

284.498	Training of supervisory and managerial employees.....	3
284.504	Certification of employees who prepare forms for Records or Payroll Sections of Division of Human Resource Management.....	4
284.506	Responsibilities of Division of Human Resource Management	5
284.510	Responsibilities of appointing authorities.....	5
284.514	Educational leave stipends	5
284.518	Requirements for educational leave stipends	6
284.522	Procedure for appeal	6

**ATTENDANCE AND LEAVES
SECTION I**

284.523	Definitions.....	1
284.5231	“Care” defined	1
284.52315	“Child” defined	1
284.52317	“Child” interpreted.....	2
284.52345	“Family and Medical Leave Act” defined.....	2
284.5235	“Immediate family” defined.....	2
284.5237	“Parent” defined	2
284.52373	“Parent” interpreted.....	2
284.52374	“Person standing in loco parentis” and “person who stood in loco parentis” defined.....	3
284.52375	“Provider of health care” defined.....	4
284.524	Reporting for work; workweeks and workdays; periods for meals and rest	5
284.5242	Break times and place for mother of a child under 1 year of age to express breast milk: Duties of appointing authority	5
284.5243	Break times and place for mother of a child under 1 year of age to express breast milk: Procedures for employee to request break times and place; efforts to address employee’s needs; date of receipt of request; response to request by department or agency.....	6
284.525	Reduction of hours by mutual agreement.....	6
284.5255	Time sheets	6
284.538	Annual leave: Computation; part-time employees; long-term employees.....	8
284.5385	Annual leave: Leave of absence without pay; catastrophic leave; receipt of benefits for temporary total disability.....	9
284.539	Annual leave: Written request; approval or denial; authorized use	9
284.5395	Annual leave: Payment upon separation from service.....	10
284.540	Records of earned and used leave.....	10
284.5405	Annual leave: Credit upon reinstatement, rehiring, reemployment or transfer.....	10
284.541	Annual leave: Service in provisional, special disabled, emergency or temporary status; seasonal employees	11
284.5415	Annual leave and sick leave: Exception employees	13
284.542	Sick leave: Part-time employees	14
284.544	Sick leave: Leave of absence without pay; catastrophic leave; receipt of benefits for temporary total disability; computation.....	14

284.546	Sick leave: Unused credit; special sick leave	15
284.548	Sick leave: Reinstatement of dismissed employee.....	15
284.550	Sick leave: Separation from service	15
284.551	Sick leave: Credit upon rehiring, reemployment or transfer	16
284.552	Sick leave: Service in provisional, emergency or temporary status; seasonal employees.....	16
284.554	Sick leave: Authorized use	16
284.558	Sick leave: Illness in employee's immediate family	17
284.562	Sick leave or catastrophic leave: Death in employee's immediate family	17
284.566	Sick leave: Approval by appointing authority; medical certification	18
284.568	Sick leave: Placing employee on sick leave; conditions for return to work	19
284.575	Catastrophic leave: Interpretation of certain statutory terms	22
284.576	<i>Catastrophic leave: Use and administration; appeal of denial</i>	22
284.577	Catastrophic leave: Repayment for hours used; receipt of workers' compensation benefits	23
284.5775	Temporary total disability: Use of sick leave, compensatory time, annual leave and catastrophic leave; leave of absence without pay.....	24
284.5777	Temporary total disability: Workers' compensation travel leave to receive medical treatment	26
284.578	<i>Leave of absence without pay</i>	28
284.580	Leave of absence without pay during fiscal emergency of State or agency.....	29
284.581	Adoption by reference of federal law and regulations	30
284.5811	Family and medical leave: Maximum amount in 12-month period; eligibility; use	30
284.5813	Family and medical leave: Records.....	31
284.582	Civil leave with pay to serve on jury or as witness	32
284.586	Civil leave with pay to vote	33
284.587	Civil leave with pay for certain public officers or employees or when absence is necessary to meet state of emergency or declaration of disaster	35
284.5875	Military leave with pay: Annual period of eligibility	37
284.589	Administrative leave with pay	37
284.5895	Accounting for absences of exempt classified and unclassified employees.....	39
284.594	Unauthorized and unreported absences	40
284.598	Breaks in continuous service.....	40

**REASONABLE ACCOMODATIONS FOR EMPLOYEES OR FAMILY OR
HOUSEHOLD MEMBERS OF EMPLOYEES WHO ARE VICTIMS OF ACTS OF
DOMESTIC VIOLENCE IN CERTAIN CIRCUMSTANCES
SECTION J**

284.599	Requirements.....	1
---------	-------------------	---

**WORK-RELATED INJURIES AND OCCUPATIONAL DISEASES
SECTION K**

284.600	Definitions.....	1
284.6002	Physical assessments	1
284.6004	Temporary assignment: Conditions for offer; termination; subsequent assignment; medical examination	1
284.6008	Temporary assignment: Location; jurisdiction of appointing authority; effect of jurisdiction of another appointing authority; classification and payment of employee.....	2
284.6012	Temporary assignment: Effect of family and medical leave.....	3
284.6013	Determination of effective date of permanent disability	3
284.6014	Eligibility of employee with permanent disability for reemployment.....	3
284.6015	Risk Management Division to provide certain information regarding permanent disability of employee to Division of Human Resource Management and appointing authority	4
284.6017	Placement on reemployment list of name of employee with permanent disability.....	5
284.6018	Status following reemployment of person with permanent disability; restoration of name to reemployment list following failure of such person to complete probationary period; rights of employee after expiration of right to reemployment	5
284.6019	Limitations on eligibility for reemployment of person with permanent disability.....	5

**SEPARATIONS FROM SERVICE
SECTION L**

284.602	<i>Resignations</i>	3
284.608	Termination of seasonal employee	3
284.611	Separation for physical, mental or emotional disorder	5
284.612	Layoffs: Definitions.....	7
284.614	Layoffs: Procedure.....	7
284.618	Layoffs: Voluntary demotions	8
284.626	Layoffs: Notice	8
284.630	Layoffs: Reemployment.....	9
284.632	Layoffs: Calculation of seniority	9

**DISCIPLINARY PROCEDURES
SECTION M**

284.638	Warnings and written reprimands.....	4
284.642	Suspensions and demotions.....	5
<i>NEW</i>	<i>Report of suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's licence</i>	5
284.646	<i>Dismissals</i>	6
284.650	<i>Causes for disciplinary action</i>	7

284.653	Driving under the influence; unlawful acts involving controlled substance.....	8
284.655	Investigation; waiver	9
284.6555	Request for extension to complete an internal administrative investigation.....	9
284.656	Contents and delivery of notice of proposed action; employee authorized to seek explanation of reasons for proposed action or procedures for disciplinary actions from agency.....	10
284.6561	Predisciplinary review before proposed dismissal, demotion or suspension; waiver by employee.....	10
284.6562	Request for hearing to determine reasonableness of dismissal, demotion or suspension	11
284.6563	Notice and hearing not required in certain circumstances	12

ADJUSTMENT OF CERTAIN GRIEVANCES; COMPLAINTS CONCERNING RIGHTS OF CERTAIN EMPLOYEES TO EXPRESS BREAST MILK UNDER CERTAIN CIRCUMSTANCES
SECTION N

284.658	Definitions.....	4
284.662	Providing assistance or representation to employee; discrimination prohibited relating to seeking or filing request for review of grievance or complaint or testifying or providing assistance or representation to another employee; available resources for assistance	4
284.678	Submission, form and contents of grievance; informal discussions.....	4
284.680	Date of receipt of grievance or complaint.....	5
284.682	Appeal of grievance to next appropriate level.....	6
284.686	Submission of grievance to head of division or department	6
284.690	Filing of grievance with highest administrator of department; action by highest administrator	7
284.692	Extension of time to file grievance or complaint or take required action: Mutual agreement; unilateral extension by appointing authority or designee; review by Employee-Management Committee	8
284.693	Removal of ineligible request for adjustment of grievance or complaint from procedure; notice; appeal.....	9
284.695	Submission of grievance to Employee-Management Committee	9
284.6951	Submission of complaint to Employee-Management Committee.....	10
284.6952	Request for resolution conference; appointment of facilitator; effect of request for resolution conference on jurisdiction of Employee-Management Committee; arrangement.	11
284.6955	Hearing before Employee-Management Committee: Procedure	12
284.6957	Hearing before Employee-Management Committee: Request for continuance or to have grievance or complaint held in abeyance.....	13
284.696	Unlawful discrimination	13
284.697	When resolution of grievance or complaint becomes binding.....	13

**PERSONNEL RECORDS
SECTION O**

284.702	Reports of personnel actions	1
284.710	Order of processing personnel documents	1
284.714	Official roster: Inspection; contents	2
284.718	<i>Confidential records</i>	3
284.726	<i>Access to confidential records</i>	5
284.730	Retention and disposal of records	6
284.734	Prohibition against maintenance of secret files	6

**PROHIBITIONS AND OFFENSES
SECTION P**

284.738	Conflicting activities	5
284.742	Appointing authorities required to determine prohibited conflicting activities and identify such activities and explain process of progressive discipline in policy	5
284.746	Acceptance of favors	5
284.750	Use of position to secure or grant privileges.....	5
284.754	Contracts with State	5
284.758	Use of privileged information	5
284.762	Suppression of information	5
284.766	Full-time service required	6
284.770	Political activities	6
284.771	Sexual harassment	8

**PRACTICE BEFORE DIVISION OF HUMAN RESOURCE MANAGEMENT
SECTION Q**

Hearings Before the Hearing Officer

284.774	Scope.....	2
284.778	Request for hearing and other communications	2
284.780	Provision of qualified hearing officer.....	3
284.782	Time and place; notice; provision of reasonable accommodation to party with disability.....	3
284.786	Continuances	3
284.788	Conduct of hearings on appeal	4
284.794	Evidence	4
284.798	Decision must be based on evidence presented	4
284.802	Form of testimony	5
284.806	Evidence must be authenticated	5
284.814	Appearance and procedure at hearing	5
284.818	Decision by hearing officer	5

Adoption, Amendment or Repeal of Regulations

284.826	Notice.....	6
284.830	Presentation and contents of petitions	6
284.834	Action on petitions to initiate adoption, amendment or repeal	6
284.838	Declaratory judgments	6

Hearings Before the Personnel Commission

284.850	Scope.....	6
284.854	Request for appeal and other communication	6
284.858	Time and place; notice; provision of reasonable accommodation to party with disability.....	7
284.862	Hearings open to public.....	7
284.866	Commencement of hearing	7
284.870	Appearance and representation of party; manner of hearing.....	7
284.874	Decision of Commission.....	7

USE OF ALCOHOL OR DRUGS SECTION R

284.880	Definitions.....	5
284.882	Administration of screening tests	5
284.884	Maximum allowable concentrations of alcohol in blood or breath of employee; confirmation of positive result on screening test of breath.....	5
284.886	Screening test for controlled substance required of applicant for position affecting public safety; exception.....	5
284.888	Request for employee to submit to screening test: Objective facts constituting reasonable belief employee under influence; completion of required form.....	6
284.890	<i>Transportation of employee to and from location of screening test</i>	<i>6</i>
284.892	Duties of employee who is referred to employee assistance program	6
284.893	Return to work of employee who tests positive for alcohol or controlled substance while on duty.....	7
284.894	Treatment of applicant who tests positive; treatment of employee who tests positive twice within 5-year period.....	7
<i>NEW</i>	<i>Refusal to submit to a screening test: Reasons an applicant or employee shall be deemed to have refused a test; potential consequences of a refusal to submit to a screening test by an applicant.....</i>	<i>8</i>

Bolded and italicized text indicates changes to regulations that have been approved by the Legislative Commission. These changes are in effect, but are not yet codified.

INDEX

NRS References	1-10
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3. If a holiday occurs on the day off of a full-time nonexempt employee, the appointing authority may adjust the work schedule of the employee for the week during which the holiday occurs. If a holiday occurs on the day off of an exempt classified employee or exempt unclassified employee, the appointing authority may adjust the work schedule of the employee for the week during which the holiday occurs or for a subsequent week.

(Added to NAC by Dep't of Personnel by R147-01, eff. 1-22-2002)—(Substituted in revision for NAC 284.532)

NAC 284.258 Compensation for time spent traveling. (NRS 284.065, 284.155, 284.175)

1. An employee who is otherwise entitled to pay for overtime may earn overtime for traveling if:

(a) His or her actual work time and the travel time exceed his or her normal workday of at least 8 hours; or

(b) The travel occurs on his or her regularly scheduled day off.

