



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701
Phone: (775) 684-0150 | www.hr.nv.gov

PERSONNEL COMMISSION
Meeting Notice

DATE: Friday, October 9, 2015
TIME: 9:00 a.m.
LOCATION: Blasdel Building Grant Sawyer State Building
209 E. Musser St., Room 105 555 E. Washington Ave., Room 1400
Carson City, Nevada 89701 Las Vegas, Nevada 89101

The sites will be connected by videoconference. The public is invited to attend at either location. As video conferencing gives the Commission, staff and others flexibility to attend meetings in either Northern or Southern Nevada, handouts to the Commission on the day of the meeting might not be transmitted to the distant locations.

Notice: The Personnel Commission may address agenda items out of sequence to accommodate persons appearing before the Commission or to aid the efficiency or effectiveness of the meeting at the Chair's discretion. The Commission may combine two or more agenda items for consideration, and the Commission may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Comments will be limited to three minutes per person and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Commission Chair may elect to allow public comment on a specific agenda item when the item is being considered.

Agenda

- I. Call to Order; Welcome; Roll Call; Announcements**
- II. Public Comment:** No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)
- FOR POSSIBLE ACTION III. Discussion and Approval or Denial of Proposed Regulations Changes to Nevada Administrative Code, Chapter 284.....1**
- A. LCB File No. R039-15.....13
 - Sec. 1. NAC 284.448 Time not counted toward completion of probationary period.....20
 - Sec. 2. NAC 284.5875 Military leave with pay.....21
- IV. Public Comment:** No vote or action may be taken upon a matter raised under this item of the agenda until the matter

itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

V. Adjournment

Inquiries regarding the items scheduled for this Commission meeting may be made to Shelley Blotter at (775) 684-0105.

We are pleased to make reasonable accommodations for individuals who wish to attend this meeting. If special arrangements or audiovisual equipment are necessary, please notify the Division of Human Resource Management in writing at 209 E. Musser Street, Room 101, Carson City, Nevada 89701 no less than (5) five working days prior to the meeting.

Notice of this meeting has been posted at the following locations:

Carson City

Blasdel Building, 209 E. Musser Street

Nevada State Library & Archives Building, 100 N. Stewart Street

Nevada State Capitol Building, 101 N. Carson Street

Nevada Public Notice website: <http://notice.nv.gov>

Division of Human Resource Management website: www.hr.nv.gov

Las Vegas

Grant Sawyer Building 555 E. Washington Street

Personnel Commission Meeting
October 9, 2015

FOR INFORMATION ONLY

The Personnel Commission adopted emergency regulations at the June 25, 2015 Personnel Commission meeting. Emergency regulations were necessary to address the changes made to NRS 281.145 due to AB 388 of the 2015 Legislative Session. For your reference, the adopted emergency regulations and the text of AB 388 are attached. The emergency regulations will expire on October 28, 2015 unless adopted by the Commission as permanent regulations.

SECRETARY OF STATE
FILING DATA

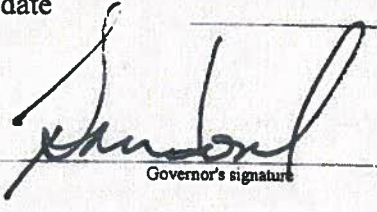
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For Filing Administrative
Regulations

FOR EMERGENCY
REGULATIONS ONLY

Effective date July 1, 2015

Expiration date October 28, 2015


Governor's signature

Agency Human Resource
Management

Classification: PROPOSED ADOPTED BY AGENCY EMERGENCY

Brief description of action Adoption of emergency regulation to bring it into alignment with the amendment to NRS 281.145 in A.B. 388 of the 2015 Legislative Session.

Authority citation other than 233B NRS 284.065, 284.155, 284.290 and A.B. 388 of the 2015 Legislative Session.

Notice date _____ Date of Adoption by Agency _____

Hearing date June 19, 2015

ACTION – ADOPTION OF EMERGENCY REGULATION

NAC REGULATION

Time not counted toward completion of probationary period.

