



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
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MEMO PERD #43/13

October 1, 2013

TO: Department Directors
Division Administrators
Agency Personnel Liaisons
Agency Personnel Representatives
Agency Payroll Clerks

FROM: Lee-Ann Easton, Administrator *Lee-Ann Easton*
Division of Human Resource Management

SUBJECT: APPLICATION OF CHANGE IN MILITARY LEAVE

An employee who is an active member of the Reserves or National Guard is entitled to military leave with pay to serve under orders. AB 364 of the 2013 Legislative Session amended the provision of military leave in NRS 281.145 as of October 1, 2013. Prior to October 1, 2013, the military leave with pay entitlement was 15 working days in a calendar year. AB 364 provides for 39 working days of military leave with pay to employees (who are active members of the Reserves or National Guard serving under orders) with a work schedule that includes Saturday or Sunday.

The statute does not specify how certain aspects of the laws should be administered. This memorandum addresses how the statute should be applied by state agencies:

- “Work schedule” is interpreted as the standard schedule for a position. It would not include short-term fluctuations, one-time events, overtime, standby or callback.
- “Working day” is interpreted as a period of work consisting of the number of hours regularly scheduled and also does not include overtime, standby or callback.

- An employee whose work schedule does not include Saturday or Sunday is entitled to a maximum of 15 working days of military leave with pay in a calendar year.
- An employee whose work schedule includes Saturday or Sunday is entitled to a maximum of 39 working days of military leave with pay in a calendar year.
- An employee whose work schedule changes from including Saturday or Sunday to not including Saturday or Sunday, is entitled to no more than 15 working days of military leave with pay after the change of schedule and no more than 39 working days of military leave with pay for the entire calendar year.
- An employee whose work schedule changes from not including Saturday or Sunday to including Saturday or Sunday, the entitlement would change from a maximum of 15 working days of military leave with pay to 39 working days of military leave with pay on the effective date of the change to the employee's schedule.
- An employee may not receive military leave with pay retroactively if the employee exceeded 15 working days of active military service in a period when his or her schedule did not include a Saturday or Sunday and his or her schedule is subsequently changed to include a Saturday or Sunday.

See the attached sheet for examples.

As of October 1, NEATS will accept 39 days of military leave with pay (UMIL) in a calendar year for all employees. However, if an employee takes military leave with pay in less than full day absences (e.g., the employee's normal work day is 8 hours but only 3 hours of military leave with pay are taken) and the work days with military leave with pay recorded in NEATS exceed 39, the entries beyond 39 will require a Special Pay document to process through Central Payroll. *Please note that NEATS does not limit an employee whose work schedule does not include Saturday or Sunday from reporting the maximum 39 days of military leave.*

If you have any questions regarding the application of the amended statute, you may contact Carrie Hughes at cphughes@admin.nv.gov or (775) 684-0111. If you have any questions regarding the reporting of military leave with pay in NEATS, you may contact Keyna Jones at kjones@admin.nv.gov or (775) 687-9077.

Military Leave Entitlement Examples

(NRS 281. 145)

Example 1 – Schedule does not include Saturday or Sunday in the calendar year:

January

December

15 days maximum

Example 2 – Schedule includes Saturday or Sunday in the calendar year:

January

December

39 days maximum

Example 3 – Schedule includes Saturday or Sunday for a portion of the calendar year:

January

December

Saturday or Sunday Schedule

No Saturday or Sunday Schedule

Used 39 days

No additional days

Example 4 – Schedule includes Saturday or Sunday for a portion of the calendar year:

January

December

No Saturday or Sunday Schedule

Saturday or Sunday Schedule

Used 15 days*

Maximum 24 days

Example 5 – Schedule includes Saturday or Sunday for a portion of the calendar year:

January

December

Saturday or Sunday Schedule

No Saturday or Sunday Schedule

Used 20 days

Maximum 15 days

Example 6 – Schedule includes Saturday or Sunday for a portion of the calendar year:

January

December

No Saturday or Sunday Schedule

Saturday or Sunday Schedule

Used 10 days

Maximum 29 days

*Note: If more than 15 days of leave is taken to serve under military orders prior to the employee being eligible for up to 39 days, military leave with pay cannot be granted retroactively.