2. Such an employee begins traveling when he or she leaves his or her workstation, or home if so authorized, and continues until he or she reaches the geographical location for his or her work assignment.

3. In determining the amount of travel time granted, the overtime claimed for additional reimbursement must be justified against the “normal” travel time as determined by the previous travel experience of the agency. If the additional travel time was caused by the employee’s choice of transportation, overtime compensation will not be paid for the portion of the travel time that exceeds the “normal” travel time. Unless the appointing authority determines that the additional travel time is justified, an employee who has travel layovers or delays in transportation is limited to 4 hours of overtime, if applicable, plus per diem expenses. An employee may not be compensated for the time spent traveling during the normal time he or she spends commuting to and from work.

4. An employee who must travel and stay over to continue work on his or her next regularly scheduled workday is not considered to be working on his or her regularly scheduled day off and is not eligible for overtime pay. Such an employee is allowed to claim the standard per diem expenses.

5. Any travel by an employee on a holiday will be compensated pursuant to the provisions of NAC 284.255, 284.256 and 284.257.

[Personnel Div., Rule III § L subsec. 16, eff. 8-11-73; renumbered as subsec. 15, 10-10-76]—(NAC A by Dep't of Personnel, 10-26-84; 7-1-94; R147-01, 1-22-2002)

INFORMATIONAL NOTE: NRS 284.358 “Civil leave with reduced pay when performing active military service in time of war or emergency.” may be found following NAC 284.589.

NAC 284.290 Retained rates of pay. (NRS 284.065, 284.155, 284.175)

1. An employee who is reclassified downward is entitled to a retained rate of pay if:

(a) The employee has been in the same class for the equivalent of 6 months or more of full-time employment immediately preceding the downward reclassification; and

(b) The reclassification is the result of a reorganization or other legitimate reason over which the employee has no control.

2. If an employee is entitled to a retained rate of pay pursuant to this section, the employee’s base rate of pay remains unaffected for 2 years after the effective date of the downward reclassification. At the end of the 2-year period, the employee’s base rate of pay will be frozen until it falls within the range of the grade to which he or she was reclassified or for a maximum of

2 years, making the employee ineligible for any merit pay increases, cost of living adjustments or adjustments for a class of employees that have been approved by the Legislature. If the employee's frozen base rate of pay does not fall within the range of the grade to which he or she was reclassified within the 2-year period, his or her base rate of pay will be adjusted to the highest step within the lower grade to which he or she was reclassified.

3. If the employee voluntarily accepts another position within the time period prescribed in subsection 2, he or she may no longer retain his or her base rate of pay.

4. The employee is entitled to reemployment rights to his or her former class and option in his or her department for 1 year after the date of notification of the reclassification as provided in NAC 284.140.

5. This section does not apply to an employee who is occupying a position which is temporarily reclassified to a higher class and is later restored to the former class pursuant to NAC 284.132.

[Personnel Div., Rule III § O, eff. 8-11-73; renumbered as § P, 9-6-74; A 10-6-78]—(NAC A by Dep't of Personnel, 10-26-84; 9-17-87; 7-1-94; 3-1-96; R098-99, 9-27-99; R147-01, 1-22-2002)

INFORMATIONAL NOTE: Payroll Overpayment. The Office of the State Controller's accounting policies and procedures state that all agencies should notify Personnel/Payroll immediately upon discovery of any overpayment, especially when there has been a termination of employment.

NAC 284.292 Notification of uncollected overpayment. (NRS 284.065, 284.155, 284.175) If the Division of Human Resource Management determines that an employee in the classified or unclassified service has been paid in a manner which is contrary to the applicable laws and regulations and the agency has been unsuccessful in collecting the overpayment, the Division of Human Resource Management will notify the State Controller after it has reviewed the circumstances with the agency concerned.

[Personnel Div., Rule XVI § A subsec. 2, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-14-88; R147-01, 1-22-2002)—(Substituted in revision for NAC 284.706)

NRS 289.800 states, "Reimbursement for cost to repair or replace uniform, accessories or safety equipment damaged or destroyed in performance of duties. In addition to the compensation required by NRS 281.121, a state agency that employs a person:

1. Upon whom some or all of the powers of a peace officer are conferred pursuant to:
 - (a) Subsection 1 of NRS 289.180 *or* subsection 1 of NRS 289.220; or
 - (b) Paragraph (d) of subsection 1 of NRS 289.270 and who is employed by the Nevada Highway Patrol; and
2. Who is required to purchase and wear a uniform or other clothing, accessories or safety equipment while performing the person's duties for the State as a peace officer,
→ may, after first obtaining the written approval of the Director of the Department of Administration, reimburse that person for the cost to repair or replace the person's required uniform or other clothing, accessories or safety equipment if it is damaged or destroyed, by means other than ordinary wear and tear, while the person is performing the person's duties for the State as a peace officer."

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

NEW "Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employer:

(a) Shall not require an employee to be physically present at his or her place of work in order to notify his or her employer that he or she is sick or has sustained an injury that is not work-related and cannot work.

(b) May require an employee to notify the employer that he or she is sick or injured and cannot report for work.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against any employer or agent or representative thereof that is found to have violated any provision of this section an administrative penalty of not more than \$5,000 for each such violation.

3. If an administrative penalty is imposed pursuant to this section, the costs of the proceeding, including without limitation, investigative costs and attorney's fees, may be recovered by the Labor Commissioner."

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 or her 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 firefighter 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)

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 in course of employment while member of 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 of absence without pay; catastrophic leave; receipt of benefits for temporary total disability; computation. (NRS 284.065, 284.155, 284.345, 284.350, 284.355, 284.3626)

1. Except as otherwise provided in NAC 284.580, an employee does not accrue sick leave during the time he or she is on leave of absence 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 subparagraph (1), (2) or (3) of paragraph (a) of subsection 1 of NAC 284.5775 is entitled to accrue sick leave during the

period he or she is receiving those benefits and is being paid an amount of paid leave equal to the difference between his or her normal pay and the benefits received. The employee accrues sick leave only for the time he or she is in paid status, excluding overtime.

3. 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.

4. 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 or her 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; R151-17, 6-26-2018)

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 or her 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 section, the balance of the amount of sick leave that the employee had before he or she 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 or she 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 or her account at the time of his or her 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 or she is laid off is entitled to the restoration of the accrued and unused sick leave remaining in his or her account at the time of the layoff.

2. The balance of a seasonal employee's sick leave must be restored to him or her for each subsequent term of appointment if the employee is rehired within 1 year after the date of his or her 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 or her 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 or her sick leave is charged to the agency to which he or she is appointed.

5. If a nonclassified employee, an employee occupying a position within the Nevada System of Higher Education, or an employee covered by NRS 284.022 is appointed to the nonclassified, classified or unclassified service without a break in service, his or her sick will be transferred to the new appointment.

(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; R024-16, 12-21-2016)

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 states, "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, 608.0198)

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

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

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

- (c) Is quarantined;
- (d) Is receiving required medical, psychological, optometric or dental service or examination;
- (e) Is receiving counseling through an employee assistance program for a condition which would otherwise qualify pursuant to the provisions of this section;
- (f) Has an illness, death or other authorized medical need in his or her immediate family and he or she complies with the requirements of NAC 284.558 or 284.562; or
- (g) Meets the requirements set forth in subsection 2.

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

- (a) The employee has been employed in public service for at least 90 days;
- (b) The employee has accrued the amount of sick leave necessary to cover the time requested; and
- (c) The combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence occurred.

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

NAC 284.558 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 or her immediate family with an illness or other authorized medical need, the employee may use his or her 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 a 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 or she may use his or her accumulated sick leave, or request approval for catastrophic leave pursuant to NAC 284.576, not to exceed 5 working days for each death.

2. For the purposes of this section, “immediate family” means the employee’s parents, spouse, children, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-

law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law, grand-daughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law, great-granddaughter-in-law, stepparents and stepchildren.

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

[Personnel Div., Rule VII § D part subsec. 6, eff. 8-11-73; A and renumbered as subsec. 8, 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. If a second medical opinion is required, an employee shall obtain the opinion from a provider of health care designated by the appointing authority. The employing agency shall pay for the consultation. 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 or her duties and responsibilities and when he or she 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 third medical opinion is required, an employee shall obtain the opinion 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 or her 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 employing agency shall pay for the consultation.

4. 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.

5. 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 or her 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; A by Personnel Comm'n by R135-12, 10-4-2013)

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 or her position or is not able to perform the essential functions of the position with or without reasonable accommodation, as determined by the appointing authority pursuant to NAC 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; R135-12, 10-4-2013)

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 the employee's position because of a serious illness, accident or motor vehicle crash which is life threatening or which will require a lengthy convalescence;

(2) There is a serious illness, accident or motor vehicle crash which is life threatening or which will require a lengthy convalescence in the employee's immediate family; or

(3) There is a death in the employee's immediate family.

(b) "Committee" means the Committee on Catastrophic Leave created pursuant to NRS 284.3627.

2. The Commission shall adopt regulations further defining "catastrophe" to ensure that the term is limited to serious calamities."

NRS 284.3621 states, "Catastrophic leave: Account for catastrophic leave; transfer of hours to account; limitations on transfers; transfers between branches of government.

1. Each appointing authority may establish an account for catastrophic leave.

2. An employee of an appointing authority may request, in writing, that a specified number of hours of the employee's accrued annual or sick leave be transferred from the employee's account to the account for catastrophic leave.

3. An employee may not transfer to the account for catastrophic leave any hours of sick leave if the balance in the employee's account after the transfer is less than 240 hours.

4. The maximum number of hours which may be transferred by an employee in any 1 calendar year is 120. The minimum number of hours which may be transferred in any 1 calendar year is 8.

5. An employee may transfer hours to any such account for catastrophic leave for use by a particular employee in any branch of State Government who is eligible to receive them. A record of the source and number of hours of leave transferred among different appointing authorities for this purpose and the date of the transfer must be maintained by each appointing authority. Leave transferred in excess of the amount approved for use by a particular employee must be returned to the employee's account from which it originated. The Commission shall, by regulation, determine the procedure to return excess leave.

6. Any hours of annual or sick leave which are transferred from any employee's account to the account for catastrophic leave and not designated for use by a particular employee may not be returned or restored to the originating employee. This subsection does not prevent the employee from receiving leave pursuant to NRS 284.3622."

NRS 284.3622 states, "Catastrophic leave: Request for transfer to employee of hours from account for catastrophic leave.

1. An employee of an appointing authority may request, in writing, that a specified number of hours of leave be transferred from the account for catastrophic leave to the employee's account. The maximum number of hours that may be transferred to an employee pursuant to this section is 1,040 in any 1 calendar year.

2. The request must include:

(a) The employee's name, title and classification; and

(b) A description of the catastrophe and the expected duration of leave required for that catastrophe.

3. An employee may not receive any leave from the account for catastrophic leave until the employee has used all the employee's accrued annual, sick and compensatory leave.

4. An employee who receives leave from the account for catastrophic leave is entitled to payment for that leave at a rate no greater than the employee's own rate of pay."

NRS 284.3623 states, "Catastrophic leave: Approval of transfer of hours to employee. The appointing authority may approve the transfer of a specified number of hours of leave from the account for catastrophic leave to the account of any employee who the appointing authority determines is eligible to receive such leave."

NRS 284.3624 states, "Catastrophic leave: Review of status of employee regarding 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 the employment of the employee 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 Administrator. Each appointing authority shall maintain records and report to the Administrator 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."

NRS 284.3627 states, “Committee on Catastrophic Leave: Creation; members; terms; vacancies; members serve without compensation.

1. There is hereby created within the Division the Committee on Catastrophic Leave composed of five members appointed by the Governor.
2. The Committee must be composed of:
 - (a) Three members who are executive officers of state agencies; and
 - (b) Two members who are representatives of labor.
3. The members of the Committee serve at the pleasure of the Governor.
4. After the initial terms, each member of the Committee serves for a term of 3 years. Each member of the Committee continues in office until the member’s successor is appointed. Any member of the Committee may be reappointed.
5. A vacancy in the membership of the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.
6. The members of the Committee serve without compensation, except that the members are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Committee.”

NRS 284.3628 states, “Committee on Catastrophic Leave: Chair and Vice Chair; quorum; rules; hearings; Secretary.

