or emotional disorders; forfeiture of leave.**

1. Except as otherwise provided in this section, all employees in the public service, whether in the classified or unclassified service, are entitled to sick and disability leave with pay of 1 1/4 working days for each month of service, which may be cumulative from year to year. After an employee has accumulated 90 working days of sick leave, the amount of additional unused sick leave which he is entitled to carry forward from 1 year to the next is limited to one-half of the unused sick leave accrued during that year, but the Commission may by regulation provide for subsequent use of unused sick leave accrued but not carried forward because of this limitation in cases where the employee is suffering from a long-term or chronic illness and has used all sick leave otherwise available to him.

2. Upon the retirement of an employee, his termination through no fault of his own or his death while in public employment, the employee or his beneficiaries are entitled to payment:

(a) For his unused sick leave in excess of 30 days, exclusive of any unused sick leave accrued but not carried forward, according to his number of years of public service, except

service with a political subdivision of the state, as follows:

- (1) For 10 years of service or more but less than 15 years, not more than \$2,500.
- (2) For 15 years of service or more but less than 20 years, not more than \$4,000.
- (3) For 20 years of service or more but less than 25 years, not more than \$6,000.
- (4) For 25 years of service or more, not more than \$8,000.

(b) For his unused sick leave accrued but not carried forward, an amount equal to one-half of the sum of:

- (1) His hours of unused sick leave accrued but not carried forward; and
- (2) An additional 120 hours.

3. The Commission may by regulation provide for additional sick and disability leave for long-term employees and for prorated sick and disability leave for part-time employees.

4. An employee entitled to payment for unused sick leave pursuant to subsection 2 may elect to receive the payment in any one or more of the following forms:

(a) A lump-sum payment.

(b) An advanced payment of the premiums or contributions for insurance coverage for which he is otherwise eligible pursuant to chapter 287 of NRS. If the insurance coverage is terminated and the money advanced for premiums or contributions pursuant to this subsection exceeds the amount which is payable for premiums or contributions for the period for which the former employee was actually covered, the unused portion of the advanced payment must be paid promptly to the former employee or, if he is deceased, to his beneficiary.

(c) The purchase of additional retirement credit, if he is otherwise eligible pursuant to chapter 286 of NRS.

5. Officers and members of the faculty of the Nevada System of Higher Education are entitled to sick and disability leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.

6. The Commission may by regulation provide policies concerning employees with mental or emotional disorders which:

(a) Use a liberal approach to the granting of sick leave or leave without pay to such an employee if it is necessary for him to be absent for treatment or temporary hospitalization.

(b) Provide for the retention of the job of such an employee for a reasonable period of absence, and if an extended absence necessitates separation or retirement, provide for the reemployment of such an employee if at all possible after recovery.

(c) Protect employee benefits, including, without limitation, retirement, life insurance and health benefits.

7. The Commission shall establish by regulation a schedule for the accrual of sick leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of sick leave at the same rate proportionately as employees who work a 40-hour week accrue sick leave.

8. The Department may investigate any instance in which it believes that an employee has taken sick or disability leave to which he was not entitled. If, after notice to the employee and a hearing, the Commission determines that he has taken sick or disability leave to which he was not entitled, the Commission may order the forfeiture of all or part of his accrued sick leave.

**NAC 284.5415 Annual leave and sick leave: Exception employees. (NRS 284.065, 284.155, 284.180, 284.345, 284.350, 284.355)**

1. As used in this section:

(a) "Exception employee" means an employee whose normally scheduled hours of work are more than 80 hours biweekly; and

(b) "Regular employee" means an employee whose normally scheduled hours of work are 8 hours per day, 40 hours per week, or 80 hours biweekly.

2. An exception employee is entitled to accrue annual leave and sick leave based on his average workday. The average workday of such an employee must be determined by dividing the total scheduled hours of work per year by 2,088 and multiplying the quotient by 8.

3. When an exception employee is appointed to a job classification with a schedule of work as a regular employee, the accrued annual leave and sick leave of the exception employee must be converted to the amount of annual leave and sick leave that would have been accrued as a regular employee.

4. When a regular employee is appointed to a job classification with a schedule of work as an exception employee, the accrued annual leave and sick leave of the regular employee must be converted to the amount of annual leave and sick leave that would have been accrued as an exception employee.

5. For the purposes of this section, a fireman is an exception employee and shall be deemed to work an average of 56 hours per week and 2,912 hours per year.

(Added to NAC by Dep't of Personnel, 9-13-91, eff. 10-1-91; A 3-1-96)

**NAC 284.542 Sick leave: Part-time employees. (NRS 284.065, 284.155, 284.345, 284.355)**

1. A part-time employee is entitled to accrue sick leave at the rate of 1 1/4 days per month, which is prorated based on the number of hours the employee is in paid status, excluding overtime.

2. An employee who holds two or more part-time positions in the state service may combine the time in all positions for the purpose of computing the hours of accrued sick leave.

[Personnel Div., Rule VII § D subsec. 2, eff. 8-11-73; A and renumbered as subsec. 1, 2-5-82; § D subsec. 3, eff. 2-5-82] -(NAC A by Personnel Comm'n by R145-05, 12-29-2005)

**INFORMATIONAL NOTE: NRS 281.390 "Sick leave of public employees: Election of benefits; amount limited when eligible for benefits for industrial or occupational disease." may be found preceding NAC 284.5385**

**NRS 287.0445 states, "Payment of premiums or contributions for state officer or employee injured while member of Public Employees' Benefits Program. The participating state agency which employed a state officer or employee who:**

1. Was injured in the course of that employment;
2. Receives compensation for a temporary total disability pursuant to NRS 616C.475; and
3. Was a member of the Program at the time of the injury,

→ shall pay the State's share of the cost of the premiums or contributions for the Program for that officer or employee for not more than 9 months after the injury or until the officer or employee is able to return to work, whichever is less. If the previous injury recurs within 1 month after the employee returns to work and the employee again receives compensation pursuant to NRS 616C.475 as a result of the previous injury, the participating state agency shall not, except as otherwise provided in this section, pay the State's share of the cost of the premiums or contributions for the period during which the employee is unable to work as a result of the recurring previous injury. If the initial period of disability was less than 9 months, the participating state agency shall pay, during the recurrence, the State's share of the costs of the premiums or contributions for a period which, when added to the initial period, equals not more than 9 months."

**NAC 284.544 Sick leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation. (NRS 284.065, 284.155, 284.345, 284.355)**

1. Except as otherwise provided in NAC 284.580, an employee does not accrue sick leave during the time he is on leave without pay or on catastrophic leave.

2. A person who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS and:



(a) Makes the election provided in subsection 1 or 3 of NRS 281.390 is entitled to accrue sick leave during the period he is receiving those benefits and is being paid an amount of sick leave equal to the difference between his normal pay and the benefits received.

(b) Makes the election provided in subsection 5 of NRS 281.390 must be placed on leave of absence without pay, unless the employee elects to use his accrued annual leave.

3. An employee who does not have enough sick leave to make up the difference between his normal pay and the benefits for temporary total disability must be placed on leave of absence without pay for the time he is receiving such benefits and the balance of time not covered by paid leave. The employee accrues sick leave only for the time he is in paid status, excluding overtime.

4. To compute the amount of sick leave to which an employee is entitled, an employee must be considered to work not more than 40 hours each week. If an employee occupies more than one position in different departments, the amount of sick leave to which the employee is entitled must be computed based on not more than 40 hours each week in each position.

5. The basis for the computation of the amount of sick leave to which an exempt classified employee or exempt unclassified employee is entitled must not exceed the number of hours authorized in the biennial operating budget of this State for his position.

(Added to NAC by Dep't of Personnel, eff. 12-17-87; A 7-14-88; 7-21-89; 8-1-91; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005)

**NAC 284.546 Sick leave: Unused credit; special sick leave. (NRS 284.065, 284.155, 284.345, 284.355)** Unused sick leave accrued but not carried forward pursuant to the provisions of NRS 284.355 must be placed in a separate account. Sick leave accrued in a separate account pursuant to this section is designated as special sick leave. Special sick leave may be used if an employee has used all the sick leave otherwise available to him and meets the conditions, as applicable, of NAC 284.554, 284.566 and 284.568.

[Personnel Div., Rule VII § D subsec. 3, eff. 8-11-73; A and renumbered as subsec. 2, 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 8-22-86; 11-16-95; A by Personnel Comm'n by R145-05, 12-29-2005)

**NAC 284.548 Sick leave: Reinstatement of dismissed employee. (NRS 284.065, 284.155, 284.175, 284.345, 284.355)** An employee who is dismissed and later reinstated by an order of a hearing officer must repay any money the employee received for payment of sick leave benefits. The amount of the payment may be deducted from the first available wage payments or any back pay owed to the employee. After the money is fully repaid pursuant to this subsection, the balance of the amount of sick leave that the employee had before he was dismissed must be restored to the employee.