NAC 284.448

EMERGENCY REGULATION

NAC 284.448 Time not counted toward completion of probationary period. (NRS 284.065, 284.155, 284.290) The following types of leave or temporary status do not count toward the completion of any probationary period:

1. Authorized military leave for active service, as set forth in subsection 8 of NAC 284.444.
 2. Authorized military leave for training beyond the 15 paid working days in ~~any 1 calendar year, as set forth in subsection 8 of NAC 284.444.~~ *a 12-month period pursuant to NRS 281.145.*
 3. Except as otherwise provided in NAC 284.580, any leave without pay and catastrophic leave, combined, in excess of 240 hours or, in the case of an exempt classified employee, 30 working days, in a year if the regular work schedule of the employee is 80 hours or less biweekly. If the regular work schedule of an employee is more than 80 hours biweekly, the employee must be allotted additional leave without pay and catastrophic leave in proportion to the number of hours his or her regular work schedule exceeds 80 hours biweekly. As used in this subsection, "year" means a period equal to 12 months of full-time equivalent service measured backward from the employee's pay progression date.
 4. Time which is served in a temporary position pursuant to NAC 284.414.
 5. Any hours worked which exceed 40 in a week.
- (Added to NAC by Dep't of Personnel, eff. 10-26-84; A 5-27-86; 3-27-92; 9-16-92; 11-16-95; 3-1-96; R147-01, 1-22-2002; A by Personnel Comm'n by R182-03, 1-27-2004; R141-07, 1-30-2008)

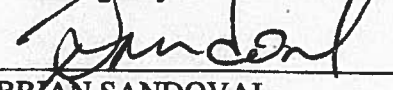
FOR THE COMMISSION:


KATHERINE FOX, Chairman
Nevada Personnel Commission

JUN 19, 2015
Date

GOVERNOR'S ENDORSEMENT

I, Governor Brian Sandoval, endorse the Nevada Personnel Commission's foregoing Statement of Emergency.


BRIAN SANDOVAL
Governor of Nevada

JUNE 23, 2015
Date

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**For Filing Administrative
Regulations**

**FOR EMERGENCY
REGULATIONS ONLY**
Effective date July 1, 2015
Expiration date October 28, 2015
[Signature]
Governor's signature

Agency Human Resource
Management

Classification: PROPOSED ADOPTED BY AGENCY EMERGENCY

Brief description of action Adoption of emergency regulation prescribing the 12-month period for each agency during which an officer or employee of the agency is eligible to take military leave.

Authority citation other than 233B NRS 281.145, 284.065, 284.345 and A.B. 388 of the 2015 Legislative Session.

Notice date _____ Date of Adoption by Agency _____

Hearing date July 19, 2015

ACTION – ADOPTION OF EMERGENCY REGULATION

NAC REGULATION

Military leave with pay.

LCB File No. R138-13

EMERGENCY REGULATION

LCB File No. R138-13 *Military leave with pay.* (NRS 281.145, 284.065, 284.345)

~~1. In accordance with NRS 281.145 and subsections 2 and 3:~~

~~(a) If a public officer or employee has a work schedule that does not include any portion of Saturday or Sunday, the public officer or employee must be granted a maximum of 15 working days of military leave with pay in a calendar year to serve under orders; and~~

~~(b) If a public officer or employee has a work schedule that includes any portion of Saturday or Sunday, the public officer or employee must be granted a maximum of 39 working days of military leave with pay in a calendar year to serve under orders.~~

~~2. If the work schedule of a public officer or employee is changed in a calendar year from including any portion of Saturday or Sunday to not including any portion of Saturday or Sunday, the public officer or employee is entitled to receive not more than 15 working days of military leave with pay after the effective date of the change to the work schedule, but is not entitled to receive more than a total of 39 working days of military leave with pay for the calendar year.~~

~~3. If the work schedule of a public officer or employee is changed in a calendar year from not including any portion of Saturday or Sunday to including any portion of Saturday or Sunday, the public officer or employee is entitled to receive not more than 39 working days of military leave with pay for the calendar year from the effective date of the change to the work schedule, but is not entitled to receive more than a total of 39 working days of military leave with pay for the calendar year or more than 15 working days of military leave with pay before the effective date of the change. If the public officer or employee took more than 15 working days of military leave to serve under orders before the effective date of the change to the work schedule, military leave with pay must not be granted retroactively for those working days.~~