1. The members of the Committee shall elect a Chair and Vice Chair from among their members. After the initial election, the Chair and Vice Chair serve in the office for a term of 1 year beginning on July 1 of each year. If a vacancy occurs in the office of Chair or Vice Chair, the members of the Committee shall elect a Chair or Vice Chair from among their members to serve for the remainder of the unexpired term.
2. Any three members of the Committee constitute a quorum, and a majority vote of the quorum is required to take action with respect to any matter.
3. The Committee shall adopt:
 - (a) Rules for its own management; and
 - (b) Such rules of practice and procedure as are necessary to carry out its duties.
4. The Committee shall hold such hearings as are necessary to carry out the provisions of NRS 284.3629.
5. The Administrator or the designee of the Administrator shall act as the nonvoting recording Secretary of the Committee.”

NRS 284.3629 states, “Committee on Catastrophic Leave: Appeal of decision of appointing authority; procedure; representation of employee; finality of decision; inapplicability of Open Meeting Law.

1. An employee aggrieved by any decision of an appointing authority made pursuant to NRS 284.362 to 284.3629, inclusive, may appeal from the decision by filing a written notice of appeal with the Committee within 10 days after the date of the decision.
2. The Committee shall:
 - (a) Within 5 days after receiving a notice of appeal, schedule a hearing on the merits of the appeal for a date not later than 20 days after its receipt of the notice.
 - (b) Cause notice of the date and time of the hearing to be given to the employee and the appointing authority by mail or by personal service.
 - (c) Conduct the hearing expeditiously and informally. Technical rules of evidence do not apply at the hearing.
3. The employee may file a written request with the Committee to give preference in scheduling the hearing. The request must set forth facts showing that the seriousness of the alleged catastrophe requires an expedited appeal.

4. The employee may represent himself or herself at the hearing or be represented by an attorney or other person of the employee's own choosing.
5. The Committee shall:
 - (a) Render a decision in writing within 10 days after the hearing, setting forth the reasons therefor.
 - (b) Cause notice of the decision to be given to the employee and the appointing authority by mail or by personal service.
6. The decision of the Committee is final and is not subject to judicial review or the procedure for the adjustment of grievances pursuant to NRS 284.384.
7. A meeting or hearing held by the Committee to carry out the provisions of this section and the Committee's deliberations on the information or evidence received are not subject to any provision of chapter 241 of NRS."

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 she or a member of his or her immediate family experiences a catastrophe and the employee has used all of his or her accrued leave.

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

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

4. 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 who wishes to donate hours to an account for catastrophic leave for use by another employee who has been approved to receive the donated hours shall notify his or her appointing authority on the appropriate form of his or her intent to donate the leave. The appointing authority of the employee donating the leave shall submit a copy of the form to the appointing authority of the employee receiving the leave. The appointing authority of the recipient shall use the notice to effect a transfer of leave from the account of the donor to the account of the recipient when the recipient needs to use those hours. If more than one notice of intent to donate leave is

received by the recipient's appointing authority on behalf of the recipient, the notices must be maintained in chronological order and used, one at a time as needed, according to the date in which they were received.

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

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

8. The appointing authority shall assign numbers to employees for the purposes of subsection 7 in a sequential order and in such a manner that ensures the confidentiality of the identity of those employees.

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

10. As used in this section, "immediate family" has the meaning ascribed to it in NAC 284.562.

(Added to NAC by Dep't of Personnel, eff. 10-18-89; A 8-14-90; 3-23-94; R146-01, 1-18-2002; A by Personnel Comm'n by R145-05, 12-29-2005; R136-12, 10-4-2013; ***R166-18, 1-30-2019***)

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 or her pay for the period of the leave. An employee must repay the account for catastrophic leave when the combined benefit of catastrophic leave and workers' compensation exceeds his or her 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 or she 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, "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 the person 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 the person does not return to the classified service, or by the employer in the classified service, if the person 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.”

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.

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)

1. An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS may:

(a) Elect to receive payment for all or part of the difference between his or her normal pay and the benefits received by:

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

(2) Using his or her accrued compensatory time;

(3) Using his or her accrued annual leave if he or she:

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

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

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

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

2. An employee who does not have enough paid leave to make up the difference between his or her normal pay and the benefits for a temporary total disability pursuant to paragraph (a) of subsection 1 must be placed on leave of absence without pay for the time he or she is receiving such benefits and the balance of time not covered by paid leave.

(Added to NAC by Dep't of Personnel by R031-98, eff. 4-17-98; A by R082-00, 8-2-2000; A by Personnel Comm'n by R151-17, 6-26-2018)

NRS 616C.475 states, "Amount and duration of compensation; limitations; requirements for certification of disability; offer of light-duty employment."

1. Except as otherwise provided in this section, NRS 616C.175 and 616C.390, every employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by accident arising out of and in the course of employment, or his or her dependents, is entitled to receive for the period of temporary total disability, 66 2/3 percent of the average monthly wage.

2. Except as otherwise provided in NRS 616B.028 and 616B.029, an injured employee or his or her dependents are not entitled to accrue or be paid any benefits for a temporary total disability during the time the injured employee is incarcerated. The injured employee or his or her dependents are entitled to receive such benefits when the injured employee is released from incarceration if the injured employee is certified as temporarily totally disabled by a physician or chiropractor.

3. If a claim for the period of temporary total disability is allowed, the first payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the initial certification of disability and regularly thereafter.

4. Any increase in compensation and benefits effected by the amendment of subsection 1 is not retroactive.

5. Payments for a temporary total disability must cease when:

(a) A physician or chiropractor determines that the employee is physically capable of any gainful employment for which the employee is suited, after giving consideration to the employee's education, training and experience;

(b) The employer offers the employee light-duty employment or employment that is modified according to the limitations or restrictions imposed by a physician or chiropractor pursuant to subsection 7; or

(c) Except as otherwise provided in NRS 616B.028 and 616B.029, the employee is incarcerated.

6. Each insurer may, with each check that it issues to an injured employee for a temporary total disability, include a form approved by the Division for the injured employee to request continued compensation for the temporary total disability.

7. A certification of disability issued by a physician or chiropractor must:

(a) Include the period of disability and a description of any physical limitations or restrictions imposed upon the work of the employee;

(b) Specify whether the limitations or restrictions are permanent or temporary; and

(c) Be signed by the treating physician or chiropractor authorized pursuant to NRS 616B.527 or appropriately chosen pursuant to subsection 3 or 4 of NRS 616C.090.

8. If the certification of disability specifies that the physical limitations or restrictions are temporary, the employer of the employee at the time of the employee's accident may offer temporary, light-duty employment to the employee. If the employer makes such an offer, the

employer shall confirm the offer in writing within 10 days after making the offer. The making, acceptance or rejection of an offer of temporary, light-duty employment pursuant to this subsection does not affect the eligibility of the employee to receive vocational rehabilitation services, including compensation, and does not exempt the employer from complying with NRS 616C.545 to 616C.575, inclusive, and 616C.590 or the regulations adopted by the Division governing vocational rehabilitation services. Any offer of temporary, light-duty employment made by the employer must specify a position that:

(a) Is substantially similar to the employee's position at the time of his or her injury in relation to the location of the employment and the hours the employee is required to work;

(b) Provides a gross wage that is:

(1) If the position is in the same classification of employment, equal to the gross wage the employee was earning at the time of his or her injury; or

(2) If the position is not in the same classification of employment, substantially similar to the gross wage the employee was earning at the time of his or her injury; and

(c) Has the same employment benefits as the position of the employee at the time of his or her injury.”

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 or her 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 or she is a nonexempt employee, his or her regular hourly rate of pay for each hour that he or she is absent from his or her place of employment for such leave.

(b) If he or she is an exempt classified employee or an exempt unclassified employee and is absent from his or her place of employment for a full day for such leave, his or her 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)

NRS 392.4577 states, "Employer required to grant leave to parent to participate in school conferences and other school-related activities; conditions; exception."

1. Except as otherwise provided in subsection 5, an employer shall grant a parent, guardian or custodian of a child who is enrolled in a public school leave from his or her place of employment for 4 hours per school year, which must be taken in increments of at least 1 hour, to:

(a) Attend parent-teacher conferences;

(b) Attend school-related activities during regular school hours;

(c) Volunteer or otherwise be involved at the school in which his or her child is enrolled during regular school hours; and

(d) Attend school-sponsored events.

- The leave must be at a time mutually agreed upon by the employer and the employee.
- 2. An employer may require:
 - (a) An employee to provide a written request for the leave at least 5 school days before the leave is taken; and
 - (b) An employee who takes leave pursuant to this section to provide documentation that during the time of the leave, the employee attended or was otherwise involved at the school or school-related activity for one of the purposes set forth in subsection 1.
- 3. An employer is not required to pay an employee for any leave taken pursuant to this section.
- 4. A parent, guardian or custodian must be granted leave in accordance with this section for each child of the parent, guardian or custodian who is enrolled in public school.
- 5. The provisions of this section do not apply if an employee is afforded pursuant to the provisions of a collective bargaining agreement:
 - (a) At least 4 hours of leave or more per school year for the purposes set forth in subsection 1 and subject to the same provisions as subsections 2, 3 and 4; and
 - (b) Substantially similar protections and remedies for violations by the employer as those that are set forth in NRS 392.920.
- 6. As used in this section, “employer” means any person who has 50 or more employees for each working day in each of 20 or more calendar weeks in the current calendar year.”

NRS 392.920 states, “Employer prohibited from threatening or taking retaliatory action against parent for parent’s participation in certain school conferences and school-related activities; penalty; authorization for parent to file claim with Labor Commissioner.

- 1. It is unlawful for an employer or an agent of the employer to:
 - (a) Terminate the employment of, or to demote, suspend or otherwise discriminate against, a person who, as the parent, guardian or custodian of a child:
 - (1) Appears at a conference requested by an administrator of the school attended by the child;
 - (2) Is notified during his or her work by a school employee of an emergency regarding the child; or
 - (3) Takes leave pursuant to NRS 392.4577 if the employer is subject to the requirements of that section; or
 - (b) Assert to the person that his or her appearance or prospective appearance at such a conference, the receipt of such a notification during his or her work or leave taken pursuant to NRS 392.4577 will result in the termination of his or her employment or a demotion, suspension or other discrimination in the terms and conditions of the person’s employment.
- 2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.
- 3. A person who is discharged from employment or who is demoted, suspended or otherwise discriminated against in violation of subsection 1 may file a claim or complaint with the Labor Commissioner. The employer shall provide the person who is discharged from employment or who is demoted, suspended or otherwise discriminated against with all the forms necessary to request such a claim or complaint. If the Labor Commissioner determines that the claim or complaint is valid and enforceable, the Labor Commissioner shall provide notice and opportunity for a hearing pursuant to NRS 607.205 to 607.215, inclusive.
- 4. If the Labor Commissioner issues a written decision in favor of the employee, the Labor Commissioner may award in addition to any remedies and penalties provided in chapters 607 and 608 of NRS:
 - (a) Wages and benefits lost as a result of the violation;

- (b) An order of reinstatement without loss of position, seniority or benefits; and
- (c) Damages equal to the amount of the lost wages and benefits.”

NRS 394.179 states, “Parental involvement: Employer required to grant leave to parent to participate in school conferences and other school-related activities; conditions; exception.

1. Except as otherwise provided in subsection 5, an employer shall grant a parent, guardian or custodian of a child who is enrolled in a private school leave from his or her place of employment for 4 hours per school year, which must be taken in increments of at least 1 hour, to:

- (a) Attend parent-teacher conferences;
- (b) Attend school-related activities during regular school hours;
- (c) Volunteer or otherwise be involved at the school in which his or her child is enrolled during regular school hours; and
- (d) Attend school-sponsored events.

↳ The leave must be at a time mutually agreed upon by the employer and the employee.

2. An employer may require:

(a) An employee to provide a written request for the leave at least 5 school days before leave is taken; and

(b) An employee who takes leave pursuant to this section to provide documentation that during the time of the leave, the employee attended or was otherwise involved at the private school or school-related activity for one of the purposes set forth in subsection 1.

3. An employer is not required to pay an employee for any leave taken pursuant to this section.

4. A parent, guardian or custodian must be granted leave in accordance with this section for each child of the parent, guardian or custodian who is enrolled in private school.

5. The provisions of this section do not apply if an employee is afforded pursuant to the provisions of a collective bargaining agreement:

(a) At least 4 hours of leave or more per school year for the purposes set forth in subsection 1 and subject to the same provisions as subsections 2, 3 and 4; and

(b) Substantially similar protections and remedies for violations by the employer as those that are set forth in NRS 394.1795.

6. As used in this section, “employer” means any person who has 50 or more employees for each working day in each of 20 or more calendar weeks in the current calendar year.”