(Added to NAC by Dep't of Personnel, eff. 4-20-90; A by Personnel Comm'n by R145-05, 12-29-2005)

**NAC 284.550 Sick leave: Separation from service. (NRS 284.065, 284.155, 284.345, 284.355)**

1. An employee who is being separated from service earns sick leave only through the last working day for which he is entitled to pay. If the last working day occurs earlier than the last day of the month, the sick leave must be prorated.

2. Except as otherwise provided in subsection 1 of NAC 284.551, an employee who is rehired is not entitled to the restoration of accrued and unused sick leave which remains in his account at the time of his separation.

[Personnel Div., Rule VII § D subsec. 5, eff. 8-11-73; A and renumbered as subsec. 4, 2-5-82; Rule VII § D subsec. 5, eff. 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 4-19-88; 7-14-88)

**NAC 284.551 Sick leave: Credit upon rehiring, reemployment or transfer. (NRS 284.065, 284.155, 284.345, 284.355)**

1. An employee who is rehired within 1 year after he is laid off is entitled to the restoration of the accrued and unused sick leave remaining in his account at the time of his layoff.

2. The balance of a seasonal employee's sick leave must be restored to him for each subsequent term of appointment if the employee is rehired within 1 year after the date of his last seasonal separation.

3. An employee who is reemployed within 1 year after sustaining a permanent disability arising from a work-related injury or occupational disease as determined pursuant to NAC 284.6013 is entitled to restoration of the accrued and unused sick leave that remained in his account at the time of separation.

4. If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority, the balance of his sick leave is charged to the agency to which he is appointed.

5. If a nonclassified employee, an unclassified employee of the Nevada System of Higher Education or an employee covered by NRS 284.022 is appointed to the classified or unclassified service without a break in service, his sick leave must be recomputed to reflect the amount that would have accrued to him as a classified or unclassified employee less any sick leave which he used during his nonclassified, Nevada System of Higher Education or governmental agency employment and the remaining balance will be transferred to the new appointment. If the amount of sick leave which is recomputed pursuant to this subsection results in a negative amount, the employee will begin the new appointment in the classified or unclassified service without any hours of sick leave.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-19-88; 3-1-96; A by Personnel Comm'n by R142-05 & R145-05, 12-29-2005)

**NAC 284.552 Sick leave: Service in provisional, emergency or temporary status; seasonal employees. (NRS 284.065, 284.155, 284.345, 284.355)**

1. Service in provisional, emergency or temporary status, including, without limitation, temporary limited appointments pursuant to NRS 284.327 of persons with disabilities who are certified by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation and service provided by an employee who has a work-related injury or occupational disease pursuant to a temporary assignment as set forth in NAC 284.6004, must be credited towards sick leave.

2. Service in a special position which is temporary in the Nevada System of Higher Education may be credited towards sick leave if it is immediately followed by probationary or permanent status.

3. An employee in a seasonal position must be credited with sick leave.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-6-92; A by Personnel Comm'n by R145-05, 12-29-2005)

**INFORMATIONAL NOTE: 29 C.F.R. §785.43 Medical attention.**

Time spent by an employee in waiting for and receiving medical attention on the premises or at the direction of the employer during the employee's normal working hours on days when he is working constitutes hours worked.

**NAC 284.554 Sick leave: Authorized use. (NRS 284.065, 284.155, 284.345, 284.355)**  
An employee is entitled to use sick leave if:

1. He is unable to perform the duties of his position because he is sick, injured or physically incapacitated due to a medical condition;

2. The employee is physically incapacitated due to pregnancy or childbirth and is therefore unable to perform the duties of the employee's position;

3. He is quarantined;
4. He is receiving required medical, psychological, optometric or dental service or examination;
5. He is receiving counseling through an employee assistance program for a condition which would otherwise qualify pursuant to the provisions of this section; or
6. There is an illness, death or other authorized medical need in his immediate family and he complies with the requirements of NAC 284.558 or 284.562.

[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)

**NAC 284.558 Sick leave: Illness in employee's immediate family. (NRS 284.065, 284.155, 284.345, 284.355)**

1. Except as otherwise provided in this section, if an employee is needed to provide care for a member of his immediate family with an illness or other authorized medical need, the employee may use his accumulated sick leave, not to exceed 120 hours in any 1 calendar year. An employee is not subject to this 120-hour limitation if the leave is approved under the Family and Medical Leave Act.

2. The appointing authority may approve an exception to the 120-hour limitation or the requirement that the immediate family member be living in the employee's household. To obtain an exception, the employee must submit his request in writing to the appointing authority, accompanied by a certification from a provider of health care that substantiates the need for the employee's participation.

3. The appointing authority may require the employee to submit supplemental information which includes a second and third medical opinion as provided in subsection 2 of NAC 284.566.

[Personnel Div., Rule VII § D part subsec. 6, eff. 8-11-73; A and renumbered as subsec. 7, 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 3-23-94; 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R145-05, 12-29-2005)

**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 may use his 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, 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 11-16-95)

**NAC 284.566 Sick leave: Approval by appointing authority; medical certification. (NRS 284.065, 284.155, 284.345, 284.355)**

1. An appointing authority may approve sick leave only after having ascertained that the absence was for an authorized reason. For absences in excess of 3 consecutive working days, or for cases of suspected abuse, the appointing authority may require that the employee submit substantiating evidence, which may include, but is not limited to, a certificate from a provider of health care of the need for the absence.

2. For absences for which medical certification is required, the appointing authority may require the employee to provide a second medical opinion. The provider of health care who

provides the second opinion of an employee's health condition shall certify as to the ability of the employee to perform his duties and responsibilities and when he believes the employee can return to work. The provider of health care who provides the second opinion of an immediate family member's health condition shall certify as to the health condition of the family member, the probable duration of the health condition and incapacity, and the need for the employee's assistance or presence. A copy of each opinion must be provided to the employee, the patient and the appointing authority, as appropriate. If the first and second opinions differ, the appointing authority may require the employee to provide a third medical opinion.

3. If a second medical opinion is required, an employee shall obtain the opinion, on the form which is used for certification under the Family and Medical Leave Act, from a provider of health care designated by the appointing authority. The designated provider of health care must not be regularly used by the State unless the employee or a member of his immediate family resides or works in an area where such a provider of health care is not available and must not be employed by the State. The agency shall pay for the consultation.

4. If a third medical opinion is required, an employee shall obtain the opinion, on the form which is used for certification under the Family and Medical Leave Act, from a provider of health care approved jointly by the employee and the appointing authority. If necessary, a list of three providers of health care from which the selection must be made may be requested from the medical society of the county in which the employee or, if applicable, the member of his immediate family, resides or works. If such a list is used, the selection of the third provider of health care must be made by the employee and appointing authority alternately striking one name off the list. The third opinion is final and binding. The agency shall pay for the consultation.

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

6. An appointing authority may require a statement from a provider of health care that an employee is able to resume work if the requirement is related to the employee's ability to perform one or more of the essential functions of his position.

[Personnel Div., Rule VII § D subsec. 8, eff. 8-11-73; A and renumbered as subsec. 9, 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 3-23-94; 11-16-95; R082-00, 8-2-2000)

**NAC 284.568 Sick leave: Placing employee on sick leave; conditions for return to work. (NRS 284.065, 284.155, 284.345, 284.355)**

1. An appointing authority may place an employee on sick leave if:

(a) Due to a known or suspected illness or injury, the employee is not performing at the level required by his position or is not able to perform the essential functions of his position with or without reasonable accommodation, as determined by the appointing authority pursuant to NAC 284.440 and 284.441; or

(b) The illness appears to be contagious.

2. If the appointing authority places the employee on sick leave pursuant to subsection 1, the appointing authority may require the employee, before the employee may return to work, to provide documentation from a provider of health care which verifies that the employee is medically able to perform the essential functions of the job with or without reasonable accommodation and does not have a contagious illness.

3. Except as otherwise provided in NRS 281.390, the appointing authority may require an eligible employee to use sick leave during the time family and medical leave is granted.