~~4. As used in this section and NRS 281.145, the Commission will interpret:~~

~~(a) "To serve under orders" to mean to perform military service pursuant to orders issued by the appropriate military authority, including, without limitation, orders for deployment and any orders to complete training.~~

~~(b) "Work schedule" to mean a public officer's or employee's regularly assigned schedule of work. The term does not include any short term changes to a schedule, overtime, standby status or instances where the public officer or employee is called back to work during his or her scheduled time off, unless the change becomes part of his or her regularly assigned schedule.~~

~~(c) "Working day" to mean a period of work consisting of the number of hours a public officer or employee is regularly scheduled to work. The term does not include overtime, standby status or instances where the public officer or employee is called back to work during his or her scheduled time off.]~~

For the purposes of subsection 1 and 2 of NRS 281.145, a calendar year will be used for all State agencies except for the Office of the Military. The Office of the Military will use the federal fiscal year beginning on October 1 for this purpose.

(Added to NAC by Personnel Comm'n by R138-13, eff. 6-23-14)

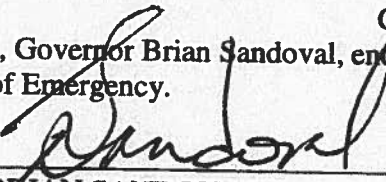
FOR THE COMMISSION:


KATHERINE FOX, Chairman
Nevada Personnel Commission

JUL 19, 2015
Date

GOVERNOR'S ENDORSEMENT

I, Governor Brian Sandoval, endorse the Nevada Personnel Commission's foregoing Statement of Emergency.


BRIAN SANDOVAL
Governor of Nevada

June 23, 2015
Date

Assembly Bill No. 388—Assemblymen Paul
Anderson, Kirkpatrick; and Armstrong

CHAPTER.....

AN ACT relating to public employment; revising provisions governing certain leaves of absence for military duty for public officers and employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, public officers and employees who are active members of the National Guard or a reserve component of the Armed Forces of the United States are required to be relieved from their duties as a public officer or employee to serve under orders without loss of their regular compensation for a period of not more than 15 working days in a calendar year. In addition to these 15 working days of leave, such public officers and employees who are employed by the State of Nevada and whose work schedules include Saturday or Sunday are required to be relieved from their duties as a public officer or employee to serve under orders without loss of their regular compensation for an additional 24 working days in a calendar year. (NRS 281.145)

This bill changes the period during which a public officer or employee is eligible to take the specified number of days of leave of absence for military duty each year from a calendar year to a 12-month period selected by the officer's or employee's public employer. This bill requires: (1) the Personnel Commission within the Division of Human Resource Management of the Department of Administration to prescribe this 12-month period by regulation for each state agency; and (2) each political subdivision to prescribe this 12-month period for its agencies.

Under existing law, a public officer or employee who is on leave of absence for military duty receives his or her regular compensation and his or her military pay during that period of leave. With respect to a state officer or employee whose work schedule includes a Saturday or Sunday, this bill limits the officer's or employee's compensation for those additional 24 working days of leave as follows, for each hour during any such period of leave: (1) if the officer's or employee's military pay exceeds his or her regular compensation, the officer or employee receives only his or her military pay and not his or her regular compensation; or (2) if the officer's or employee's military pay does not exceed his or her regular compensation, the officer or employee receives his or her military pay and his or her regular compensation is reduced by an amount equal to his or her military pay. This bill provides that for any hours in which an officer or employee receives such compensation, the officer or employee is not entitled to receive any additional compensation for which he or she would otherwise be eligible or use any paid or certain unpaid leave. This bill also limits the use of the additional 24 working days of leave from service under any type of orders to only service under orders for training that is scheduled on a Saturday or Sunday.