NAC 284.578 Leave of absence without pay. (NRS 284.065, 284.155, 284.345, 284.360, 608.0198)

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

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

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

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

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

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

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

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

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

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

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

NAC 284.580 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, 284.448, 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; R043-15; 12-21-2015)

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 Division of Human Resource Management 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)

INFORMATIONAL NOTE: Based on the federal Family and Medical Leave Act (29. C.F.R. § 825.110 (b)(3)), catastrophic leave should be counted when determining the employee's 12 months of employment for FMLA eligibility. However, catastrophic leave is not counted in the calculation when determining if the employee has "worked" 1,250 hours in the previous 12 months. The hours an employee was in "paid status" (NAC 284.0742) are used to determine the hours "worked."

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

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

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

3. To calculate eligibility for leave pursuant to the Family and Medical Leave Act, each hour that an employee is in paid status in the 12-month period immediately preceding the leave must be considered as time worked.

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

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

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

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

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

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

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

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

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

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

NAC 284.5813 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 states, "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,

↪ 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 or her employment, as a consequence of the person's service as a juror or prospective juror, or who asserts to the juror or person summoned that his or her service as a juror or prospective juror will result in termination of his or her 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 or her 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 the person is to appear for jury duty; or

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

↪ 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 the person is employed, shall give the notice to his or her employer at least 3 days before the person 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, "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 or her employment, as a consequence of his or her service as a witness or prospective witness, or who asserts to the witness or person summoned that his or her service as a witness or prospective witness will result in termination of his or her employment, is guilty of a misdemeanor.

2. A person discharged from employment in violation of subsection 1 may commence a civil action against his or her 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; and

(d) Reasonable attorney's fees fixed by the court."

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 or her 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 or she is not a party to the action and the action is not related to his or her job.

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

2. If an employee, in his or her official capacity as a state employee and as part of his or her required duties, serves as a witness during his or her regular working hours, the employee shall

accept any witness fee offered and relinquish it to the agency by which he or she is employed.

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

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

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

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

1. Any registered voter may be absent from his or her place of employment at a time to be designated by the employer for a sufficient time to vote, if it is impracticable for the voter to vote before or after his or her 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 or her 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) 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 or she will need time off to vote, he or she 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 the officer’s or employee’s duties, upon the request of the American National Red Cross and the approval of the employer of the officer or employee, 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 the officer’s or employee’s 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 281.149 states, “Leave of absence for duty as emergency communications technician.

1. 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 emergency communications technician must be relieved from the officer’s or employee’s duties, upon the request of the Division of Emergency Management of the Department of Public Safety or a local organization for emergency management and the approval of the employer of the officer or employee, to assist the division or local organization for emergency management during a disaster or emergency that occurs in this state, California, Oregon, Idaho, Utah or Arizona, without loss of the officer’s or employee’s 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.

2. As used in this section:

(a) “Disaster” has the meaning ascribed to it in NRS 414.0335.

(b) “Emergency” has the meaning ascribed to it in NRS 414.0345.

(c) “Emergency communications technician” means a person who is:

(1) Licensed by the Federal Communications Commission as an amateur radio operator;

and

(2) A member of:

(I) The Radio Amateur Civil Emergency Service or a successor organization sponsored by the agency of the Federal Government for emergency management; or

(II) The Amateur Radio Emergency Service or a successor organization sponsored by the American Radio Relay League or its successor.

(d) “Local organization for emergency management” has the meaning ascribed to it in NRS 414.036.”

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 firefighters 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.”

NRS 414.070 states in part, “Additional powers of Governor during existence of state of emergency or declaration of disaster. The provisions of this section are operative only during the existence of a state of emergency or declaration of disaster. The existence of such an emergency or disaster may be proclaimed by the Governor or by resolution of the Legislature if

the Governor in his or her proclamation, or the Legislature in its resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural, technological or man-made emergency or disaster of major proportions has actually occurred within this State, and that the safety and welfare of the inhabitants of this State require an invocation of the provisions of this section. Any such emergency or disaster, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination thereof by the Governor, or the passage by the Legislature of a resolution terminating the emergency or disaster...”

NAC 284.587 Civil leave with pay for certain public officers or employees or when absence is necessary to meet state of emergency or declaration of disaster. (NRS 284.065, 284.155, 284.345) Civil leave with pay must be granted to an employee who meets the requirements of NRS 281.149 or 284.357, and may also be granted by the appointing authority to an employee whose absence from the job is necessary to meet a state of emergency or declaration of disaster proclaimed by the Governor or by resolution of the Legislature pursuant to NRS 414.070.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A by R146-01, 1-18-2002; A by Personnel Comm’n by R133-12, 10-4-2013)

NRS 281.145 states, “Leave of absence for military duty; compensation.

1. Except as otherwise provided in subsection 2, 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 the officer’s or employee’s duties, upon the officer’s or employee’s request, to serve under orders including, without limitation, orders for training or deployment, without loss of the officer’s or employee’s regular compensation for a period of not more than the number of hours equivalent to 15 working days in any 12-month period, as prescribed in subsection 3 or 4, as applicable. No such absence may be a part of the officer’s or employee’s annual vacation provided for by law.

2. In addition to the leave authorized pursuant to subsection 1, any public officer or employee of the State or any agency thereof whose work schedule includes Saturday or Sunday and 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 the officer’s or employee’s duties, upon the officer’s or employee’s request, for a period of not more than the number of hours equivalent to 24 working days in any 12-month period, as prescribed in subsection 3, to serve under orders for training that is scheduled on a Saturday or Sunday, including, without limitation, monthly and annual training. No such absence may be a part of the officer’s or employee’s annual vacation provided for by law. An officer or employee is not entitled to receive his or her regular compensation for any hours in a working day in which the officer or employee serves under orders for training pursuant to this subsection if his or her military pay for the service is equal to or exceeds his or her regular compensation for those hours. If the officer’s or employee’s military pay does not exceed his or her regular compensation for those hours, the officer or employee is entitled to receive, in addition to his or her military pay for those hours, the difference between the regular compensation that the officer or employee would have otherwise received as an officer or employee and his or her military pay for those hours. An officer or employee is not entitled to:

(a) Receive any other compensation for which he or she would otherwise be eligible, including, without limitation, compensation pursuant to NRS 284.358; or

(b) Use any annual leave, compensatory time or other paid leave or any unpaid leave that is required as a result of statewide economic conditions,

↳ for any hours for which the officer or employee receives compensation pursuant to this subsection.

3. The Personnel Commission created by NRS 284.030 shall adopt regulations prescribing for each agency of the State the 12-month period during which an officer or employee of the agency is eligible to take the number of working days of leave set forth in subsections 1 and 2.

4. A political subdivision shall establish the 12-month period during which an officer or employee of an agency of the political subdivision or an agency thereof is eligible to take the number of working days of leave set forth in subsection 1.

5. As used in this section:

(a) "Work schedule" means the working days that an officer or employee is regularly assigned to work. The term does not include, without limitation, any temporary change in assigned working days unless the change becomes permanent.

(b) "Working day" means a period of work consisting of the number of hours that a public officer or employee is regularly scheduled to work. The term does not include, without limitation, overtime, or any time in which the officer or employee is on standby status or has been called back to work during his or her scheduled time off."

NRS 284.358 states, "Civil leave with reduced pay when performing active military service in time of war or emergency.

1. An officer or 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 United States Public Health Service, in time of war or emergency is entitled to civil leave with reduced pay for the period of such service.

2. The pay that an officer or employee is entitled to receive pursuant to this section is the difference between the pay that the officer or employee would have otherwise received as an officer or employee and the officer's or employee's pay for active military service. If the officer's or employee's pay for active military service is greater than the pay that the officer or employee would have otherwise received as an officer or employee, the officer or employee is not entitled to receive any additional pay pursuant to this section while the officer or employee performs active military service.

3. As used in this section, "pay for active military service" means the base pay that a person receives for active military service as determined by the rank or grade of the person. The term does not include any other type of pay that a person may be entitled to receive for active military service, including, without limitation, imminent danger pay or family separation allowance."

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 the employee applies for reinstatement, the employee must be reinstated to the employee's 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 284.5875 Military leave with pay: Annual period of eligibility. (NRS 281.145, 284.065, 284.155, 284.345)

1. Except as otherwise provided in subsection 2, the 12-month period during which a public officer or employee of an agency of the State is eligible to take the number of working days of leave set forth in subsection 1 or 2 of NRS 281.145 is a calendar year.

2. The 12-month period during which a public officer or employee of the Office of the Military is eligible to take the number of working days of leave set forth in subsection 1 or 2 of NRS 281.145 is a federal fiscal year.

(Added to NAC by Personnel Comm'n by R138-13, eff. 6-23-14; A by R039-15, 10-27-2015)

NRS 284.4065 "Screening tests: General provisions." may be found preceding NAC 284.880.

NAC 284.589 Administrative leave with pay. (NRS 284.065, 284.155, 284.345, 284.383, 284.385, 284.390)

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

(a) To relieve the employee of his or her duties during the active investigation of a suspected criminal violation or the investigation of alleged wrongdoing;

(b) For up to 30 days when the appointing authority initiates the leave to obtain the results of an examination concerning the ability of the employee to perform the essential functions of his or her position;

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

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

(e) To relieve the employee of his or her duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065; or

(f) To attend a general employee benefits orientation or an educational session relating to employee benefits, including, without limitation, retirement and deferred compensation.

2. The appointing authority, upon approval of the Risk Management Division, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.

3. If an employee is granted administrative leave with pay pursuant to subsection 1 or 2, the employee must be available:

(a) By telephone to the supervisor of the employee; and

(b) To report to a work site or another location, as directed by the supervisor of the employee, during regular business hours.

4. Except as otherwise provided in subsection 5, an appointing authority or the Division of Human Resource Management may grant administrative leave with pay to an employee for any of the following purposes:

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

(b) His or her safety during an emergency when employees have been authorized by the Governor not to report to work or to leave work before the end of their shifts during the emergency, including, without limitation, emergencies relating to enemy attacks or other hostile actions, natural causes or other catastrophes, except for employees who are designated as essential and notified that they are required to report to work or remain at work.

(c) Closure of the employee's office or work site caused by a natural disaster, pandemic or other similar adverse condition when the employee is scheduled and expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(d) Closure, as a result of a pandemic, of a school or a center or facility that provides day care services which is attended by the employee's dependent child or the temporary cancellation, as a result of a pandemic, of a program attended by the employee's dependent child. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(e) His or her appearance as an aggrieved employee, an employee who filed a complaint described in NAC 284.658 or a witness at a hearing of the Committee.

(f) His or her appearance as a witness at a hearing regarding a matter described in subparagraph (1), (2) or (3) of paragraph (f) of subsection 6.

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

5. An appointing authority or the Division of Human Resource Management shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (e), (f) or (g) of subsection 4 if:

(a) The employee requests the administrative leave for a period of time that is reasonably needed to testify at the hearing or meeting;

(b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and

(c) The absence of the employee will not cause an undue hardship to the operations of the appointing authority or adversely impact the provision of services to clients or to the public.

6. 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, including, without limitation, consultations provided in person or telephonically.

(b) His or her attendance at a health fair or related event coordinated by the Public Employees' Benefits Program.

(c) His or her participation in an official capacity as a member of a committee or board created by statute on which he or she serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.

(d) Up to 8 hours for preparation for any predisciplinary review.

(e) Up to 8 hours for preparation for any hearing described in paragraph (f).

(f) The appearance of the employee as a party at a hearing regarding:

(1) An alleged reprisal or retaliatory action against the employee for disclosing an improper governmental action as provided in NRS 281.641;

(2) An involuntary transfer of the employee as provided in NRS 284.376; or

(3) A suspension, demotion or dismissal of the employee as provided in NRS 284.390 and at a predisciplinary review as provided in NAC 284.6561.

(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; R061-09 & R081-09, 10-27-2009; R063-09, 11-25-2009; R058-10, 10-15-2010; R137-13, 6-23-14; R042-15, 12-21-2015; R033-17, 10-31-2017; R150-17, 6-26-2018)

NRS 284.345 states, “Regulations for attendance and leave of absence; personnel of Nevada System of Higher Education.

1. Except as otherwise provided in subsection 2, 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.

2. The Board of Regents of the University of Nevada shall adopt regulations for attendance and for leave with or without pay or with reduced pay, sabbatical leave, sick leave, emergency leave, annual leave, terminal leave, military leave and such other leave as the Board of Regents determines to be necessary or desirable for officers and members of the faculty of the Nevada System of Higher Education. Sabbatical leave with pay may not be granted to more than 2 percent of the teaching personnel of a branch or facility of the System with the rank of instructor or higher in any 1 year. No sabbatical leave with pay may be granted unless the person requesting the leave agrees in writing with the branch or facility to return to the branch or facility after the leave for a period not less than that required by the person’s most recent contract of employment if the Nevada System of Higher Education desires the person’s continued service.”