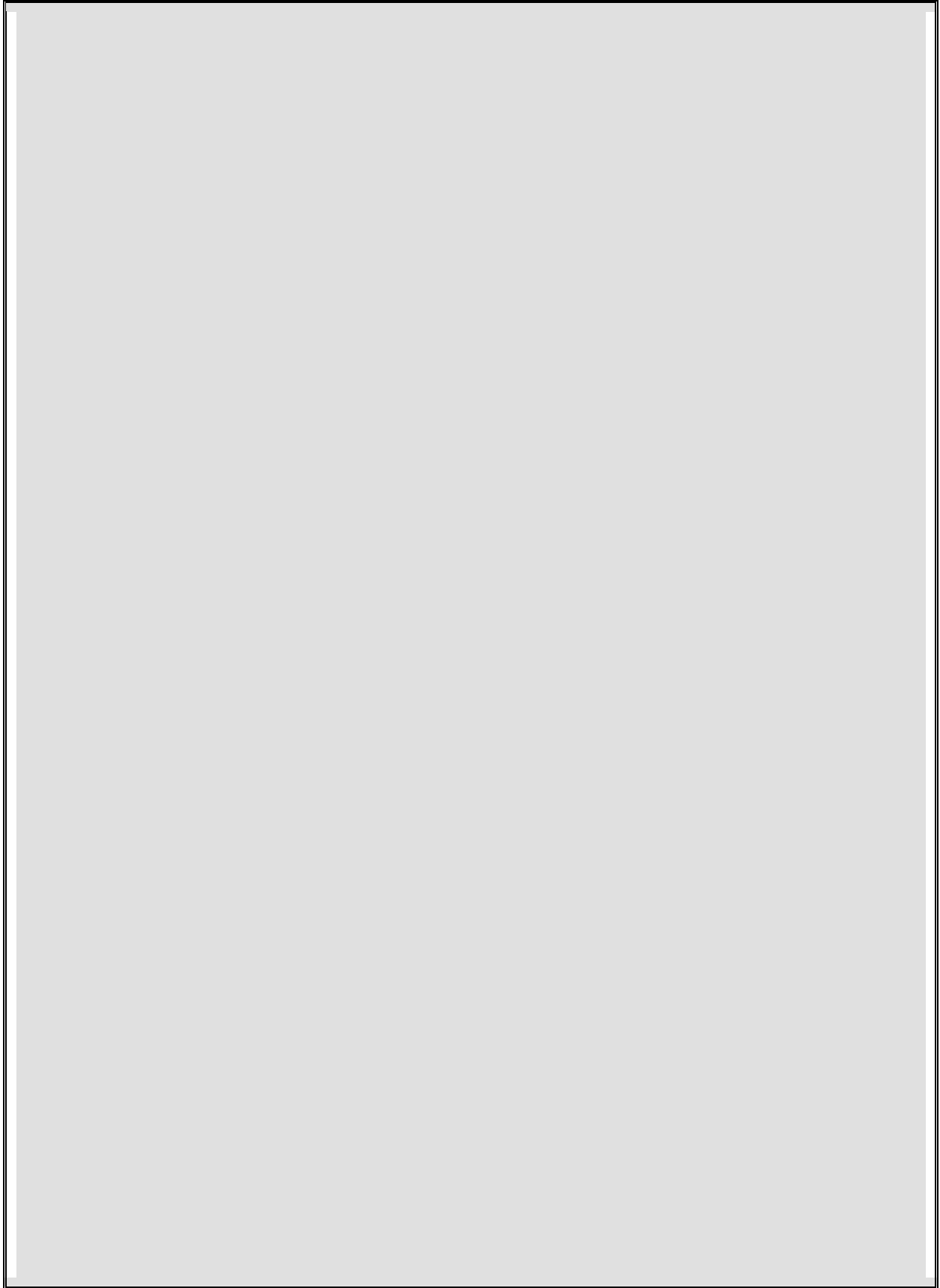
(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-6-92; 3-23-94; R082-00, 8-2-2000; A by Personnel Comm'n by R145-05, 12-29-2005)

**NRS 284.362 states, "Catastrophic leave: Definitions.**

1. As used in NRS 284.362 to 284.3629, inclusive:

(a) "Catastrophe" means:

(1) The employee is unable to perform the duties of his position because of a serious



**NRS 284.3624 states, “Catastrophic leave: Review of status of employee and his catastrophe; termination of leave; disposition of hours not used.**

1. The appointing authority shall review the status of the employee regarding the catastrophe and determine when the need to take leave for the catastrophe no longer exists.
2. The appointing authority shall not grant any hours of leave from the account for catastrophic leave after:
  - (a) The need to take leave for the catastrophe ceases to exist; or
  - (b) The employee who is receiving the leave resigns or his employment with the appointing authority is terminated.
3. Any leave which the employee received from the account for catastrophic leave which was not used at the time the need to take leave for the catastrophe ceases to exist or upon the resignation or termination of the employment of the employee must be returned to the account for catastrophic leave.”

**NRS 284.3625 states, “Catastrophic leave: Maintenance of records; reports to Director.** Each appointing authority shall maintain records and report to the Director any information concerning the use of an account for catastrophic leave to evaluate the effectiveness, feasibility and cost to carry out the provisions of NRS 284.362 to 284.3629, inclusive.”

**NRS 284.3626 states, “Catastrophic leave: Regulations of Commission.** The Commission shall adopt regulations to carry out the provisions of NRS 284.362 to 284.3629, inclusive.”

**NAC 284.575 Catastrophic leave: Interpretation of certain statutory terms. (NRS 284.065, 284.155, 284.362, 284.3626)** As used in NRS 284.362:

1. “Lengthy convalescence” means a period of disability which an attending physician expects to exceed 10 consecutive weeks.
2. “Life threatening” means a condition which is diagnosed by a physician as creating a substantial risk of death.

(Added to NAC by Dep’t of Personnel, eff. 8-14-90; A by R146-01, 1-18-2002)

**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 a member of his immediate family experiences a catastrophe and the employee has used all of his accrued leave.
2. An employee who is affected by a catastrophe and has used or is about to use all of his leave may request, on the appropriate form, the transfer of leave to an account for catastrophic leave for his personal use after the balance of all of his 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. 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. The decision of the appointing authority may be appealed to the Committee on Catastrophic Leave pursuant to NRS 284.3629.

5. An employee whose request for catastrophic leave for a specified period of time has been approved and who has not had any or enough donations transferred to his account for catastrophic leave established pursuant to subsection 1 shall be deemed to be on approved leave without pay for the same period of time that was approved for the catastrophic leave. If a subsequent donation of hours to the employee's account for catastrophic leave is received before the last day of the approved period of catastrophic leave, the donation must be applied retroactively to cover the beginning of the period of leave that was taken without pay.

6. 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 appointing authority on the appropriate form of his intent to donate the leave. The appointing authority of the employee donating the leave shall submit a copy of the form to 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.

7. A donor and his 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. 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.

8. The appointing authority shall provide the following information on a calendar year basis or as requested by the Director:

(a) Each employee under its authority, identified by a number assigned in accordance with subsection 9, donating or using catastrophic leave, his 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 7, or used by the employee;

(b) The period and nature of the disability for each employee using catastrophic leave; and

(c) A comparison of the average dollar value of the accounts for catastrophic leave based on the average rate of pay of the donors and the average dollar value of the leave taken by the recipients.

9. The appointing authority shall assign numbers to employees for the purposes of subsection 8 in a sequential order and in such a manner that ensures the confidentiality of the identity of those employees.

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

11. 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)

**NAC 284.577 Catastrophic leave: Repayment for hours used; receipt of workers' compensation benefits. (NRS 284.065, 284.155, 284.175, 284.345, 284.3626)**

1. Except as otherwise provided in subsection 2, an employee who has used hours from an account for catastrophic leave may voluntarily repay the account for those hours.

2. An employee who is entitled to catastrophic leave and workers' compensation benefits may not receive more than 100 percent of his pay for the period of his leave. An employee must repay the account for catastrophic leave when the combined benefit of catastrophic leave and workers' compensation exceeds his normal rate of pay.

3. The amount required to repay the hours from an account for catastrophic leave must be based on the employee's normal rate of pay at the time he used the hours.

(Added to NAC by Dep't of Personnel, eff. 11-16-95; A by Personnel Comm'n by R069-02, 8-14-2002)

**NRS 284.360 states in part, "Leave of absence without pay.**

1. Any person holding a permanent position in the classified service may be granted a leave of absence without pay. Leave of absence may be granted to any person holding a position in the classified service to permit acceptance of an appointive position in the unclassified service. Leave of absence must be granted to any person holding a position in the classified service to permit acceptance of a position in the Legislative Branch during a regular or special session of the Legislature, including a reasonable period before and after the session if the entire period of employment in the Legislative Branch is continuous.

2. If a person is granted a leave of absence without pay to permit acceptance of an appointive position in the unclassified service or a position in the Legislative Branch, any benefits earned while he is in the:

(a) Classified service are retained and must be paid by the employer in the classified service, whether or not the person returns to the classified service.