Finally, this bill clarifies the terms "work schedule" and "working day" for purposes of accounting for officers' and employees' leave of absence for military duty and clarifies that the leave must be accounted for on an hourly basis instead of a daily basis.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 281.145 is hereby amended to read as follows:

281.145 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 ~~{1-calendar year.}~~ 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. ~~{Any}~~ *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, ~~{to serve under orders without loss of the officer's or employee's regular compensation}~~ for a period of not more than ~~{39}~~ *the number of hours equivalent to 24 working days in any ~~{1-calendar year.}~~ 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.

Sec. 2. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2015, for all other purposes.



FOR DISCUSSION AND POSSIBLE ACTION

The following regulations have been proposed for permanent adoption. A brief explanation precedes each section and summarizes the intent of the regulation change. **NOTE:** [Brackets] and ~~strikeouts~~ signify language that is to be removed. Language to be inserted is in ***bold italics***.

The following summarizes the recommended action of the Personnel Commission and identifies if there has been support or opposition to the proposed action.

LCB File No. R039-15 – (AB 388)

The amendments to NAC 284.448 and NAC 284.5875 were adopted by the Personnel Commission, endorsed by the Governor, and filed with the Secretary of State as emergency regulations due to Assembly Bill 388 of the 2015 Legislative Session. These regulations became effective on July 1, 2015 and are set to expire on October 28, 2015. The Division of Human Resource Management recommends adopting these amendments as permanent regulations prior to their expiration date.

Both the amendments to NAC 284.448 and NAC 284.5875 bring the regulations into agreement with the statutory change to NRS 281.145 made by Assembly Bill 388 of the 2015 Legislative session.

Effective July 1, 2015, NRS 281.145 requires the Personnel Commission to prescribe the 12-month period that State agencies will use to determine the eligibility of employees who are Reservists or members of the National Guard to receive paid leave due to training and/or deployment or an adjustment to their pay to participate in training drills if their normal shift occurs on a Saturday or Sunday. In the amendment to NAC 284.5875, we are recommending that State agencies, with the exception of the Office of the Military, continue to use a calendar year for this purpose. However, the Office of the Military has requested to use the federal fiscal year for this purpose due to the funding source of some affected positions. Additionally, all of the existing language in NAC 284.5875 is removed as it is obsolete due to the amendment to NRS 281.145.

The amendment to NAC 284.448 references this change to the 12-month period used for calculating employees' military leave in NRS 281.145.

No public comments were received on these amendments during the workshop held on June 25, 2015.

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
DIVISION OF HUMAN RESOURCE MANAGEMENT

Attorney General's Office
Mock Court Room, 2nd Floor
100 North Carson St.
Carson City, Nevada.

and

Grant Sawyer Building, Room 4500
555 East Washington Avenue
Las Vegas, Nevada

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

REGULATIONS WORKSHOP
MINUTES

Thursday, June 25, 2015

Speakers Present
In Carson City:

Lee-Ann Easton, Administrator, Division of Human Resource Management
Shelley Blotter, Deputy Administrator, Division of Human Resource Management
Michelle Garton, Supervisory Personnel Analyst, Division of Human Resource Management
Carrie Hughes, Personnel Analyst, Division of Human Resource Management
Kimberley King, Human Resources Manager, Department of Transportation
Karen Masters, Deputy Director, Department of Health and Human Services
Kevin Ranft, Labor Representative, American Federation of State, County and Municipal Employees

Speaker Present
In Las Vegas:

Brian Boughter, Personnel Officer, Department of Corrections

1. CALL TO ORDER

Shelley Blotter: Opened the meeting at 9:00 a.m. She introduced herself and asked everyone to sign-in. She indicated the purpose of the workshop is to solicit comments from affected parties with regard to regulations proposed for permanent adoption. She explained that the regulations maybe heard at a future Personnel Commission meeting. She stated that the format would be that the staff would provide an explanation of the proposed regulation change which would be followed by comments. She indicated that comments would be summarized for the Personnel Commission and

provided to them at the time that it would be proposed for adoption. She noted that there were comment cards available if participants wanted to use that format or comments could be sent through the mail.

2. REVIEW OF PROPOSED CHANGES TO NAC 284:

NAC 284.470 Preparation, Filing, Contents, Discussion and Distribution of Reports, Powers and Duties of Employees, Review, Adjustment of Grievances.