NRS 281.1275 states, “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.

2. The provisions of this section do not apply to an officer or employee of the Legislative Branch of Government, except an officer or employee of the legislative library.”

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 or her 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 he or she:

(a) Is on family and medical leave; or

(b) 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 or she 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)

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 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)

INFORMATIONAL NOTE: Certain personnel actions, such as transfers, authorized leave without pay and those separations listed below 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.

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 or she 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 or she 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)

NRS 289.080 states, “Right to presence and assistance of representatives at interview, interrogation or hearing relating to investigation; confidential information; disclosure; record of interview, interrogation or hearing; right of subject of investigation to review and copy investigation file upon appeal.

1. Except as otherwise provided in subsection 5, a peace officer who is the subject of an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer’s choosing present with the peace officer during any phase of an interrogation or hearing relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer.

2. Except as otherwise provided in subsection 5, a peace officer who is a witness in an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer’s choosing present with the peace officer during an interview relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer. The presence of the second representative must not create an undue delay in either the scheduling or conducting of the interview.

3. A representative of a peace officer must assist the peace officer during the interview, interrogation or hearing.

4. The law enforcement agency conducting the interview, interrogation or hearing shall allow a representative of the peace officer to:

(a) Inspect the following if related to the investigation and in the possession of the law enforcement agency:

(1) Physical evidence;

(2) Audio recordings, photographs and video recordings; and

(3) Statements made by or attributed to the peace officer.

(b) Explain an answer provided by the peace officer or refute a negative implication which results from questioning of the peace officer but may require such explanation to be provided after the agency has concluded its initial questioning of the peace officer.

5. A representative must not otherwise be connected to, or the subject of, the same investigation.

6. Any information that a representative obtains from the peace officer who is a witness concerning the investigation is confidential and must not be disclosed.

7. Any information that a representative obtains from the peace officer who is the subject of the investigation is confidential and must not be disclosed except upon the:

(a) Request of the peace officer; or

(b) Lawful order of a court of competent jurisdiction.

→ A law enforcement agency shall not take punitive action against a representative for the representative’s failure or refusal to disclose such information.

8. The peace officer, any representative of the peace officer or the law enforcement agency may make a stenographic, digital or magnetic record of the interview, interrogation or hearing. If the agency records the proceedings, the agency shall at the peace officer’s request and expense provide a copy of the:

(a) Stenographic transcript of the proceedings; or

(b) Recording on the digital or magnetic tape.

9. After the conclusion of the investigation, the peace officer who was the subject of the investigation or any representative of the peace officer may, if the peace officer appeals a recommendation to impose punitive action, review and copy the entire file concerning the internal investigation, including, without limitation, any recordings, notes, transcripts of interviews and documents contained in the file.”

NRS 31.298 states, “Garnishment of earnings: Unlawful to discharge or discipline employee. It is unlawful for an employer to discharge or discipline an employee exclusively because the employer is required to withhold the employee’s earnings pursuant to a writ of garnishment.”

NRS 414.260 states in part, “Membership in volunteer search and rescue or reserve unit of sheriff’s department or Civil Air Patrol: Discharge of employee for membership prohibited; exceptions; civil remedy.

1. Any person, including a government, governmental agency or political subdivision of a government, who employs a person or is vested with the power to discharge or recommend the discharge of a person shall not deprive that person of employment for any reason specifically relating to his or her service as a member of a volunteer search and rescue or reserve unit of a sheriff’s department or a Civil Air Patrol unit unless:

(a) The employee failed to comply with the provisions of subsection 1 of NRS 414.250; or

(b) The employer has given notice to the employee pursuant to the provisions of subsection 2 of NRS 414.250.

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

(a) Recover all wages and benefits lost as a result of the violation and reasonable attorney’s fees as fixed by the court; and

(b) Obtain an order of the court reinstating the person to his or her employment without loss of position, seniority or benefits.”

NRS 613.333 states, “Unlawful employment practices: Discrimination for lawful 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 the employee’s compensation, terms, conditions or privileges of employment,

↪ because the employee engages in the lawful use in this state of any product outside the premises of the employer during the employee’s nonworking hours, if that use does not adversely affect the employee’s ability to perform his or her job or the safety of other employees.

2. An employee who is discharged or otherwise discriminated against in violation of subsection 1 or a prospective employee who is denied employment because of a violation of subsection 1 may bring a civil action against the employer who violates the provisions of subsection 1 and obtain:

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

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

(c) An order directing the employer to offer employment to the prospective employee; and

(d) Damages equal to the amount of the lost wages and benefits.

3. The court shall award reasonable costs, including court costs and attorney’s fees to the prevailing party in an action brought pursuant to this section.

4. The remedy provided for in this section is the exclusive remedy for an action brought pursuant to this section.”

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

1. 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 conduct.

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 Division of Human Resource Management must be sent to the employee and a copy placed in the employee's personnel folder which is filed with the Division of Human Resource Management.

[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; A by Personnel Comm'n by R056-10, 10-26-2011)

NRS 284.385 states, "Dismissals, demotions and suspensions; regulations.

1. An appointing authority may:

(a) Dismiss or demote any permanent classified employee when the appointing authority 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. Before a permanent classified employee is dismissed, involuntarily demoted or suspended, the appointing authority must consult with the Attorney General or, if the employee is employed by the Nevada System of Higher Education, the appointing authority's general counsel, regarding the proposed discipline. After such consultation, the appointing authority may take such lawful action regarding the proposed discipline as it deems necessary under the circumstances.

3. 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 Commission shall adopt regulations setting forth the procedures for properly notifying the employee of the dismissal, involuntary demotion or suspension and the reasons therefor.

4. No employee in the classified service may be dismissed for any reason relating to his or her religion, race, sexual orientation, or gender identity or expression."

NAC 284.642 Suspensions and demotions. (NRS 284.065, 284.155, 284.383, 284.385, 284.390)

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 284.655 to 284.6563, inclusive, 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, 11-25-2009; R027-11, 12-30-2011; R150-17, 6-26-2018)

NEW Report of suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license.

1. An employee must report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license to his or her appointing authority within 5 working days after the suspension, revocation or cancellation occurs if the employee

was required to possess the professional or occupational license, certificate or permit or driver's license 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.

2. *If an employee fails to make the report required pursuant to subsection 1:*

(a) *The appointing authority may immediately dismiss the employee pursuant to subsection 2 of NAC 284.646; or*

(b) *Appropriate disciplinary or corrective action may be taken against the employee pursuant to NAC 284.650.*

(Added to NAC by Personnel Comm'n by R118-17, eff. 10-25-2018)

NAC 284.646 Dismissals. (NRS 284.065, 284.155, 284.383, 284.385, 284.390)

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 *pursuant to the standards and procedures set forth in NAC 284.6563* 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; *or*

(h) Failure to report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license when required pursuant to section 1 of this regulation.

3. The rights and procedures set forth in NAC 284.655 to 284.6563, inclusive, 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; A by Personnel Comm’n by R147-06, 12-7-2006; R063-09, 11-25-2009; R027-11, 12-30-2011; ***R118-17, 10-25-2018***)

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 or her 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.

24. Failure to report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license when required pursuant to section 1 of this regulation.

[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; **R118-17, 10-25-2018**)

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 or her 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 484C.110; 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 or she 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 or her appointing authority within 5 working days after it occurs. If the employee fails to make that report, he or she 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 R147-06, 12-7-2006; R141-07, 1-30-2008)

NAC 284.655 Investigation; waiver. (NRS 284.065, 284.155, 284.387)

1. Except as otherwise provided in subsection 2, before an appointing authority may dismiss, suspend or demote a permanent employee, the appointing authority must first ensure that an impartial fact-finding investigation has been conducted to determine that evidence exists to justify the dismissal, suspension or demotion.

2. The investigation described in subsection 1 may be waived if the employee agrees in writing with the allegations on which the dismissal, suspension or demotion is based.

(Added to NAC by Personnel Comm'n by R027-11, eff. 12-30-2011)

NAC 284.6555 Request for extension to complete an internal administrative investigation. (NRS 284.065, 284.155, 284.387)

1. Pursuant to subsection 2 of NRS 284.387, if an appointing authority wishes to request an initial extension of not more than 60 days from the Administrator to complete an internal administrative investigation that could lead to disciplinary action against an employee pursuant to NRS 284.385 and make a determination as a result of the investigation, the appointing authority must:

(a) Submit the request to the Administrator on a form prescribed by the Division of Human Resource Management on or before the 90th day after the employee was provided notice of the allegations against the employee;

(b) Explain in the request why the appointing authority is unable to complete the internal administrative investigation and make a determination within 90 days after the employee was provided notice of the allegations; and

(c) Provide a copy of the request to the employee who is the subject of the internal administrative investigation.

2. If an initial extension is granted pursuant to subsection 1 and the appointing authority is unable to complete the internal administrative investigation and make a determination within the period of the extension, the appointing authority may request an additional extension to be approved by the Governor. If the appointing authority wishes to request an additional extension, the appointing authority must:

(a) Submit the request in writing to the Administrator, for submission to the Governor, on or before the expiration date of the initial extension;

(b) Explain in the request why the appointing authority is unable to complete the internal administrative investigation and make a determination within the period of the initial extension; and

(c) Provide a copy of the request to the employee who is the subject of the internal administrative investigation.

3. The Administrator may deny a request for an extension that is not submitted within the period required by paragraph (a) of subsection 1.

4. The Governor may deny a request for an extension that is not submitted within the period required by paragraph (a) of subsection 2.

(Added to NAC by Personnel Comm'n by R076-16, eff. 11-2-2016)

NAC 284.656 Contents and delivery of notice of proposed action; employee authorized to seek explanation of reasons for proposed action or procedures for disciplinary actions from agency. (NRS 284.065, 284.155, 284.383, 284.385, 284.390) Except as otherwise provided in NAC 284.6563, 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 Division of Human Resource Management.

2. The notice may be given in person or by means of any delivery service that provides a written or electronic record of the date the notice was sent and the date the notice was received. If the notice is sent by means of a delivery service, the notice must be sent to the employee's last known address. The notice must not be given by electronic mail, the use of social media or other electronic means. If the notice is returned without having been received by the employee, the employee's date of receipt shall be deemed to be the third day after the date the notice was sent.

3. The notice must:

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

(b) Inform the employee that a predisciplinary review has been scheduled on his or her behalf in the manner prescribed in NAC 284.6561 and specify the date, time and place of the predisciplinary review.

(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 or her 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 or she refuses to sign the notice, the refusal must be noted on the notice. The employee's signature is not an admission by him or her 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 right to notice, a predisciplinary review and a hearing on the appeal, the employee may seek an explanation from the appointing authority or another person in the agency familiar with the procedure.

7. As used in this section, "social media" includes, without limitation, any electronic service or account or electronic content, including, without limitation, any video, photograph, blog, video blog, podcast, instant message, text message, electronic mail program or service, online service or Internet website profile.

(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; A by Personnel Comm'n by R063-09, 11-25-2009; R042-15, 12-21-2015, eff. 1-1-2016; R150-17, 6-26-2018)

NAC 284.6561 Predisciplinary review before proposed dismissal, demotion or suspension; waiver by employee. (NRS 284.065, 284.155, 284.383, 284.385, 284.390) Except as otherwise provided in NAC 284.6563, if an appointing authority proposes that a permanent employee be dismissed, suspended or demoted, the following procedure for a predisciplinary review before the proposed action must be followed:

1. A predisciplinary review must be scheduled on the employee's behalf unless waived in writing by the employee pursuant to subsection 2. The predisciplinary review 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 predisciplinary

review 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 predisciplinary review may be changed.

2. The employee may waive the right to a predisciplinary review 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 a hearing after the action is taken.

3. The appointing authority or his or her designated representative shall conduct the predisciplinary review. 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 predisciplinary review, the employee may examine all materials that are to be used by the person conducting the predisciplinary review. The employee is entitled to administrative leave with pay as provided in NAC 284.589 to prepare for a predisciplinary review or hearing 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. The employee will be given an opportunity to rebut the allegations against the employee and provide mitigating information. Witnesses are not allowed to attend, but each party may be accompanied by a person of his or her choice.

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

7. The employee must be:

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

(b) Notified in writing of the appointing authority's decision regarding the proposed action and the reasons therefor on or before the effective date of the action. The effective date of the action is the first day the disciplinary action takes effect.