(b) Unclassified service or employed by the Legislative Branch are retained and must be paid by the appointing authority in the unclassified service or by the Legislative Branch, if he does not return to the classified service, or by the employer in the classified service, if he returns to the classified service.

3. Any person in the unclassified service, except members of the academic staff of the Nevada System of Higher Education, may be granted by the appointing authority a leave of absence without pay for a period not to exceed 6 months.

4. Officers and members of the faculty of the Nevada System of Higher Education may be granted leaves of absence without pay as provided by the regulations prescribed pursuant to subsection 2 of NRS 284.345.

5. Except as otherwise provided in subsection 6, a person in the classified or unclassified service who:

(a) Is the natural parent of a child who is less than 6 months old; or

(b) Has recently adopted a child,

must be granted, upon request, a leave of absence without pay for a period not to exceed 12 weeks. Such a request by natural parents must be submitted at least 3 months before the date upon which the requested leave will begin, unless a shorter notice is approved by the employer. Such a request by adoptive parents must be submitted not fewer than 2 working days after the parents receive notice of the approval of the adoption. This subsection does not affect the rights of an employee set forth in NRS 284.350 or 284.355.

6. The provisions of subsection 5 are effective only if the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., or a subsequent federal law ceases to provide for a parental leave of absence of at least 12 weeks."

**NAC 284.5775 Temporary total disability: Use of sick leave, compensatory time, annual leave and catastrophic leave; leave of absence without pay. (NRS 284.065, 284.155, 284.345, 284.350, 284.355, 284.3626)** An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS may:

1. Elect to receive payment for all or part of the difference between his normal pay and the benefits received by:

(a) Using his accrued sick leave as provided in subsection 1 or 3 of NRS 281.390;

(b) Using his accrued compensatory time;

(c) Using his accrued annual leave if he:

(1) Is on family and medical leave for a serious health condition that prevents him from performing one or more of the essential functions of his position; or

(2) Elected to use his accrued sick leave pursuant to NRS 281.390 and has exhausted all of his accrued sick leave; or

(d) Using catastrophic leave if he has exhausted all of his accrued annual leave, sick leave and compensatory time and his request for catastrophic leave has been approved pursuant to NAC 284.576; or



2. Elect to be placed on leave of absence without pay in accordance with subsection 5 of NRS 281.390.

(Added to NAC by Dep't of Personnel by R031-98, eff. 4-17-98; A by R082-00, 8-2-2000)

**NAC 284.5777 Temporary total disability: Workers' compensation travel leave to receive medical treatment (NRS 284.065, 284.155, 284.175, 284.345)**

1. An appointing authority shall grant leave to an employee in the classified or unclassified service of the State to receive medical treatment for a work-related injury or occupational disease if the employee:

(a) Qualified for benefits for a temporary total disability pursuant to NRS 616C.475; and

(b) After returning to work, is required to travel more than 50 miles one way from his place of employment to receive such medical treatment.

2. An appointing authority shall pay an employee who is granted leave pursuant to subsection 1:

(a) If he is a nonexempt employee, his regular hourly rate of pay for each hour that he is absent from his place of employment for such leave.

(b) If he is an exempt classified employee or an exempt unclassified employee and he is absent from his place of employment for a full day for such leave, his regular rate of pay for each such day.

3. Leave granted pursuant to this section must be taken as workers' compensation travel leave and must not be deducted from any sick leave, annual leave, compensatory leave or any other personal leave that may be available to the employee.

(Added to NAC by Personnel Comm'n by R221-05, eff. 2-23-2006)

**NAC 284.578 Leave of absence without pay. (NRS 284.065, 284.155, 284.345)**

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 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.

[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**)

**NAC 284.580 Leave of absence without pay during fiscal emergency of State or agency. (NRS 284.065, 284.155, 284.175, 284.345, 284.360)**

1. Upon the request of an appointing authority, the Department of Administration may authorize the appointing authority to place a nonexempt employee on a leave of absence without pay for a fiscal emergency of the State or an agency during any period for which the Governor has declared that the State or an agency will experience a shortfall in revenue or for any other reason is in a state of fiscal emergency.

2. All employees in the same classification must be treated equitably with respect to being placed on a leave of absence without pay pursuant to this section unless an employee volunteers to be placed on such a leave of absence.

3. The appointing authority shall reduce the pay of an employee who is placed on a leave of absence without pay pursuant to subsection 1 by an amount equal to the pay that the employee would otherwise receive for the hours for which the leave is approved.

4. The hours for which payment is withheld pursuant to subsection 3:

(a) Must be treated as hours in paid status for the purposes of NAC 284.182, 284.255, 284.282, 284.448, 284.538, 284.5385, 284.544 and 284.614.

(b) Must not be considered as time worked in calculating overtime.

5. Regardless of whether an employee volunteers to be placed on a leave of absence pursuant to subsection 1, after notifying the employee in writing and allowing a reasonable period for the employee to return to work, an appointing authority:

(a) Shall revoke the placement of any employee on a leave of absence without pay pursuant to subsection 1 upon a declaration by the Governor that the fiscal emergency no longer exists.

(b) May revoke the placement of any employee on any leave of absence without pay pursuant to subsection 1 for any other bona fide reason.

(Added to NAC by Dep't of Personnel, eff. 9-16-92; A 11-12-93; 3-23-94; R147-01, 1-22-2002; A by Personnel Comm'n by R096-03, 10-30-2003)

***NEW: Unpaid furlough leave***

***1. Except as otherwise provided in Senate Bill No. 433, chapter 391, Statutes of Nevada 2009, at page 2147, a full-time classified employee shall take 8 hours of furlough leave each month and a part-time classified employee shall take a number of hours of furlough leave per month that is equivalent to the portion of an 8-hour day that his scheduled workweek or biweekly schedule bears to a full-time workweek or biweekly schedule unless:***

***(a) The employee's appointing authority files a plan with the Director and the Director of the Department of Administration or their designated representatives or, in the case of employees of the Nevada System of Higher Education, with the chief financial officer of the applicable institution for the employee to take furlough leave pursuant to an alternate schedule because of 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 or by the chief financial officer of the institution, as applicable.***

***2. Each appointing authority shall establish a policy that defines the minimum increment of furlough leave required to be taken at any one time by a classified employee of the appointing authority. The policy may provide different increments for employees in different divisions, locations or work groups based on business necessity. The appointing authority shall disseminate the policy to each employee under its authority who is required to take furlough leave.***

***3. To the extent practicable, an employee who is required to take furlough leave and his or her supervisor shall jointly determine in advance a schedule pursuant to which the employee will take furlough leave. If, because of business necessity, such a schedule cannot be mutually agreed upon, a supervisor may direct an employee to take furlough leave on a specific day or at a specific time, or both.***

***4. Movement of an employee from one position to another position must not alter the amount of furlough leave required to be taken by the employee.***

***5. The amount of furlough leave that an employee is required to take must not be offset by any savings realized as a result of a vacancy delay in filling the position.***

6. *An employee who is initially appointed to state service after July 1, 2009, may only be required to take the number of hours or days of furlough leave that is required to be taken during the remainder of the fiscal year after his appointment. If such an employee is appointed on a day other than the first of a month, the employee may not be required to commence taking furlough leave until the immediately succeeding month.*

7. *An employee may not:*

(a) *Take more than 8 hours of furlough leave in a workweek.*

(b) *Receive overtime pay, compensatory time, pay for standby status, added regular time for work as a part-time employee or callback pay in the same pay period in which the employee takes furlough leave, unless approved in advance by the Director and the Director of the Department of Administration or their designated representatives or, in the case of employees of the Nevada System of Higher Education, by the chief financial officer of the applicable institution.*

(c) *Be required to take more furlough leave than the amount of furlough leave required by the provisions of Senate Bill No. 433, chapter 391, Statutes of Nevada 2009, at page 2147.*

8. *If an employee who leaves state service has taken more than the equivalent of 8 hours of furlough leave per month at the time of his separation from state service, the employee will not be reimbursed for the additional furlough leave taken.*

9. *Any furlough leave that an employee takes must be considered time worked for the purpose of calculating the employee's eligibility to take leave under the federal Family and Medical Leave Act. Any furlough leave that is taken during the time in which an employee takes leave that qualifies under the Family and Medical Leave Act will not be counted against the amount of leave for which an employee is entitled to take under the Family and Medical Leave Act.*

10. *As used in this section, "furlough leave" means the unpaid leave required to be taken pursuant to the provisions of Senate Bill No. 433, chapter 391, Statutes of Nevada 2009 at page 2147.*

*(Added to NAC by Dep't of Personnel, eff. 10-27-09)*

**NAC 284.581 Adoption by reference of federal law and regulations. (NRS 284.065, 284.155, 284.345)**

1. For the purposes of NAC 284.523 to 284.598, inclusive, the Department of Personnel hereby adopts by reference:

(a) The Family and Medical Leave Act of 1993 (Public Law 103-3), as amended.