Michelle Garton: Stated that the amendment to NAC 284.470 would clarify the effect that an evaluation would have on the employee's pay and performance rating including different circumstances such as a late evaluation or an evaluation that was not submitted. The goal of the clarification is to encourage supervisors to submit evaluations even though the employee may have already received his or her merit salary increase. She referred to Subsection 4(a) a description of the process as it should be followed, a timely standard or exceeds standard evaluation is submitted, the employee is eligible for a merit increase if they have not reached the top step of his or her grade, and the inclusion of that rating into the personnel file. She noted that Subsection 4(b) states if the evaluation was not filed on time the employee is deemed standard for the purposes of pay and would receive a merit increase if he or she has not reached the top step of his or her grade. The employee's performance rating would be the most recent rating the employee received. She noted that NEATS (Nevada Employee Action and Timekeeping System) was undergoing an upgrade and this would handle all online evaluations. DHRM believes that this will support supervisors in getting evaluations in punctually and simplify the process. She stated that the second amendment allows a designate to be appointed by the appointing authority to extend any timeframes as outlined for the request for review process.

Shelley Blotter: Reviewed how this change affected the process. She noted that if anyone had a supervisor that had submitted an evaluation late and it was past the point where the employee would be eligible for the merit salary increase then the employee would normally receive it. She explained the true change is that in the past it had been assumed that the employee's performance is "meets standards" if there was no new evaluation. The amendment is saying it would only be "meets standards" for the purposes of pay and whatever the evaluation rating is in the system would be what that person had actually been rated.

She asked if there were any comments. There were none in Las Vegas.

Kimberley King: Noted that she agrees with the change as at times the evaluation deadline could be missed while trying to work with an employee and agency wouldn't want then have to worry about the evaluation defaulting to a standard rating.

NAC 284.097 Reviewing Officer defined.

Michelle Garton: Stated that if the proposed amendment to NAC 284.470 is adopted then NAC 284.097 Reviewing Officer defined would need to be amended to change the reference to subsection 7 of NAC 284.470 to subsection 8 because a new subsection was being added to NAC 284.470.

Shelley Blotter: Asked if there were any comments. There were no comments.

NAC 284.52315 "Child" Defined

Carrie Hughes: Stated that the change to the regulation would bring it into alignment with federal FMLA (Family and Medical Leave Act) regulations and those regulations had been interpreted to not require an employee to prove that he or she provides both the day-to-day care and the financial support in order to be found to stand in *loco parentis*.

Shelley Blotter: Asked if there were any comments.

Brian Boughter: Asked if there was any proposal on how to document whether the employee had day-to-day care or financially supports a child.

Carrie Hughes: She stated that this was like most of the things that were not addressed on the FMLA certification forms and agency staff could either take a statement either verbally or in writing. She confirmed that there is a provision for the requirement of supporting documentation.

Kareen Masters: Expressed that she had concerns with the concept of patterning state regulations after federal regulations or interpretations as they could change. She referred to the administrator's ruling which stated it was based on a two-page document. She noted that this document contained substantial information which she considered important. She stated that if the document was reviewed the conclusion stated whether any employee stood *in loco parentis* and this would depend on particular facts. She noted that the intention appeared to be that a number of facts would have to be weighed to determine if it would fall within that document. She suggested that they hold true to the federal regulations and perhaps include an informational box to replicate the administrator's ruling or provide an email link. She considered this preferential. She added that it should be kept in mind that the rule of the administrator talks about an individual caring for the child but once you change the 'and' to 'or' you would also have to look at the other part of the equation, e.g. financial support, as one aspect only would not suggest that it was that individual's child.

Shelley Blotter: Asked Kareen if she felt it would be preferable to adopt the federal definition of "child" and also "loco parentis" and not try to deal with it at the state level.

Kareen Masters: Agreed as the agencies would be in a difficult position because they would have to conform with both federal and state regulations and if federal law changed they would have this on the books and it could create confusion.

Shelley Blotter: Asked for confirmation that she was suggesting that they repeal the action and then adopt the other sections by reference.

Kareen Masters: Agreed and noted they had done that in other parts of the regulation where they would adopt the definition by reference.