8. The notice given pursuant to subsection 7 may be given in person or by means of any delivery service that provides a written or electronic record of the date the notice was sent and the date the notice was received. If the notice is sent by means of a delivery service, the notice must be sent to the employee's last known address. The notice must not be given by electronic mail, the use of social media or other electronic means. If the notice is returned without having been received by the employee, the employee's date of receipt shall be deemed to be the third day after the date the notice was sent. As used in this subsection, "social media" has the meaning ascribed to it in subsection 7 of NAC 284.656.

(Added to NAC by Personnel Comm'n by R063-09, eff. 11-25-2009; A by R011-11, 10-26-2011; R076-16, 11-2-2016; R150-17, 6-26-2018)

NAC 284.6562 Request for hearing to determine reasonableness of dismissal, demotion or suspension. (NRS 284.065, 284.155, 284.385, 284.390)

1. A permanent employee who has been dismissed, demoted or suspended may request a hearing before the hearing officer of the Commission, pursuant to NRS 284.390, within 10 working days after the effective date of his or her dismissal, demotion or suspension. For the purpose of determining the time limit for making such a request, the effective date of the dismissal, demotion or suspension is the first day that the disciplinary action takes effect.

2. Except as otherwise provided in subsection 3, such a request must be:

(a) Addressed and submitted as required pursuant to NAC 284.778; and

(b) Accompanied by the written notification of the appointing authority's decision regarding the proposed action provided to the employee pursuant to subsection 7 of NAC 284.6561.

3. If the appointing authority failed to provide the notification required pursuant to subsection 7 of NAC 284.6561 or the disciplinary action imposed was an immediate suspension or dismissal pursuant to the standards and procedures set forth in NAC 284.6563, the written notification of the appointing authority's decision regarding the proposed action need not accompany the request for a hearing.

(Added to NAC by Personnel Comm'n by R150-17, eff. 6-26-2018)

NAC 284.6563 Notice and hearing not required in certain circumstances. (NRS 284.065, 284.155, 284.383, 284.385, 284.390)

1. The procedures specified in NAC 284.656 and 284.6561 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 specified in NAC 284.656 and 284.6561 have been followed; or

(b) Immediately suspend or dismiss the employee. In this case the appointing authority, his or her designated representative, or the employee's supervisor shall attempt to inform the employee before the action is taken of the charges against him or her and provide the employee with an opportunity to rebut the charges. The procedures specified in NAC 284.656 and 284.6561 must be followed as soon as practicable after the immediate suspension or dismissal.

(Added to NAC by Personnel Comm'n by R063-09, eff. 11-25-2009)

NRS 284.390 states, "Hearing to determine reasonableness of dismissal, demotion or suspension; production of documents; representation; evidence; written decision; reinstatement; judicial review."

1. Within 10 working days after the effective date of an employee's dismissal, demotion or suspension pursuant to NRS 284.385, the employee who has been dismissed, demoted or suspended may request in writing a hearing before the hearing officer of the Commission 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. Upon verification that a request for a hearing has been made pursuant to subsection 1, the appointing authority of the employee who was the subject of the internal administrative investigation shall, within 5 days after receiving a request by the employee or his or her representative, produce and allow the employee or his or her representative to inspect or receive a copy of any document concerning the internal administrative investigation, including, without limitation, any recordings, notes, transcripts of interviews or other documents or evidence related to the internal administrative investigation.

4. The employee may represent himself or herself at the hearing or be represented by an attorney or other person of the employee's own choosing.
5. Technical rules of evidence do not apply at the hearing.
6. After the hearing and consideration of the evidence, the hearing officer shall render a decision in writing, setting forth the reasons therefor.
7. 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.
8. The decision of the hearing officer is binding on the parties.
9. 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."

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PRACTICE BEFORE DIVISION OF HUMAN RESOURCE MANAGEMENT

Hearings Before the Hearing Officer

NRS 284.391 states, “Hearings: Issuance of subpoenas; discovery; oaths; examination of witnesses.

1. The hearing officer may, upon application of any party to a hearing held pursuant to NRS 284.376 or 284.390, issue subpoenas requiring the attendance and testimony of witnesses at the proceeding.

2. The hearing officer may, upon motion of a party, direct that an opposing party participate in a discovery conference at which both parties and their counsel may put questions to the other party and receive answers, or request and receive copies of relevant documents or examine relevant documents and records and any other physical evidence which the opposing party intends to use at the hearing.

3. The hearing officer, or any agent or agency designated by the Commission for such purposes, may administer oaths and affirmations and examine witnesses.”

NRS 284.392 states, “Hearings: Subpoenas extend to all parts of State; service of subpoenas; attendance of witnesses. A subpoena issued pursuant to NRS 284.391 extends to all parts of the State and must be served in accordance with the provisions of N.R.C.P. 4(c). No witness may be required to attend at a place out of the county in which the witness resides unless the distance is less than 100 miles from the place of residence of the witness, except, upon affidavit of any party showing that the testimony of that witness is material and necessary, the hearing officer may endorse on the subpoena an order requiring the attendance of the witness in response to the subpoena.”

NRS 284.393 states, “Hearings: Fees, mileage and expenses of witnesses.

1. All witnesses appearing pursuant to subpoena, other than parties or officers or employees of the State or any political subdivision thereof, are entitled to receive fees and mileage in the same amounts and under the same circumstances as prescribed by law for witnesses in civil actions in the district courts.

2. Witnesses entitled to fees or mileage who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day are entitled, in addition to fees and mileage, to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearings.

3. Per diem and travel expenses must be paid by the party at whose request the witness is subpoenaed. The hearing officer may award as costs the amount of all such expenses to the prevailing party.”

NRS 281.641 states, “Reprisal or retaliatory action against state officer or employee who discloses improper governmental action: Written appeal; hearing; order; negative ruling may not be based on identity of persons to whom disclosure was made; rules of procedure.

1. If any *alleged violation of NRS 281.631 occurs or any alleged* reprisal or retaliatory action is taken against a state officer or employee who discloses information concerning improper governmental action within 2 years after the information is disclosed, the state officer

or employee may file a written appeal with a hearing officer of the Personnel Commission for a determination of whether *a violation of NRS 281.631 occurred* or the action taken was a reprisal or retaliatory action, *as applicable*. The written appeal must be accompanied by a statement that sets forth with particularity, *as applicable*:

(a) The facts and circumstances *relating to the alleged violation of NRS 281.631; or*

(b) *The facts and circumstances* under which the disclosure of improper governmental action was made and *the* reprisal or retaliatory action that is alleged to have been taken against the state officer or employee.

↳ The hearing must be conducted in accordance with the procedures set forth in NRS 284.390 to 284.405, inclusive, and the procedures adopted by the Personnel Commission pursuant to subsection 5.

2. If the hearing officer determines that *a violation of NRS 281.631 occurred* or the action taken was a reprisal or retaliatory action, the hearing officer may issue an order directing:

(a) *The* proper person to desist and refrain from engaging in such *a violation or* action; *or*

(b) *The termination of the employment of the proper person.*

3. The hearing officer shall file a copy of the decision with the Governor or any other elected state officer who is responsible for the actions of that person.

4. The hearing officer may not rule against the state officer or employee based on the person or persons to whom the improper governmental action was disclosed.

5. The Personnel Commission may adopt rules of procedure for conducting a hearing pursuant to this section that are not inconsistent with the procedures set forth in NRS 284.390 to 284.405, inclusive.

6. As used in this section, “Personnel Commission” means the Personnel Commission created by NRS 284.030.”

NAC 284.774 Scope. (NRS 281.641, 284.065, 284.155, 284.376, 284.390)

1. NAC 284.774 to 284.818, inclusive, govern hearings in all cases relating to dismissals, suspensions, demotions and involuntary transfers before the hearing officer and hearings for a written appeal filed pursuant to NRS 281.641.

2. Except as otherwise provided in subsection 3, the hearing officer shall use the hearings procedures established in NAC 284.774 to 284.818, inclusive, and any hearings procedures provided by the Division of Human Resource Management if interested parties have proper notice of any procedural changes or are not prejudiced thereby. A copy of the hearings procedures is available by contacting the Division of Human Resource Management at 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204.

3. Each hearing officer may adopt supplementary rules governing practice before him or her not inconsistent with the provisions of subsection 2. The supplementary rules must be made available, in writing, to all parties not less than 5 business days before a hearing.

[Personnel Div., Hearings Procedures § (C), eff. 11-28-65; A 6-9-74]—(NAC A by Dep’t of Personnel, 10-26-84; A by Personnel Comm’n by R192-09, 6-30-2010, eff. 7-1-2010)

NAC 284.778 Request for hearing and other communications. (NRS 281.641, 284.065, 284.155, 284.376, 284.390)

1. A request for a hearing must be addressed to the Administrator and submitted on the form provided by the Division of Human Resource Management.

2. A copy of any written communication directed to a hearing officer must be sent to the clerk assigned to the hearing officer.

3. A party shall not communicate with a hearing officer regarding the merits of a case:
 - (a) Except in the presence of all parties to the hearing; or
 - (b) Unless all parties to the hearing are notified of the communication in advance.
4. Unless otherwise agreed upon in writing by all parties, an offer or demand of settlement made by a party must not be disclosed to or proposed by a hearing officer before the issuance of a final decision by the hearing officer.

[Personnel Div., Hearings Procedures § (A) subsec. (1), eff. 11-28-65; A 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R192-09, 6-30-2010, eff. 7-1-2010; R011-11, 10-26-2011; R042-15, 12-21-2015; R150-17, 6-26-2018)

NAC 284.780 Provision of qualified hearing officer. (NRS 281.641, 284.065, 284.376, 284.390)

1. For each hearing requested in a claim relating to a dismissal, suspension, demotion, involuntary transfer, or reprisal or retaliatory action, the Commission will provide for a qualified hearing officer.

2. If it is determined that the qualified hearing officer provided for pursuant to subsection 1 is precluded from serving due to a conflict of interest or is otherwise unavailable to serve as a hearing officer for the hearing, the Commission will provide for a qualified hearing officer who is available to serve as a hearing officer in the hearing.

(Added to NAC by Personnel Comm'n by R192-09, 6-30-2010, eff. 7-1-2010; A by R010-14, 10-24-2014)

NAC 284.782 Time and place; notice; provision of reasonable accommodation to party with disability. (NRS 284.065, 284.155, 284.376, 284.390)

1. The hearing officer shall convene the hearing at the time and place specified for the purpose of hearing the appeal.

2. Written notice of the time and place of the hearing must be given to the parties at least 10 days in advance. The notice must contain the information required for a party to request reasonable accommodation.

3. The hearing officer shall provide reasonable accommodation to a party with a disability who requests such accommodation within the time sufficient to make the accommodation.

[Personnel Div., Hearings Procedures § (B) subsec. (1), eff. 11-28-65; A 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84; 7-6-92)

NAC 284.786 Continuances. (NRS 281.641, 284.065, 284.155, 284.376, 284.390)

1. Hearings may be continued beyond the period originally scheduled or recessed until a future date which is agreeable to the hearing officer and the parties if good cause is shown.

2. A party may request a continuance not later than 5 business days before the date of the scheduled hearing by filing a written motion or stipulation with the hearing officer. Notice of the motion or stipulation and a copy of the motion or stipulation must be sent to each party to the hearing and to the Division of Human Resource Management.

3. A party may contest a request for a continuance submitted by another party by filing a written motion with the hearing officer not later than 2 business days after receiving the notice of the request for a continuance. Notice of the motion and a copy of the motion must be sent to each party to the hearing and to the Division of Human Resource Management.

4. A hearing officer shall not grant a continuance requested on the day of a scheduled hearing, unless:

- (a) The hearing officer, any party, the legal counsel for a party or a primary witness cannot attend the hearing because of an emergency;
- (b) The hearing exceeds the time allotted for the day; or
- (c) The hearing officer recesses the hearing until a future date.

5. If a hearing officer recesses a hearing until a future date pursuant to a request for a continuance which is filed on the day of the scheduled hearing, the hearing must be held not later than 20 business days after the date of the request for a continuance, unless there is a conflict with the schedule of the hearing officer.

[Personnel Div., Hearings Procedures § (A) subsec. (9), eff. 11-28-65; A 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R192-09, 6-30-2010, eff. 7-1-2010)

NAC 284.788 Conduct of hearings on appeal. (NRS 284.065, 284.155, 284.376, 284.390)

1. Except as otherwise provided in subsection 2, all hearings on appeals must be open to the public.

2. On the motion of either party, the hearing officer shall exclude from the hearing room witnesses in the matter not at the time under examination except the parties to the proceeding. No hearing may be closed to the public except on motion of either party for good cause shown.

