



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

MEMO PERD #40-11

August 3, 2011

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

FROM: Teresa J. Thienhaus, Director
Department of Personnel

SUBJECT: NOTICE OF WORKSHOP - Amendments to NAC 284

A handwritten signature in cursive script, reading "Teresa J. Thienhaus".

The regulation changes included with this memorandum are being proposed for permanent adoption. In order to review the proposed changes in the regulation and solicit comments from interested persons, a workshop will be held at 1:30 p.m., August 22, 2011, at the Gaming Control Board Conference Room, 1919 College Parkway, Carson City, Nevada, and by video conference at the Grant Sawyer Building, Gaming Control Board Room 2450, 555 East Washington Avenue, Las Vegas, Nevada. An informational note explaining the nature and purpose of the proposed changes precedes the regulations.

Please circulate or post the enclosed *Notice of Workshop to Solicit Comments on Proposed Regulations* along with the text of the proposed regulations, or otherwise notify your employees.

TJT:vk

Enclosures



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Regulations Workshop*

AGENDA

DATE: August 22, 2011

TIME: 1:30 p.m.

PLACE: Gaming Control Board
Conference Room
1919 College Parkway
Carson City, Nevada
and
Grant Sawyer Building
Gaming Control Board, Room 2450
555 East Washington Avenue
Las Vegas, Nevada

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

1. Call To Order
2. Review of proposed changes to NAC 284:
Regulation Leadline: NAC # :
A. Differential rate of pay for qualifying shift NAC 284.210
3. Adjournment

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

NOTE: Comments by the general public will be taken following a description of the proposed regulation changes. Public comment may be limited to 15 minutes per person at the discretion of the staff member conducting the workshop.

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

Notices have been posted on the Department of Personnel's Website www.dop.nv.gov and at the following locations:

Department of Personnel - Blasdel Building, 209 East Musser Street, Carson City, Nevada

Library and Archives - 100 North Stewart Street, Carson City, Nevada

Capitol Building - 101 North Carson Street, Carson City, Nevada

Legislative Building – 401 South Carson Street, Carson City, Nevada

Gaming Control Board, 1919 College Parkway, Carson City, Nevada

Grant Sawyer Office Building - 555 East Washington Avenue, Las Vegas, Nevada

We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Mark Evans, in writing at 209 East Musser Street, Room 300, Carson City, Nevada 89701, or by calling (775) 684-0136 no later than five working days prior to the meeting.

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

The Department of Personnel, 209 East Musser Street, Carson City, Nevada, telephone number (775) 684-0136, is proposing the permanent adoption, repeal, or amendment of regulations pertaining to Chapter 284 of Nevada Administrative Code. A workshop has been set for 1:30 p.m. on August 22, 2011 at the Gaming Control Board Conference Room, 1919 College Parkway, Carson City, Nevada and by video conference at the Grant Sawyer Building, Gaming Control Board Room 2450, 555 East Washington Avenue, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

Regulation Leadline:

Differential rate of pay for qualifying shift

NAC #

NAC 284.210

A copy of all materials relating to the proposals may be obtained at the workshop or by contacting the Department of Personnel offices at 209 E. Musser Street, Room 300, Carson City, Nevada, telephone number (775) 684-0136, or 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada, telephone number (702) 486-2900. A reasonable fee for copying may be charged.

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

CARSON CITY

Blasdel Building, 209 E. Musser St.
NV State Library and Archives, 100 N. Stewart St.
Legislative Building, 401 S. Carson St.
Capitol Building, 101 N. Carson St.
Gaming Control Board, 1919 College Parkway

LAS VEGAS

Grant Sawyer State Office Building
555 E. Washington Ave.

This Notice of Workshop to Solicit Comments on Proposed Regulations has been sent to:
ALL STATE AGENCIES
ALL NEVADA COUNTY PUBLIC LIBRARIES

NOTE: We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Department of Personnel, in writing, at 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204 or call Mark Evans at (775) 684-0136, no later than five working days before the meeting.

Date: August 3, 2011

REGULATION CHANGES PROPOSED FOR PERMANENT ADOPTION

Section 1. NAC 284.210 is hereby amended to read as follows:

Explanation of Proposed Change: Currently, NAC 284.210 defines a ‘qualifying shift’ as at least eight hours of work of which four hours fall between 6 p.m. and 7 a.m. This regulation change redefines a ‘qualifying shift’ as at least eight hours of work of which four hours fall between 7 p.m. and 6 a.m. In addition, this regulation change limits the amount of shift differential an employee is eligible to receive to eight hours in a single shift worked. If an employee works two qualifying shifts in a day, the employee would be eligible for shift differential for both shifts. This regulation change is related to the Nevada Department of Correction’s Priorities of Government. Specifically, this budget calls for a reduction in shift differential pay as presented in the Executive Budget Summary.

NAC 284.210 Differential rate of pay for qualifying shift. (NRS 284.065, 284.155, 284.175)

1. As used in this section:

(a) “Differential rate of pay” means an adjustment in pay equivalent to an additional 5 percent of an employee’s normal rate of pay.

(b) “Qualifying shift” means a period of work of 8 hours or more, of which 4 hours must fall between the hours of ~~{6}~~ 7 p.m. and ~~{7}~~ 6 a.m. The term includes, without limitation, a period of work of 8 hours that is reduced to 7 hours because of a change of time to daylight saving time.

Differential rate of pay is limited to 8 hours in any single shift worked.

2. An employee is eligible for the differential rate of pay if he works in a unit which provides services requiring multiple shifts within a 24-hour period and he is:

(a) A nonexempt employee in the classified service who works:

(1) A qualifying shift; or

(2) Any shift of at least 8 hours that is other than a qualifying shift plus 4 or more hours between ~~{6}~~ 7 p.m. and ~~{7}~~ 6 a.m. In such cases, an employee must receive the differential rate of pay for only the hours worked between ~~{6}~~ 7 p.m. and ~~{7}~~ 6 a.m. ***not to exceed 8 hours.***

(b) An exempt classified employee assigned to a qualifying shift. In such cases, an employee must receive the differential rate of pay for all his regularly scheduled hours of employment on that workday.

3. If an employee is assigned to a qualifying shift when he is on paid leave or a holiday occurs, he must receive the differential rate of pay for that shift ***not to exceed 8 hours.***

4. Except as otherwise provided in subsection 3, if a nonexempt employee in the classified service is assigned to a qualifying shift and the employee is not in paid status for the entire period of that shift, the employee must receive the differential rate of pay for the portion of the shift in which he is in paid status ***not to exceed 8 hours.***

5. A nonexempt employee in the classified service who works overtime pursuant to NRS 284.180 in conjunction with a qualifying shift must be paid overtime at the differential rate of pay ***not to exceed 8 hours.***

[Personnel Div., Rule III § I, eff. 8-11-73; A 7-3-76]—(NAC A by Dep’t of Personnel, eff. 12-17-87; 7-21-89; 3-23-94; 10-27-97; R031-98, 4-17-98; A by Personnel Comm’n by R065-98, 7-24-98; A by Dep’t of Personnel by R098-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm’n by R069-02, 8-14-2002; R022-05, 10-31-2005)