(b) The Fair Labor Standards Act of 1938, as amended, and 29 C.F.R. Part 541.

2. A copy of the Family and Medical Leave Act, the Fair Labor Standards Act or 29 C.F.R. Part 541 may be obtained at no charge from the United States Government, Wage and Hour Division, P.O. Box 3136, Reno, Nevada 89505-3136, telephone (775) 784.5200, or from the United States Government, Wage and Hour Division, 1050 Flamingo Road, Suite 321, Las Vegas, Nevada 89119, telephone (702) 699-5581.

*(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R082-00, 8-2-2000)*

**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)**

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 servicemember 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 subsection 5, 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 he may use 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 he 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 is not being compensated for the work-related injury or illness.

6. An appointing authority may require an employee to provide medical *or other appropriate documentation* to support his 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**)

**NAC 284.5813 Family and medical leave: Records. (NRS 284.065, 284.155, 284.345)**

Each appointing authority shall maintain accurate records of family and medical leave used by its employees, including any form approved for requesting family and medical leave.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; 3-1-96; R082-00, 8-2-2000)

**NRS 6.190 Terminating or threatening to terminate employment because of jury duty prohibited; civil action for unlawful termination; requiring employee to use sick leave or vacation time or to work certain hours prohibited; notice to employer; dissuasion from service as juror.**

1. Any person, corporation, partnership, association or other entity who is:

(a) An employer; or

(b) The employee, agent or officer of an employer, vested with the power to terminate or recommend termination of employment,

is guilty of a gross misdemeanor if of a person who is a juror or who has received a summons to appear for jury duty, and who deprives the juror or person summoned of his employment, as a consequence of his service as a juror or prospective juror, or who asserts to the juror or person summoned that his service as a juror or prospective juror will result in termination of his employment, is guilty of a gross misdemeanor.

2. A person discharged from employment in violation of subsection 1 may commence a civil action against his employer and obtain:

(a) Wages and benefits lost as a result of the violation;

(b) An order of reinstatement without loss of position, seniority or benefits;

(c) Damages equal to the amount of the lost wages and benefits;

(d) Reasonable attorney's fees fixed by the court; and

(e) Punitive or exemplary damages in an amount not to exceed \$50,000.

3. If a person is summoned to appear for jury duty, the employer and any employee, agent or officer of the employer shall not, as a consequence of the person's service as a juror or prospective juror:

(a) Require the person to use sick leave or vacation time; or

(b) Require the person to work:

(1) Within 8 hours before the time at which he is to appear for jury duty; or

(2) If his service has lasted for 4 hours or more on the day of his appearance for jury duty, including his time going to and returning from the place where the court is held, between 5 p.m. on the day of his appearance for jury duty and 3 a.m. the following day.

È Any person who violates the provisions of this subsection is guilty of a misdemeanor.

4. Each summons to appear for jury duty must be accompanied by a notice to the employer of the person summoned. The notice must inform the employer that the person has been summoned for jury duty and must include a copy of the provisions of subsections 1, 2 and 3. The person summoned, if he is employed, shall give the notice to his employer at least 3 days before he is to appear for jury duty.

5. Except as otherwise provided in this section, any person who in any manner dissuades or attempts to dissuade a person who has received a summons to appear for jury duty from serving as a juror is guilty of a misdemeanor.

**NRS 50.070 states in part, "Termination or threat of termination of employment because of service as witness prohibited; penalty; remedies.**

1. Any person, corporation, partnership, association or other entity who is:

(a) An employer; or

(b) The employee, agent or officer of an employer, vested with the power to terminate or recommend termination of employment, of a person who is a witness or who has received a summons to appear as a witness in a judicial or administrative proceeding, who deprives the witness or person summoned of his employment, as a consequence of his service as a witness or prospective witness, or who asserts to the witness or person summoned that his service as a witness or prospective witness will result in termination of his employment, is guilty of a misdemeanor."

**NAC 284.582 Civil leave with pay to serve on 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 normal hours of work, to serve:

(a) On a jury; or

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

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

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

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

**NRS 293.463 states, “Employees may absent themselves from employment to vote: Procedure; penalty.**

1. Any registered voter may absent himself from his place of employment at a time to be designated by the employer for a sufficient time to vote, if it is impracticable for him to vote before or after his hours of employment. A sufficient time to vote shall be determined as follows:

(a) If the distance between the place of such voter's employment and the polling place where such person votes is 2 miles or less, 1 hour.

(b) If the distance is more than 2 miles but not more than 10 miles, 2 hours.

(c) If the distance is more than 10 miles, 3 hours.

2. Such voter may not, because of such absence, be discharged, disciplined or penalized, nor shall any deduction be made from his usual salary or wages by reason of such absence.

3. Application for leave of absence to vote shall be made to the employer or person authorized to grant such leave prior to the day of the election.

4. Any employer or person authorized to grant the leave of absence provided for in subsection 1, who denies any registered voter any right granted under this section, or who otherwise violates the provisions of this section, is guilty of a misdemeanor.”

**NAC 284.586 Civil leave with pay to vote. (NRS 284.065, 284.155, 284.345, 293.463)**  
Civil leave with pay must be granted to allow an employee time off to vote subject to the conditions established in NRS 293.463. If an employee determines he will need time off to vote, he must submit a request for civil leave with pay to the person authorized to grant such leave before the day of the election.

[Personnel Div., Rule VII § E subsec. 7, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R145-05, 12-29-2005)

**NRS 281.147 states, “Leave of absence for duty as American National Red Cross disaster technician.** Any public officer or employee of the State or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is classified by the American National Red Cross as a disaster technician must be relieved from his duties, upon the request of the American National Red Cross and the approval of his employer, to assist the American National Red Cross during an emergency or disaster described in NRS 414.020 which occurs in this state or California, Oregon, Idaho, Utah or Arizona, without loss of his regular compensation for a period of not more than 15 working days in any calendar year. No such absence may be a part of the annual vacation of the public officer or employee which is provided for by law.”

**NRS 284.357 states, “Deduction from salary for service during working hours as volunteer firefighter, volunteer medical technician, volunteer reserve member of police department or sheriff's office or volunteer ambulance driver or attendant prohibited.**

1. All employees, whether in the classified or in the unclassified service of the State of Nevada, must be paid their salaries as fixed by law without diminution on account of any time spent away from state employment while acting as:

(a) Volunteer firefighter of any regular organized and recognized fire department in the protection of life or property;

(b) Volunteer emergency medical technicians certified pursuant to chapter 450B of NRS;

(c) Volunteer reserve members of a police department or a sheriff's office; or

(d) Volunteer ambulance drivers or attendants,

↳ during working hours or fractions thereof which should otherwise have been devoted to state employment.

2. As used in this section, “volunteer ambulance driver or attendant” means a person who is a driver of or attendant on an ambulance owned or operated by:

(a) A nonprofit organization that provides volunteer ambulance service in any county, city or town in this state; or

(b) A political subdivision of this state.”

**NAC 284.587 Civil leave with pay for certain volunteers or when absence is necessary to meet disaster or emergency. (NRS 284.065, 284.155, 284.345)** Civil leave with pay must be granted to an employee who meets the requirements of NRS 284.357, and may also be granted by the appointing authority to an employee whose absence from the job is necessary to meet a disaster or emergency.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A by R146-01, 1-18-2002)

**NRS 284.345 states in part, “Regulations for attendance and leaves of absence;**

1. the Commission shall adopt regulations for attendance and leave with or without pay or reduced pay in the various classes of positions in the public service.”

**NAC 284.588 Civil leave with reduced pay when performing certain service in time of war or emergency. (NRS 284.065, 284.155, 284.175, 284.345)** An employee in the public service who performs active military service in the Armed Forces of the United States or any other category of persons designated by the President of the United States or the Governor of this State, including, without limitation, the Commissioned Corps of the Public Health Service, in time of war or emergency, is entitled to civil leave with reduced pay pursuant to this section for the period of such service. The pay that such an employee is entitled to receive pursuant to this section is the difference between the pay he would have otherwise received as a state employee and his pay for active military service. If his pay for active military service is greater than the pay he would have otherwise received as a state employee, the employee will not receive any additional pay pursuant to this section while he is in active military service.

(Added to NAC by Dep’t of Personnel by R146-01, 1-18-2002, eff. 2-4-2002)

**NAC 284.589 Administrative leave with pay. (NRS 284.065, 284.155, 284.345)**

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

(a) To relieve the employee of his 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 position;

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

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

(e) To relieve the employee of his 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 of the Department of Administration, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.