3. A document or piece of physical evidence sought to be introduced during the hearing must first be identified for the record and the hearing officer may request the production of such records and the appearance of such persons as he or she requires.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

NAC 284.794 Evidence. (NRS 284.065, 284.155, 284.376, 284.390)

1. The hearing officer shall determine the evidence upon the charges and specifications as set forth by the appointing authority in the appropriate documents, and shall not consider any additional evidence beyond the scope of the charges.

2. An employer's or employee's past performance by way of an act or a failure to act may be shown by competent evidence.

3. Reports, evaluations, and other written evidence may be considered only upon a showing that the parties were made aware of the contents of this material.

4. All testimony and exhibits offered at the hearing must be relevant and bear upon the matter in contention. Any testimony or exhibits which are considered by the hearing officer as not meeting this criterion may properly be excluded.

5. The hearing officer shall also consider the objection of either side to the introduction of evidence. Competence and relevance must be the primary test in ruling on objections.

[Personnel Div., Hearings Procedures § (A) subsecs. (3) & (4), eff. 11-28-65; A 6-9-74; + Rule XVI part § C, eff. 9-6-74]—(NAC A by Dep't of Personnel, 10-26-84)

NAC 284.798 Decision must be based on evidence presented. (NRS 284.065, 284.155, 284.376, 284.390) The hearing officer shall make no assumptions of innocence or guilt but shall be guided in his or her decision by the weight of the evidence as it appears to him or her at the hearing.

[Personnel Div., Hearings Procedures § (A) subsec. (5), eff. 11-28-65; A 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84)

NAC 284.802 Form of testimony. (NRS 284.065, 284.155, 284.376, 284.390)

1. At the beginning of his or her testimony, each witness who has not previously testified in the hearing must be required to state his or her name, address and business, employment or position.

2. Testimony may be presented in the form of a statement or questions and answers.

3. The hearing officer may have the testimony recorded and transcribed.

[Personnel Div., Hearings Procedures § (A) subsecs. (6) & (8), eff. 11-28-65; A 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84; R082-00, 8-2-2000)

NAC 284.806 Evidence must be authenticated. (NRS 284.065, 284.155, 284.376, 284.390) Any letter, paper or object offered in evidence must be properly authenticated and, if received, must be marked by the reporter with a distinguishing number or letter, such as “Employee’s Exhibit 1” or “Employer’s Exhibit A.” The representative for the opposing party is entitled to examine the exhibit when it is offered.

[Personnel Div., Hearings Procedures § (A) subsec. (7), eff. 11-28-65]—(NAC A by Dep't of Personnel, 10-26-84)

NAC 284.814 Appearance and procedure at hearing. (NRS 284.065, 284.155, 284.376, 284.390)

1. A party may appear in person and may be represented by an attorney or another person of his or her choice, if the party chooses not to represent himself or herself.

2. All testimony must be under oath administered by the hearing officer.

3. The matter must be heard in the following manner:

(a) Opening statement for the employer.

(b) Opening statement for the employee, unless reserved.

(c) Presentation of the employer’s case, followed by cross-examination.

(d) Presentation of the employee’s case, followed by cross-examination.

(e) The parties may respectively offer rebutting testimony only, unless the hearing officer permits additional evidence upon the original cause.

(f) Argument for the employer.

(g) Argument for the employee.

(h) Closing argument for the employer.

(i) Submission of the case for decision.

[Personnel Div., Hearings Procedures § (B) subsec. (3), eff. 11-28-65; A 4-15-73; 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 3-23-94)

NAC 284.818 Decision by hearing officer. (NRS 284.065, 284.155, 284.376, 284.390) At the conclusion of the hearing, the hearing officer shall take the case under submission and shall notify the parties in writing within 30 days from the date of the hearing of the hearing officer’s findings and recommendations.

[Personnel Div., Hearings Procedures § (B) subsec. (4), eff. 11-28-65; A 6-9-74]—(NAC A by Dep't of Personnel, 10-26-84)

Adoption, Amendment or Repeal of Regulations

NAC 284.826 Notice. (NRS 284.065) Notice given pursuant to NRS 233B.060 will be provided by mailing to all heads of departments and persons who have requested in writing that they be placed on the mailing list maintained by the Division of Human Resource Management for this purpose.

[Personnel Div., Rule XVII § B subsec. 3, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84)

NAC 284.830 Presentation and contents of petitions. (NRS 284.065)

1. Petitions to initiate the adoption, amendment or repeal of a regulation must be presented in writing in a letter addressed to the Administrator at least 120 days before a regularly scheduled meeting of the Commission.

2. Petitions to protest the adoption, amendment or repeal of a regulation must be presented in writing in a letter addressed to the Administrator at least 20 days before a regularly scheduled meeting of the Commission.

3. Such a petition must contain or be accompanied by relevant data, views and arguments. If a petition is for a new regulation or an amendment to an existing regulation, the petitioner shall also submit the proposed language.

[Personnel Div., Rule XVII § C subsecs. 1 & 2 + Rule XVII § D subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 8-14-90; A by Personnel Comm'n by R203-07, 4-17-2008)

NAC 284.834 Action on petitions to initiate adoption, amendment or repeal. (NRS 284.065) When a petition is submitted to initiate the adoption, amendment or repeal of a regulation pursuant to NAC 284.830, the Division of Human Resource Management will, within 30 days, either deny the petition in writing, stating its reasons, or initiate procedures for the adoption, amendment or repeal of a regulation pursuant to NRS 233B.060. An oral hearing will be granted to any interested person who will be directly affected by the proposed regulation.

[Personnel Div., Rule XVII § C subsec. 3, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 8-14-90)

NAC 284.838 Declaratory judgments. (NRS 284.065) If the petition is denied by the Division of Human Resource Management and its decision is sustained by the Commission, the petitioner may seek a declaratory judgment, pursuant to NRS 233B.110.

[Personnel Div., Rule XVII § C subsec. 4, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84)

Hearings Before the Personnel Commission

NAC 284.850 Scope. (NRS 284.065) NAC 284.850 to 284.874, inclusive, govern hearings before the Commission.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

NAC 284.854 Request for appeal and other communication. (NRS 284.065) A request for an appeal or other pertinent communication directed to the Commission must be addressed to the Administrator within 30 days after receipt of the Administrator's decision.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

NAC 284.858 Time and place; notice; provision of reasonable accommodation to party with disability. (NRS 284.065)

1. The Chair of the Commission will convene the hearing at the time and place specified for the purpose of hearing the appeal.

2. A written notice of the time and place of the hearing must be given to each party at least 10 days before the date of the hearing. The notice must contain the information required for a party to request reasonable accommodation.

3. The Chair shall provide reasonable accommodation to a party with a disability who requests such accommodation within the time sufficient to make the accommodation.

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

NAC 284.862 Hearings open to public. (NRS 284.065) Except as otherwise required or permitted by chapter 241 of NRS, all hearings are open to the public.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

NAC 284.866 Commencement of hearing. (NRS 284.065) At the beginning of the hearing, the Chair of the Commission:

1. Shall state the subject of the hearing and identify the parties; and

2. May, with the agreement of the parties, read into or submit for the record items of preliminary or explanatory correspondence relevant to the subject of the hearing.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

NAC 284.870 Appearance and representation of party; manner of hearing. (NRS 284.065)

1. A party may appear in person or may be represented by an individual of his or her choice, or both appear and be represented.

2. The matter will be heard in the manner prescribed by the Commission.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

NAC 284.874 Decision of Commission. (NRS 284.065) At the conclusion of the hearing, the Commission may take the case under submission and will notify the parties in writing within 30 days after the date of the hearing of the Commission's decision.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

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INDEX

NRS References

Note: Pages are numbered by section.

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.	
	<i>Attendance and Leaves</i>	I-31
NRS 31.298	Garnishment of earnings: Unlawful to discharge or discipline employee.	
	<i>Disciplinary Procedures</i>	M-4
NRS 50.070	Termination or threat of termination of employment because of service as witness prohibited; penalty; remedies.	
	<i>Attendance and Leaves</i>	I-32
NRS 62D.130	Terminating or threatening to terminate employment of parent or guardian for appearance at proceeding prohibited; penalty; civil remedy.	
	<i>Separations from Service</i>	L-3
NRS 193.105	Termination of employment, removal from office or impeachment of public employee or officer upon conviction for sale of controlled substance.	
	<i>Disciplinary Procedures</i>	M-8
NRS 199.280	Resisting public officer.	
	<i>Prohibitions and Offenses</i>	P-2
NRS 199.300	Intimidating public officer, public employee, juror, referee, arbitrator, appraiser, assessor or similar person.	
	<i>Prohibitions and Offenses</i>	P-3
NRS 202.2491	Smoking tobacco: Unlawful in certain public places; posting signs; designation of areas for smoking.	
	<i>Prohibitions and Offenses</i>	P-1
NRS 233.160	Complaint alleging unlawful discriminatory practice: Limitations on filing; contents; duties of Commission.	
	<i>Prohibitions and Offenses</i>	P-9
NRS 233B.070	Effective date of permanent, temporary and emergency regulations; dissemination of regulations; duties of Secretary of State.	
	<i>General Provisions</i>	A-12
NRS 236.015	Legal holidays; closing of state, county and city offices, courts, public schools and Nevada System of Higher Education.	
	<i>Compensation</i>	C-20
NRS 241.033	Meeting to consider character, misconduct, competence or health of person or to consider appeal of results of examination: Written notice to person required; exception; public body required to allow person whose character, misconduct, competence or health is to be	

	considered to attend with representative and to present evidence; attendance of additional persons; copy of record.	
	<i>Adjustment of Certain Grievances</i>	N-1
NRS 281.100	Hours of service of employees of State and political subdivisions; exceptions; penalty.	
	<i>Compensation</i>	C-16
NRS 281.110	State offices to maintain minimum 40-hour workweeks and remain open during certain hours; exception; variable schedules for workweek; posting of days and hours of operation.	
	<i>Attendance and Leaves</i>	I-4
NRS 281.123	Limitation on maximum salary payable to persons employed by State.	
	<i>Compensation</i>	C-1
NRS 281.1275	Reduction in salary of certain public officers and employees for part-day absence from work prohibited; accounting for part-day absence; exception.	
	<i>Attendance and Leaves</i>	I-39
NRS 281.145	Leave of absence for military duty; compensation.	
	<i>Attendance and Leaves</i>	I-35
NRS 281.147	Leave of absence for duty as American National Red Cross disaster technician.	
	<i>Attendance and Leaves</i>	I-33
NRS 281.149	Leave of absence for duty as emergency communications technician.	
	<i>Attendance and Leaves</i>	I-34
NRS 281.210	Officers of State, political subdivision and Nevada System of Higher Education prohibited from employing relatives; exceptions; penalties.	
	<i>Filling Vacancies in Employment</i>	D-19
NRS 281.370	Actions concerning personnel to be based on merit and fitness; discrimination prohibited.	
	<i>Prohibitions and Offenses</i>	P-6
NRS 281.375	Application for employment: Volunteer work must be considered.	
	<i>Filling Vacancies in Employment</i>	D-4
NRS 281.390	Sick leave of public employees: Election of benefits; amount limited when eligible for benefits for industrial or occupational disease.	
	<i>Attendance and Leaves</i>	I-8
	<i>Separations from Service</i>	L-5
NRS 281.621	Declaration of public policy.	
	<i>Prohibitions and Offenses</i>	P-2
NRS 281.641	Reprisal or retaliatory action against state officer or employee who discloses improper governmental action: Written appeal; hearing; order; negative ruling may not be based on identity of persons to whom disclosure was made; rules of procedure.	
	<i>Practice Before Division of Human Resource Management</i>	Q-1
NRS 281.755	Duties of public body concerning rights of employees to express breast milk under certain circumstances.	
	<i>Adjustment of certain grievances</i>	N-3
NRS 284.010	Legislative declaration of purpose.	
	<i>General Provisions</i>	A-1