Shelley Blotter: Asked for any other comments including comments on Kareen Masters' suggestion. There were no other comments.

NAC 284.589 Administrative Leave with Pay.

Michelle Garton: Stated that the changes would create consistency in the granting of administrative leave for an employee to prepare or attend hearings related to his or her dismissal, demotion, suspension, involuntary transfer, and/or a claim of retaliation for the disclosure of improper governmental action, otherwise referred to as a 'whistleblower appeal'. She stated that currently the regulation did not specifically provide preparation time for an employee's whistleblower appeal so it would be added. This change would also require the appointing authority to grant the employee administrative leave to attend his or her hearing. She added that the employee would receive administrative leave for preparation and attendance at all hearings before a hearing officer. The current time allowed was 8 hours for preparation but there was no timeframe given for actual attendance at the hearings. She noted that what had been reflected was that administrative leave would be available to the employee for the duration of the hearings. The appointing authority could grant leave time to the employee to make up the difference between the length of the hearing and the remainder of the employee's shift.

Shelley Blotter: Asked for comments and there were none.

NAC 284.394 Transfers Initiated by Appointing Authorities.

Michelle Garton: Stated that the proposed amendment to NAC 284.394 is recommended due to the amendments proposed for NAC 284.589. She noted that the proposal is to remove the last sentence, subsection 5, which stated that the employee might receive administrative leave to prepare for a hearing on any involuntary transfer. If the amendment to NAC 284.589 is adopted, it is unnecessary to have it in NAC 284.394.

Shelley Blotter: Asked for comments and there were none.

NAC 284.778 Request for Hearing and Other Communications.

Michelle Garton: Stated that on July 1, 2014 the Personnel Commission selected the Hearings Division of the Department of Administration as the primary hearing officers for employee appeals. As a result, there is no need to have all the written communication come through the Division of Human Resource Management. She stated that the Hearings Division employs clerks that work for the hearing officers and any written communication would be directed to the clerk who is supporting the hearing officer for that particular hearing.

Shelley Blotter: Asked for comments and there were none.

NAC 284.262 Longevity Pay: Eligibility.

NAC 284.270 Longevity Pay: Required Rating of Performance.

NAC 284.274 Longevity Pay: Dates of Payment and Eligibility, Responsible Agency.

NAC 284.278 Longevity Pay: Formulas for Calculation.

NAC 284.282 Longevity Pay: Particular Circumstances.

NAC 284.284 Longevity Pay: Return to State Service.

Michelle Garton: Stated that these were the regulations related to longevity pay. Assembly Bill 436 of the 2015 Legislative Session repealed NRS 284.177 and NRS 284.179 and these statutes included the provisions for longevity pay. Therefore DHRM is recommending the repeal of the associated regulations for longevity pay.

Shelley Blotter: Asked for comments and there were none.

NAC 284.656 Notice.

Michelle Garton: Stated that the regulation was related to appeal hearings and concerned notices of dismissal, demotion and suspension of classified State of Nevada employees. She added the intent was to open the method to communicate to an employee by providing for a delivery service or a carrier such as FedEx or UPS or any company providing tracking information and proof of delivery.

Shelley Blotter: Asked for comments and there were none.

NAC 284.726 Access to Confidential Records

Carrie Hughes: Stated that NAC 284.894 required the removal of an applicant who tested positive for the use of a controlled substance from all hiring lists requiring pre-employment testing for a year or until the applicant provided evidence of successful conclusion of a rehabilitation program. She noted that Senate Bill 62 of the 2015 Legislative Session in part amended NRS 284.4068 to allow the Division of Human Resource Management access to those confidential results of applicants' pre-employment test results. She stated that that would allow for the statewide implementation of the requirement in NAC 284.894. She added that the proposed amendment to NAC 284.726 outlined the access in regulation.

Shelley Blotter: Asked for comments.

Kimberley King: Indicated that this was helpful and she supported it.

Shelley Blotter: Stated that currently the Division receives this information anecdotally. She noted that it would allow for a more systematic implementation.

NAC 284.888 Request for Employee to Submit to Screening Test, Interpretation of Grounds, Completion of Required Form.