3. Except as otherwise provided in subsection 4, an appointing authority or the Department of Personnel may grant administrative leave with pay to an employee for any of the following purposes:

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

(b) 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.

(c) *Closure, as a result of a pandemic, of a school or a center of 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, or 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.*

(d) His appearance as an aggrieved employee or a witness at a hearing of the Committee.

(e) His appearance as an appellant or a witness at a hearing conducted pursuant to NRS 284.390 by a hearing officer of the Department of Personnel.

(f) His appearance to provide testimony at a meeting of the Commission.

4. An appointing authority or the Department of Personnel shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (d), (e) *or* (f) of subsection 3 if:

(a) The employee requests the administrative leave for a period of time that is reasonably needed for him 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 his appointing authority or adversely impact the provision of services to clients or to the public.

5. 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.

(b) His attendance at a health fair which has been authorized by the Board of the Public Employees' Benefits Program.

(c) His participation in an official capacity as a member of a committee or board created by statute on which he 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 *all* hearings regarding *a* suspension, demotion or dismissal *of the employee* as provided in *section 2 of LCB File No. R063-09*.

(e) Up to 8 hours for preparation for *all* hearings regarding *an* involuntary transfer *of the employee*.

(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, 10-27-2009; R081-09, 10-27-2009; R063-09, 11-25-09**)

**NRS 281.1275 states in part, "Reduction in salary of certain public officers and employees for part-day absence from work prohibited; accounting for part-day absence; exception.**

1. Except as permitted by the federal Family and Medical Leave Act of 1993, the salary of a public officer or employee of the state or any agency thereof, or of a political subdivision or any agency thereof, who is not entitled pursuant to federal or state law, local ordinance, or policy or contract of employment to earn overtime at the rate of time and one-half, must not be reduced for an absence from work for part of a day."



**NAC 284.5895 Accounting for absences of exempt classified and unclassified employees. (NRS 284.065, 284.155, 284.345)**

1. An absence of an exempt classified employee or exempt unclassified employee for a full workday shall be deemed to be an absence for a period equal to his regularly scheduled hours of employment on that workday.

2. Except when an absence for part of a workday is authorized for family and medical leave, an exempt classified employee or exempt unclassified employee must only account for an absence of one or more full workdays by the use of leave appropriate to the absence and is not required to account for any absence for part of a workday.

3. An exempt classified employee or exempt unclassified employee must not account for an absence for a full workday by the use of a combination of accrued sick leave and accrued annual leave unless:

(a) He is on family and medical leave; or

(b) He has been approved for catastrophic leave and the catastrophic leave is used as a supplement for the remaining sick and annual leave.

4. If an exempt classified employee or exempt unclassified employee does not have accrued leave appropriate to the absence in an amount sufficient to account for an authorized absence, the employee must be placed on leave of absence without pay for that workday unless he is approved to use catastrophic leave.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005)

**NRS 281.145 states. "Leave of absence for military duty.** Any public officer or employee of the state or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve, or the Nevada National Guard must be relieved from his duties, upon his request, to serve under orders without loss of his regular compensation for a period of not more than 15 working days in any 1 calendar year. No such absence may be a part of the employee's annual vacation provided for by law."

**NRS 284.359 states, "Military leave of absence; reinstatement.** A permanent or probationary employee who performs active military service under the provisions of any national military service or training act, or who voluntarily serves in the Armed Forces of the United States in time of war, or in such types of service as the Commission by regulation may prescribe, is, upon application, entitled to leave of absence without pay for the period of such service plus a period not to exceed 90 days. If within that period he applies for reinstatement, he must be reinstated to his former class of position, or to a class of position having like seniority, status and pay, or, if those positions have been abolished, to the nearest approximation thereof consistent with the circumstances."

**NAC 284.594 Unauthorized and unreported absences. (NRS 284.065, 284.155, 284.175, 284.345)**

1. An unauthorized and unreported absence must be considered an absence without leave and a deduction of pay must be made for the absence.

2. An *unauthorized or* unreported absence may be considered an absence without leave, and a deduction of pay may be made for the absence.

3. An employee who has an unauthorized or unreported absence may be subject to disciplinary action pursuant to **NAC 284.646 or** NAC 284.650.

4. A deduction from the pay of an exempt classified employee or exempt unclassified employee must be made in increments of a full workday.

[Personnel Div., Rule VII § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 1-26-87; 11-16-95; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005; **R062-09, 10-27-2009**)

**NAC 284.598 Breaks in continuous service. (NRS 284.065, 284.155)** The following are not breaks in continuous service:

1. Military leave for active service if the person returns from leave within 90 calendar days after an honorable discharge from military service.

2. A layoff if the employee is reemployed within 1 year after the date he was laid off.

3. A seasonal layoff if the employee is reemployed within 1 year after the end of the previous seasonal appointment.

4. A separation as a result of a permanent disability arising from a work-related injury or occupational disease, if the employee is reemployed within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013.

[Personnel Div., Rule VII § H, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, 8-26-83; 4-19-88; 3-1-96; A by Personnel Comm'n by R022-05, 10-31-2005; R142-05 & R145-05, 12-29-2005)

**INFORMATIONAL NOTE:** Certain personnel actions, such as transfers, authorized leave without pay and those separations listed above in NAC 284.598, do not constitute a break in continuous service but may result in adjustments to pay, benefits computation of seniority, and/or probationary periods as provided in this chapter.

4. For the purposes of this section, notice is given:
- (a) In the case of a detention hearing, when the parent or guardian:
    - (1) Gives the employer or an agent of the employer oral notice in advance of the hearing;and
    - (2) Provides the employer with a certificate of attendance immediately upon return to employment.
  - (b) In the case of any hearing after the initial detention hearing, when the parent or guardian gives the employer or an agent of the employer, in advance of the hearing, the employer's copy of the written notice of the hearing."

**NRS 286.430 (retirement) states in part, "Withdrawal of contributions.**

1. Except as otherwise provided in subsection 8 and NRS 286.300, a member may withdraw the employee contributions credited to his individual account if:
- (a) He has terminated service for which contribution is required; or
  - (b) He is employed in a position for which contribution is prohibited...
8. A member who transfers to a position for which contribution is prohibited must remain in that position for at least 90 days before he is eligible to receive a refund pursuant to this section."

**NRS 286.440 states in part, "Redeposit of withdrawn contributions upon return to service: Procedure.**

1. Whenever a member, who has previously withdrawn the amount credited to him as provided in NRS 286.430, returns to the service of a public employer participating in the system and remains a contributing member for 6 months, he may:
- (a) Make repayment in a lump sum plus interest from the date he withdrew his contributions to the date of repayment; or
  - (b) With the approval of the executive officer, enter into an agreement containing a schedule of payments to repay the withdrawn contributions plus interest from the date of withdrawal to the date of repayment. Payments shall not be less than \$10 per month.
- For the purposes of this subsection, interest shall be computed at the assumed investment income rate used in the actuarial valuation of the system next preceding the date of repayment under paragraph (a) or agreement under paragraph (b)."

**NRS 284.379 states, "Separation or disability retirement of person with disability.** In the employment of a person with a disability in the state service, continued efforts must be made to retain the person by making reasonable accommodations that enable him to perform the essential functions of the position and to enjoy the benefits and privileges of his position. An appointing authority shall consider separation or disability retirement if an employee can no longer perform the essential functions of the position with or without reasonable accommodations."

**NRS 281.390 states, "Sick leave of public employees: Election of benefits; amount limited when eligible for benefits for industrial or occupational disease.**

5. The public employee may decline to use any or part of the sick leave benefit normally payable to him while receiving benefits pursuant to chapters 616A to 616D, inclusive, or 617 of NRS. During that time, the employee must be considered on leave of absence without pay."

**NAC 284.611 Separation for physical, mental or emotional disorder. (NRS 284.065, 284.155, 284.355)**

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 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 enable the employee to perform the essential functions of his job;

(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 workers' 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 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 *and sections 2 and 3 of LCB File NO. R063-09* must be followed, and he may appeal his 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 recovers from the disorder within 2 years after his termination.

(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, 11-25-09**)

**NRS 284.380 states, "Layoffs; reemployment lists.**

1. In accordance with regulations, an appointing authority may lay off an employee in the classified service whenever he deems it necessary by reason of shortage of work or money or of the abolition of a position or of other material changes in duties or organization.

2. Among other factors, an appointing authority shall consider, in the manner provided by regulation, the status, seniority and service rating of employees in determining the order of layoffs.

3. Within a reasonable time before the effective date of a proposed layoff, the appointing authority shall give written notice thereof to the Director. The Director shall make such orders relating thereto as he considers necessary to secure compliance with the regulations.