NRS 284.290	Probationary period: Length; dismissal or demotion; notification by appointing authority regarding permanent status. <i>Probationary Periods</i>	F-1, 3
NRS 284.295	Vacancy filled by promotion; eligibility; competitive examinations. <i>Filling Vacancies in Employment</i>	D-1
NRS 284.300	Commission to adopt regulations governing employment of promotional appointee who fails to attain permanent status. <i>Probationary Periods</i>	F-4
NRS 284.305	Provisions and regulations for filling positions in classified service without competition. <i>Filling Vacancies in Employment</i>	D-20
NRS 284.307	Automatic advancement of person in training or preparatory position. <i>Filling Vacancies in Employment</i>	D-33
NRS 284.309	Waiver of examination if fewer than five qualified applicants. <i>Filling Vacancies in Employment</i>	D-13
NRS 284.310	Provisional appointment. <i>Filling Vacancies in Employment</i>	D-29
NRS 284.315	Emergency appointment. <i>Filling Vacancies in Employment</i>	D-29
NRS 284.317	Appointment of persons with disabilities. <i>Filling Vacancies in Employment</i>	D-31
NRS 284.320	Appointments requiring exceptional scientific, professional or expert qualifications. <i>Filling Vacancies in Employment</i>	D-13
NRS 284.325	Temporary appointment. <i>Filling Vacancies in Employment</i>	D-30
NRS 284.327	Temporary limited appointment of persons with disabilities; limitations; regulations. <i>Filling Vacancies in Employment</i>	D-14
NRS 284.330	Reinstatement of permanent appointee after separation without prejudice. <i>Filling Vacancies in Employment</i>	D-21
NRS 284.335	Standards; records and ratings for service. <i>Reports on Performance</i>	G-1
NRS 284.337	Reports: Duties of supervisor. <i>Reports on Performance</i>	G-1
NRS 284.338	Reports: Training in proper preparation. <i>Training and Education</i>	H-3
NRS 284.340	Reports: Duties of appointing authority. <i>Reports on Performance</i>	G-2
NRS 284.343	Stipends for training and educational leave for employees: Regulations; exceptions; restrictions; grants. <i>Training and Education</i>	H-1
NRS 284.345	Regulations for attendance and leave of absence; personnel of Nevada System of Higher Education. <i>Attendance and Leaves</i>	I-39

NRS 284.350	Annual leave. <i>Attendance and Leaves</i>	I-7
NRS 284.355	Leave for sickness and disability: Accrual; payment for unused leave; employees with mental or emotional disorders; forfeiture of leave. <i>Attendance and Leaves</i>	I-12
NRS 284.357	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. <i>Attendance and Leaves</i>	I-34
NRS 284.358	Civil leave with reduced pay when performing active military service in time of war or emergency. <i>Attendance and Leaves</i>	I-36
NRS 284.359	Military leave of absence; reinstatement. <i>Attendance and Leaves</i>	I-36
NRS 284.360	Leave of absence without pay. <i>Filling Vacancies in Employment</i> <i>Attendance and Leaves</i>	D-23 I-23
NRS 284.362	Catastrophic leave: Definitions. <i>Attendance and Leaves</i>	I-19
NRS 284.3621	Catastrophic leave: Account for catastrophic leave; transfer of hours to account; limitations on transfers; transfers between branches of government. <i>Attendance and Leaves</i>	I-19
NRS 284.3622	Catastrophic leave: Request for transfer to employee of hours from account for catastrophic leave. <i>Attendance and Leaves</i>	I-20
NRS 284.3623	Catastrophic leave: Approval of transfer of hours to employee. <i>Attendance and Leaves</i>	I-20
NRS 284.3624	Catastrophic leave: Review of status of employee regarding catastrophe; termination of leave; disposition of hours not used. <i>Attendance and Leaves</i>	I-20
NRS 284.3625	Catastrophic leave: Maintenance of records; reports to Administrator. <i>Attendance and Leaves</i>	I-20
NRS 284.3626	Catastrophic leave: Regulations of Commission. <i>Attendance and Leaves</i>	I-20
NRS 284.3627	Committee on Catastrophic Leave: Creation; members; terms; vacancies; members serve without compensation. <i>Attendance and Leaves</i>	I-21
NRS 284.3628	Committee on Catastrophic Leave: Chair and Vice Chair; quorum; rules; hearings; Secretary. <i>Attendance and Leaves</i>	I-21

NRS 284.3629	Committee on Catastrophic Leave: Appeal of decision of appointing authority; procedure; representation of employee; finality of decision; inapplicability of Open Meeting Law.	
	<i>Attendance and Leaves</i>	I-21
NRS 284.375	(Transfers) Conditions.	
	<i>Filling Vacancies in Employment</i>	D-22
NRS 284.376	Involuntary transfer; hearing; remedies.	
	<i>Filling Vacancies in Employment</i>	D-23
NRS 284.3775	Transfer of certain employees in Judicial Branch, unclassified service or Legislative Branch to classified service; exceptions; rights of employee in classified service who accepted position in Legislative Branch.	
	<i>Filling Vacancies in Employment</i>	D-24
NRS 284.379	Separation or disability retirement of employee with disability.	
	<i>Separations from Service</i>	L-5
NRS 284.380	Layoffs; reemployment lists.	
	<i>Filling Vacancies in Employment</i>	D-21
	<i>Separations from Service</i>	L-6
NRS 284.381	Limitation on revocation of resignation by employee.	
	<i>Separations from Service</i>	L-3
NRS 284.383	Use of disciplinary measures; employee entitled to receive copy of findings or recommendations; classified employee entitled to receive copy of policy explaining information relating to disciplinary action.	
	<i>Disciplinary Procedures</i>	M-1
NRS 284.384	Adjustment of certain grievances and complaints: Regulations; appeal to Employee-Management Committee; enforcement of binding decisions of Employee-Management Committee; representation of employee.	
	<i>Adjustment of Certain Grievances</i>	N-1
NRS 284.385	Dismissals, demotions and suspensions; regulations.	
	<i>Disciplinary Procedures</i>	M-5
NRS 284.387	Internal administrative investigations leading to certain disciplinary action: Right of employee to written notice of allegations before questioning and to representation; deadline for and notification to employee of completion; extensions; failure to make determination in a timely manner.	
	<i>Disciplinary Procedures</i>	M-1
NRS 284.390	Hearing to determine reasonableness of dismissal, demotion or suspension; production of documents; representation; evidence; written decision; reinstatement; judicial review.	
	<i>Disciplinary Procedures</i>	M-12
NRS 284.391	Hearings: Issuance of subpoenas; discovery; oaths; examination of witnesses.	
	<i>Practice Before Division of Human Resource Management</i>	Q-1

NRS 284.392	Hearings: Subpoenas extend to all parts of State; service of subpoenas; attendance of witnesses. <i>Practice Before Division of Human Resource Management</i>	Q-1
NRS 284.393	Hearings: Fees, mileage and expenses of witnesses. <i>Practice Before Division of Human Resource Management</i>	Q-1
NRS 284.406	Policy concerning use of alcohol or drugs by state employees. <i>Use of Alcohol or Drugs</i>	R-1
NRS 284.4061	Definitions. <i>Use of Alcohol or Drugs</i>	R-1
NRS 284.4062	Employee who consumes or is under the influence of alcohol or drugs or who possesses controlled substance on duty is subject to disciplinary action; state agency required to refer certain employees to employee assistance program; regulations. <i>Use of Alcohol or Drugs</i>	R-1
NRS 284.4063	Grounds for disciplinary action: Failure to notify supervisor after consuming certain drugs; failure or refusal to submit to screening test; failure of screening test; regulations. <i>Use of Alcohol or Drugs</i>	R-2
NRS 284.4064	Appointing authority authorized to require employee who has consumed drug to obtain clearance from physician; inquiry regarding use of alcohol or drug by employee; preventing employee from continuing work. <i>Use of Alcohol or Drugs</i>	R-2
NRS 284.4065	Screening tests: General provisions. <i>Use of Alcohol or Drugs</i>	R-2
NRS 284.4066	Screening tests: Applicants for positions affecting public safety required to take screening test; appointing authority required to consider results; provision of results to applicant upon request; appointing authority required to provide certain results to Administrator; regulations. <i>Use of Alcohol or Drugs</i>	R-3
NRS 284.4067	Screening tests: Requirements for administration; use; results. <i>Use of Alcohol or Drugs</i>	R-4
NRS 284.4068	Screening tests: Results confidential; admissibility of results; maintenance of results; disclosure. <i>Use of Alcohol or Drugs</i>	R-4
NRS 284.410	False statement or report; fraud. <i>Prohibitions and Offenses</i>	P-3
NRS 284.415	Receipt or payment of consideration for appointment or promotion. <i>Filling Vacancies in Employment</i> <i>Prohibitions and Offenses</i>	D-20 P-4
NRS 284.420	Obstruction of right to examination, eligibility, certification or appointment; furnishing special or secret information. <i>Prohibitions and Offenses</i>	P-4
NRS 284.425	Member of subversive organization ineligible for appointment or employment in public service. <i>Prohibitions and Offenses</i>	P-4

NRS 284.430	Penalties. <i>Prohibitions and Offenses</i>	P-4
NRS 286.3007	Purchase by state agency of credit for service: Conditions. <i>Separations from Service</i>	L-6
NRS 286.430	Withdrawal of contributions. <i>Separations from Service</i>	L-4
NRS 286.440	Redeposit of withdrawn contributions upon return to service: Procedure. <i>Separations from Service</i>	L-4
NRS 286.510	Eligibility: Age and service of police officers, firefighters and other employees; reduction of benefit for retirement before required age. <i>Separations from Service</i>	L-1
NRS 287.0445	Payment of premiums or contributions for state officer or employee injured in course of employment while member of Program. <i>Attendance and Leaves</i>	I-14
NRS 288.230	Legislative declaration; illegality of strikes. <i>Prohibitions and Offenses</i>	P-9
NRS 289.060	Notification and requirements for interview, interrogation or hearing relating to investigation; prohibition against use of certain statements or answers in subsequent criminal proceedings. <i>Disciplinary Procedures</i>	M-1
NRS 289.080	<i>Right to presence and assistance of representatives at interview, interrogation or hearing relating to investigation; confidential information; disclosure; record of interview, interrogation or hearing; right of subject of investigation to review and copy investigation file upon appeal.</i> <i>Disciplinary Procedures</i>	M-3
NRS 289.800	<i>Reimbursement for cost to repair or replace uniform, accessories or safety equipment damaged or destroyed in performance of duties.</i> <i>Compensation</i>	C-24
NRS 293.463	Employees may absent themselves from employment to vote: Procedure; penalty. <i>Attendance and Leaves</i>	I-33
NRS 331.220	Surreptitious electronic surveillance prohibited; exceptions. <i>Prohibitions and Offenses</i>	P-2
NRS 353.224	Approval of Legislature or Interim Finance Committee required for certain changes of positions. <i>Classification</i>	B-2
NRS 392.4577	Employer required to grant leave to parent to participate in school conferences and other school-related activities; conditions; exception. <i>Attendance and Leaves</i>	I-26
NRS 392.920	Employer prohibited from threatening or taking retaliatory action against parent for parent's participation in certain school conferences and school-related activities; penalty; authorization for parent to file claim with Labor Commissioner. <i>Attendance and Leaves</i>	I-27

NRS 394.179	Parental involvement: Employer required to grant leave to parent to participate in school conferences and other school-related activities; conditions; exception. <i>Attendance and Leaves</i>	I-28
NRS 414.070	Additional powers of Governor during existence of state of emergency or declaration of disaster. <i>Attendance and Leaves</i>	I-34
NRS 414.260	Membership in volunteer search and rescue or reserve unit of sheriff's department or Civil Air Patrol: Discharge of employee for membership prohibited; exceptions; civil remedy. <i>Disciplinary Procedures</i>	M-4
NRS 480.320	Payment of cadets. <i>Compensation</i>	C-13
NRS 613.075	Inspection by person who is subject of records; provision of copies upon request; cost of copies; person permitted to submit written explanation in response to information in records and to challenge accuracy; limitations. <i>Personnel Records</i>	O-3
NRS 613.330	Unlawful employment practices: Discrimination on basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; interference with aid or appliance for disability; refusal to permit service animal at place of employment; consideration of criminal history without following required procedure. <i>Prohibitions and Offenses</i>	P-7
<i>NEW</i>	<i>Chapter 613 of NRS is hereby amended by adding thereto a new section.</i> <i>Attendance and Leaves</i>	I-13
NRS 613.333	Unlawful employment practices: Discrimination for lawful use of any product outside premises of employer which does not adversely affect job performance or safety of other employees. <i>Diciplinary Procedures</i>	M-4
NRS 616C.475	Amount and duration of compensation; limitations; requirements for certification of disability; offer of light-duty employment. <i>Attendance and Leaves</i>	I-25
NRS 629.031	"Provider of health care" defined. <i>Attendance and Leaves</i>	I-3