Carrie Hughes: Stated that effective January 1, 2016 Senate Bill 62 of the 2015 Legislative Session concerned the involvement in a work-related accident or injury, the circumstances being listed in NRS 284.4065 for which an agency could request an employee to submit to an alcohol and/or controlled substance test. She added that SB62 additionally mandated that the Personnel Commission should by regulation define the term "work-related accident or injury" as it was currently used in Subsection 2 of NRS 284.4065. She added that the amendment to NAC 284.888 defined "work-related accident or injury".

Shelley Blotter: Asked for comments.

Kimberley King: Indicated that this was helpful and they supported having it in that section. She asked if they still wanted to retain e) in Subsection in 1.

Carrie Hughes: Indicated it was something to think about but she did not think it hurt. She added it might not be necessary.

Kevin Ranft: Indicated that AFSCME was in support and thought that it would clarify many of the concerns that had been brought forward in the past.

Shelley Blotter: Asked for additional comments.

Kareen Masters: Asked if they were being too restrictive saying it would have to occur on the premises of the workplace as they often had employees who worked out in the field.

Shelley Blotter: Responded that the injury or accident that would happen in the course of employment. She considered that working in the field would fall under the course of employment.

Carrie Hughes: Stated the phrase "premises of the workplace" was picked specifically because it was defined in regulation in NAC 284.0875. She suggested that that section could be reviewed and the description was fairly broad.

NAC 284.448 Time Not Counted Toward Completion of Probationary Period and LCB File Number R138-13 Military Leave with Pay

Carrie Hughes: Stated on June 19th the Personnel Commission approved the amendments to NAC 284.448 in LCB File Number R138-13 as emergency regulations. She added that as emergency regulations were only effective for 120 days they were proposing adopting the amendments as permanent regulations. She noted that both the amendment to NAC 284.448 and LCB File Number R138-13 were intended to bring the regulations into agreement with the statutory change to NRS 281.145 made by Assembly Bill 388 in the 2015 Legislative Session. She stated that the amendments' explanation of proposed changes stated that the amendments were contingent upon the passage and approval of AB388.

She stated that the Governor signed AB388 into law on June 4th. Effective July 1st NRS 281.145 would require the Personnel Commission to prescribe a 12-month period that state agencies would use to determine the eligibility of their employees who were reservists or members of the National Guard who would take military leave without loss of their regular compensation. In LCB File Number R138-13 they were proposing that all state agencies with the exception of the Office of the Military continue to use the calendar year for that purpose. She noted that the Office of the Military requested that they be able to use the federal fiscal year for the purpose due to the funding source and some of their affected positions. She added that all of the existing language in LCB R138-13 would be removed as it was now obsolete due to the amendment to NRS 281.145. She stated that the amendment to NAC 284.448 referenced the change to the period for calculating employees' military leave in NRS 281.145.

Shelley Blotter: Stated that they would be discussing military leave and changes in the law later in the day. This amendment was getting the regulations to conform to what the statute currently provided.

She asked if there were any comments in general and any proposed changes.

3. ADJOURNMENT

Shelley Blotter: Adjourned the Regulations Workshop.

LCB File# R039-15

Section 1. NAC 284.448 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, brings this regulation into agreement with the amendment to NRS 281.145 in A.B. 388 of the 2015 Legislative Session.

NAC 284.448 Time not counted toward completion of probationary period. (NRS 284.065, 284.155, 284.290)

The following types of leave or temporary status do not count toward the completion of any probationary period:

1. Authorized military leave for active service, as set forth in subsection 8 of NAC 284.444.
 2. Authorized military leave for training beyond the 15 paid working days ~~in any 1 calendar year, as set forth in subsection 8 of NAC 284.444.~~ *authorized by NRS 281.145, as amended by section 1 of Assembly Bill No. 388, chapter 340, Statutes of Nevada 2015, at page 1914, during a 12-month period, as prescribed in NAC 284.5875.*
 3. Except as otherwise provided in NAC 284.580, any leave without pay and catastrophic leave, combined, in excess of 240 hours or, in the case of an exempt classified employee, 30 working days, in a year if the regular work schedule of the employee is 80 hours or less biweekly. If the regular work schedule of an employee is more than 80 hours biweekly, the employee must be allotted additional leave without pay and catastrophic leave in proportion to the number of hours his or her regular work schedule exceeds 80 hours biweekly. As used in this subsection, "year" means a period equal to 12 months of full-time equivalent service measured backward from the employee's pay progression date.
 4. Time which is served in a temporary position pursuant to NAC 284.414.
 5. Any hours worked which exceed 40 in a week.
- (Added to NAC by Dep't of Personnel, eff. 10-26-84; A 5-27-86; 3-27-92; 9-16-92; 11-16-95; 3-1-96; R147-01, 1-22-2002; A by Personnel Comm'n by R182-03, 1-27-2004; R141-07, 1-30-2008)

LCB File# R039-15

Section 2. NAC 284.5875 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, removes language that has become obsolete due to amendments to NRS 281.145 in A.B. 388 of the 2015 Legislative Session.

Additionally A.B. 388 requires the Personnel Commission to adopt regulations to prescribe the 12-month period that State agencies will use to determine the eligibility of employees who are Reservists or members of the National Guard to receive paid leave due to training and/or deployment or an adjustment to their pay to participate in training drills if their normal shift occurs on a Saturday or Sunday. In the amendment to NAC 284.5875, we are recommending that State agencies, with the exception of the Office of the Military, continue to use a calendar year for this purpose. However, the Office of the Military has requested to use the federal fiscal year for this purpose due to the funding source of some affected positions.

284.5875 Military leave with pay. (NRS 281.145, 284.065, 284.345)

1. ~~In accordance with NRS 281.145 and subsections 2 and 3:~~

~~(a) If a public officer or employee has a work schedule that does not include any portion of Saturday or Sunday, the public officer or employee must be granted a maximum of 15 working days of military leave with pay in a calendar year to serve under orders; and~~

~~(b) If a public officer or employee has a work schedule that includes any portion of Saturday or Sunday, the public officer or employee must be granted a maximum of 39 working days of military leave with pay in a calendar year to serve under orders.~~

~~2. If the work schedule of a public officer or employee is changed in a calendar year from including any portion of Saturday or Sunday to not including any portion of Saturday or Sunday, the public officer or employee is entitled to receive not more than 15 working days of military leave with pay after the effective date of the change to the work schedule, but is not entitled to receive more than a total of 39 working days of military leave with pay for the calendar year.~~

~~3. If the work schedule of a public officer or employee is changed in a calendar year from not including any portion of Saturday or Sunday to including any portion of Saturday or Sunday, the public officer or employee is entitled to receive not more than 39 working days of military leave with pay for the calendar year from the effective date of the change to the work schedule, but is not entitled to receive more than a total of 39 working days of military leave with pay for the calendar year or more than 15 working days of military leave with pay before the effective date of the change. If the public officer or employee took more than 15 working days of military leave to serve under orders before the effective date of the change to the work schedule, military leave with pay must not be granted retroactively for those working days.~~

~~4. As used in this section and NRS 281.145, the Commission will interpret:~~

~~(a) "To serve under orders" to mean to perform military service pursuant to orders issued by the appropriate military authority, including, without limitation, orders for deployment and any orders to complete training.~~

~~(b) "Work schedule" to mean a public officer's or employee's regularly assigned schedule of work. The term does not include any short-term changes to a schedule, overtime, standby status or~~

~~instances where the public officer or employee is called back to work during his or her scheduled time off, unless the change becomes part of his or her regularly assigned schedule.~~

~~(c) "Working day" to mean a period of work consisting of the number of hours a public officer or employee is regularly scheduled to work. The term does not include overtime, standby status or instances where the public officer or employee is called back to work during his or her scheduled time off.]~~ *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, as amended by section 1 of Assembly Bill No. 388, chapter 340, Statutes of Nevada 2015, at page 1914, 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, as amended by section 1 of Assembly Bill No. 388, chapter 340, Statutes of Nevada 2015, at page 1914, is a federal fiscal year.

(Added to NAC by Personnel Comm'n by R138-13, eff. 6-23-14)