4. The name of every regular employee so laid off must be placed on an appropriate reemployment list."

**NRS 286.3007 states in part, "Purchase by state agency of credit for service: Conditions.**

3. If a state agency is required to reduce the number of its employees, it shall purchase credit for service pursuant to NRS 286.300 for any member who:

(a) Is eligible to purchase credit;

(b) Is eligible to retire or will be made eligible by the purchase of the credit;

(c) Agrees to retire upon completion of the purchase; and

(d) Has been employed by the agency for 5 or more years.

4. If a state agency is required to purchase credit pursuant to subsection 3, it shall pay 5 percent of the cost of purchasing the credit and an additional 5 percent of the cost for each year that the person has been employed by the agency in excess of the minimum requirement of 5 years."

**use of any product outside premises of employer which does not adversely affect job performance or safety of other employees.**

1. It is an unlawful employment practice for an employer to:
  - (a) Fail or refuse to hire a prospective employee; or
  - (b) Discharge or otherwise discriminate against any employee concerning his compensation, terms, conditions or privileges of employment,**because he engages in the lawful use in this state of any product outside the premises of the employer during his nonworking hours, if that use does not adversely affect his ability to perform his job or the safety of other employees.”**

**NAC 284.638 Warnings and written reprimands. (NRS 284.065, 284.155, 284.383)**

1. If an employee’s performance falls below standard or if an employee’s conduct comes under one of the causes for action listed in NAC 284.650, the supervisor shall inform the employee promptly and specifically of the deficiencies.
2. If appropriate and justified, following a discussion of the matter, a reasonable period of time for improvement or correction may be allowed before initiating disciplinary action.
3. In situations where an oral warning does not cause a correction of the condition or where a more severe initial action is warranted, a written reprimand prepared on a form prescribed by the Department of Personnel must be sent to the employee and a copy placed in the employee’s personnel folder which is filed with the Department of Personnel.

[Personnel Div., Rule XII § A, eff. 8-11-73; + Rule XV part § A, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep’t of Personnel, 10-26-84; 10-18-89; 11-16-95)

**NRS 284.385 Dismissals, demotions and suspensions.**

1. An appointing authority may:
  - (a) Dismiss or demote any permanent classified employee when he considers that the good of the public service will be served thereby.
  - (b) Except as otherwise provided in NRS 284.148, suspend without pay, for disciplinary purposes, a permanent employee for a period not to exceed 30 days.
2. A dismissal, involuntary demotion or suspension does not become effective until the employee is notified in writing of the dismissal, involuntary demotion or suspension and the reasons therefor. The notice may be delivered personally to the employee or mailed to him at his last known address by registered or certified mail, return receipt requested. If the notice is mailed, the effective date of the dismissal, involuntary demotion or suspension shall be deemed to be the date of delivery or if the letter is returned to the sender, 3 days after mailing.
3. No employee in the classified service may be dismissed for religious or racial reasons.

**INFORMATIONAL NOTE: SAM 1702.0 provides: “Prior to the imposition of any suspension, demotion or termination of an employee, an appointing authority must first consult with the Attorney General regarding the proposed discipline.”**

**NAC 284.642 Suspensions and demotions. (NRS 284.065, 284.155, 284.383, 284.385)**

1. If other forms of disciplinary or corrective action have proved ineffective, or if the seriousness of the offense or condition warrants, an employee may be:
  - (a) Suspended without pay for a period not to exceed 30 calendar days for any cause set forth in this chapter; or
  - (b) Demoted for any cause set forth in this chapter.
2. An exempt classified employee may only be suspended without pay in increments of one or more full workweeks.

3. The rights and procedures set forth in NAC 284.656 *and sections 2 and 3 of LCB File No. R063-09* apply to any disciplinary action taken pursuant to this section.

[Personnel Div., Rule XII § B, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 3-23-94; R147-01, 1-22-2002; A by Personnel Comm'n by R147-06, 12-7-2006; *R063-09, 11-25-09*)

**NAC 284.646 Dismissals. (NRS 284.065, 284.155, 284.383, 284.385)**

1. An appointing authority may dismiss an employee for any cause set forth in NAC 284.650 if:

(a) The agency with which the employee is employed has adopted any rules or policies which authorize the dismissal of an employee for such a cause; or

(b) The seriousness of the offense or condition warrants such dismissal.

2. An appointing authority may immediately dismiss an employee for the following causes, unless the conduct is authorized pursuant to a rule or policy adopted by the agency with which the employee is employed:

(a) Intentionally viewing or distributing pornographic material at the premises of the workplace, including, without limitation, intentionally viewing or distributing pornographic material on any computer owned by the State, unless such viewing or distributing is a requirement of the employee's position.

(b) Unauthorized release or use of confidential information.

(c) Participation in sexual conduct on the premises of the workplace, including, without limitation, participation in sexual conduct in a vehicle that is owned by the State.

(d) Absence without approved leave for 3 consecutive days during which the employee is scheduled to work.

(e) The suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license if the possession of the professional or occupational license, certificate or permit or driver's license is a requirement of the position at the time of appointment as stated in the standards of work performance, essential functions or class specifications for the position, or in other documentation provided to the employee at the time of appointment, or required thereafter pursuant to federal or state law.

(f) Threatening another person with a deadly weapon during any time in which the employee is:

(1) On the premises of the workplace; or

(2) Conducting state business or otherwise performing any duties of employment.

(g) Stealing or misappropriating any property that is owned by the State or located on state property.

3. The rights and procedures set forth in NAC 284.656 *and sections 2 and 3 of LCB File No. R063-09* apply to any dismissal made pursuant to this section.

4. As used in this section:

(a) "Material" has the meaning ascribed to it in NRS 201.2581.

(b) "Nudity" has the meaning ascribed to it in NRS 201.261.

(c) "Pornographic material" means material that, all or in part, contains any description or representation of nudity, sexual conduct, sexual excitement or sado-masochistic abuse which predominantly appeals to the prurient, shameful or morbid interest of adults and is without serious literary, artistic, political or scientific value.

(d) "Sado-masochistic abuse" has the meaning ascribed to it in NRS 201.262.

(e) "Sexual excitement" has the meaning ascribed to it in NRS 201.264.

[Personnel Div., Rule XII § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R147-06, 12-7-2006; *R063-09, 11-25-09*)

**NAC 284.650 Causes for disciplinary action. (NRS 284.065, 284.155, 284.383)**  
Appropriate disciplinary or corrective action may be taken for any of the following causes:

1. Activity which is incompatible with an employee's conditions of employment established by law or which violates a provision of NAC 284.653 or 284.738 to 284.771, inclusive.

2. Disgraceful personal conduct which impairs the performance of a job or causes discredit to the agency.
  3. The employee of any institution administering a security program, in the considered judgment of the appointing authority, violates or endangers the security of the institution.
  4. Discourteous treatment of the public or fellow employees while on duty.
  5. Incompetence or inefficiency.
  6. Insubordination or willful disobedience.
  7. Inexcusable neglect of duty.
  8. Fraud in securing appointment.
  9. Prohibited political activity.
  10. Dishonesty.
  11. Abuse, damage to or waste of public equipment, property or supplies because of inexcusable negligence or willful acts.
  12. Drug or alcohol abuse as described in NRS 284.4062 and NAC 284.884.
  13. Conviction of any criminal act involving moral turpitude.
  14. Being under the influence of intoxicants, a controlled substance without a medical doctor's prescription or any other illegally used substances while on duty.
  15. Unauthorized absence from duty or abuse of leave privileges.
  16. Violation of any rule of the Commission.
  17. Falsification of any records.
  18. Misrepresentation of official capacity or authority.
  19. Violation of any safety rule adopted or enforced by the employee's appointing authority.
  20. Carrying, while on the premises of the workplace, any firearm which is not required for the performance of the employee's current job duties or authorized by his appointing authority.
  21. Any act of violence which arises out of or in the course of the performance of the employee's duties, including, without limitation, stalking, conduct that is threatening or intimidating, assault or battery.
  22. Failure to participate in any investigation of alleged discrimination, including, without limitation, an investigation concerning sexual harassment.
  23. Failure to participate in an administrative investigation authorized by the employee's appointing authority.
- [Personnel Div., Rule XII § D, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-22-87; 12-26-91; 7-1-94; 11-16-95; R031-98, 4-17-98; A by Personnel Comm'n by R065-98, 7-24-98; R147-06, 12-7-2006)

**NRS 193.105 states in part, "Termination of employment, removal from office or impeachment of public employee or officer upon conviction for sale of controlled substance.**

1. If, during the course of his employment, an employee of the State or of any political subdivision of the State is convicted on or after October 1, 1989, of violating any federal or state law prohibiting the sale of any controlled substance, the employer upon discovery of the conviction shall terminate the employment of the employee."

**NAC 284.653 Driving under the influence; unlawful acts involving controlled substance. (NRS 284.065, 284.155, 284.383, 284.385, 284.407)**

1. An employee is subject to any disciplinary action set forth in subsection 2, as determined by the appointing authority, if the employee is convicted of any of the following offenses:
  - (a) If the offense occurred while the employee was driving a state vehicle, or a privately owned vehicle on state business:
    - (1) Driving under the influence in violation of NRS 484.379; or
    - (2) Any offense resulting from an incident in which the employee was:
      - (I) Originally charged with driving under the influence; or

(II) Charged with any other offense for which driving under the influence is an element of the offense.

(b) The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on the premises of the workplace or on state business.

2. An appointing authority may impose the following disciplinary actions if an employee is convicted of an offense set forth in subsection 1:

(a) For the first offense:

(1) Dismissal;

(2) Demotion, if permitted by the organizational structure of the agency for which he is employed;

(3) Suspension for 30 calendar days; or

(4) Suspension for 30 calendar days and demotion.

(b) For the second offense within 5 years, dismissal.

3. An employee who is suspended or demoted pursuant to subsection 2 must:

(a) Agree to be evaluated through an employee assistance program; and

(b) Complete any program of treatment recommended by the evaluation.

4. If an employee fails to complete the program of treatment, the appointing authority must dismiss the employee.

5. Pursuant to NRS 193.105, an employee who is convicted of violating any state or federal law prohibiting the sale of a controlled substance must be dismissed.

6. An employee must report a conviction of any offense described in this section to his appointing authority within 5 working days after it occurs. If he fails to make that report, he must be dismissed.

(Added to NAC by Dep't of Personnel, eff. 7-22-87; A 4-20-90; 3-27-92; A by Personnel Comm'n by 147-06, 12-7-2006; R141-07, 1-30-2008)

**NAC 284.656 Notice of disciplinary action. (NRS 284.065, 284.155, 284.383, 284.385, 284.390)** Except as otherwise provided in *section 3 of LCB File No. R063-09*, if an appointing authority proposes that a permanent employee be dismissed, suspended or demoted, the following procedure *for providing notice of the proposed action* must be followed:

1. The employee must be given at least 10 working days' written notice of the proposed action on the form provided by the Department of Personnel.

2. **The notice** may be given in person or by mail. If it is mailed, the notice must be mailed to the employee's last known address by registered or certified mail, return receipt requested. The date stamped on the receipt by the postal service is the date of delivery. If the notice is returned without a return receipt signed by the employee, the employee's date of receipt shall be deemed to be the third day after the date of the mailing.

3. The notice must:

(a) Specify the proposed date on which the action is effective.

(b) Inform the employee that a hearing has been scheduled on his behalf *in the manner prescribed in section 2 of LCB file No. R063-09* and specify the date, time and place of the hearing.

(c) Specify the charges, the reasons for them and the cause of action contained in NAC **284.646 or** 284.650 on which the proposed action is based.

4. The notice of the proposed action must be signed by the appointing authority or his designated representative *before the notice is given to the employee*.

5. Upon its receipt, the employee must be asked to sign the notice. If he refuses to sign the notice, his refusal must be noted on the notice. The employee's signature is not an admission by him of any of the allegations set forth in the notice.

6. If the employee does not understand the reasons for the proposed action or the *procedures related to disciplinary actions, including, without limitation, the rights to notice, a hearing and an appeal*, the employee may seek an explanation from the appointing authority or another person in the agency familiar with the procedure.



(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 7-21-89; 8-1-91; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 11-12-93; 11-16-95; 11-16-95; **R063-09, 11-25-2009**)

**NEW. Hearing procedures. (NRS 284.065, 284.155, 284.383, 284.385, 284.390)** *Except as otherwise provided in section 3 of LCB File No. R063-09, if an appointing authority proposes that a permanent employee be dismissed, suspended or demoted, the following procedure for a hearing before the proposed action must be followed:*

1. *A hearing must be scheduled on the employee's behalf unless waived in writing by the employee pursuant to subsection 2. The hearing must be scheduled to take place not earlier than 7 working days after the written notice of the proposed action is delivered or deemed received pursuant to subsection 2 of NAC 284.656. The hearing must not be scheduled on a day which is not a regular working day for the employee. If the appointing authority or his or her designated representative and the employee agree, the date of the hearing may be changed.*

2. *The employee may waive the right to a hearing before the proposed action in writing. If the employee makes such a waiver, the employee may not be dismissed, suspended or demoted before the proposed effective date. The waiver does not waive the employee's right to an appeal after the action is taken.*

3. *The appointing authority or his or her designated representative shall conduct the hearing. The designated representative must be a person with the authority to recommend a final decision to the appointing authority. The appointing authority shall render the final decision.*

4. *At any time after receiving the notice and before the hearing, the employee may examine all materials that are to be used by the person conducting the hearing. The employee is entitled to administrative leave with pay as provided in NAC 284.589 to prepare for the hearings regarding his or her suspension, demotion or dismissal.*

5. *This process is an informal proceeding between the two parties, the appointing authority and his or her designated representative and the employee, who meet together to discuss the proposed action. Witnesses are not allowed to attend, but each party may be accompanied by a person of his choice.*

6. *The employee may respond both orally and in writing to the appointing authority or his or her designated representative at the hearing.*

7. *The employee must be:*

(a) *Given a copy of the finding or recommendation, if any, resulting from the hearing; and*

(b) *Informed, in writing, of the appointing authority's decision regarding the proposed action on or before the effective date of the action.*

8. *An employee who has been dismissed, demoted or suspended may request a hearing before the hearing officer of the Department of Personnel pursuant to NRS 284.390 within 10 working days after the effective date of his or her dismissal, demotion or suspension. Such a request must be in writing and addressed to the Department of Personnel or may be submitted on the form provided by the Department of Personnel.*

*(Added to NAC by Dep't of Personnel, eff. 10-27-09)*

**NEW Exceptions to notice and hearing time frames. (NRS 284.065, 284.155, 284.383, 284.385, 284.390)**

1. *The procedures specified in NAC 284.656 and section 2 of LCB File No. R063-09 need not be followed before dismissing or suspending a permanent employee if the circumstances*

*give the appointing authority a reasonable cause to believe that the retention of an employee on active duty poses a threat to life, limb or property or may be seriously detrimental to the interests of the State.*

*2. If the circumstances set forth in subsection 1 are present, the appointing authority may temporarily assign the employee to duties in which those circumstances do not exist or, if the temporary assignment is not feasible:*

*(a) Immediately place the employee on administrative leave with pay until the procedures set forth in specified in NAC 284.656 and section 2 of LCB File No. R063-09 have been followed; or*

*(b) Immediately suspend or dismiss the employee. In this case the appointing authority, his designated representative, or the employee's supervisor shall attempt to inform the employee before the action is taken of the charges against him and provide the employee with an opportunity to rebut the charges. The procedures set forth in specified in NAC 284.656 and section 2 of LCB File No. R063-09 must be followed as soon as practicable after the immediate suspension or dismissal.*

*(Added to NAC by Dep't of Personnel, eff. 10-27-09)*

**NRS 284.390 states, "Hearing to determine reasonableness of dismissal, demotion or suspension; judicial review.**

1. Within 10 working days after the effective date of his dismissal, demotion or suspension pursuant to NRS 284.385, an employee who has been dismissed, demoted or suspended may request in writing a hearing before the hearing officer of the Department to determine the reasonableness of the action. The request may be made by mail and shall be deemed timely if it is postmarked within 10 working days after the effective date of the employee's dismissal, demotion or suspension.

2. The hearing officer shall grant the employee a hearing within 20 working days after receipt of the employee's written request unless the time limitation is waived, in writing, by the employee or there is a conflict with the hearing calendar of the hearing officer, in which case the hearing must be scheduled for the earliest possible date after the expiration of the 20 days.

3. The employee may represent himself at the hearing or be represented by an attorney or other person of the employee's own choosing.

4. Technical rules of evidence do not apply at the hearing.

5. After the hearing and consideration of the evidence, the hearing officer shall render his decision in writing, setting forth the reasons therefor.

6. If the hearing officer determines that the dismissal, demotion or suspension was without just cause as provided in NRS 284.385, the action must be set aside and the employee must be reinstated, with full pay for the period of dismissal, demotion or suspension.

7. The decision of the hearing officer is binding on the parties.

8. Any petition for judicial review of the decision of the hearing officer must be filed in accordance with the provisions of chapter 233B of NRS."