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STATE OF NEVADA
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MEMORANDUM
HR # 32-21

September 3, 2021

TO: Agency Personnel Liaisons

FROM: Frank Richardson, Administrator
Division of Human Resource Management

SUBJECT: GUIDANCE FOR SEPTEMBER 7, 2021 SICK CALLOUT PLANNED IN
PROTEST OF THE COVID-19 EMPLOYEE MASK AND TESTING POLICY

The Division of Human Resource Management (DHRM) has been informed that some employees may be planning to call in sick on September 7, 2021, in protest of the State of Nevada's COVID-19 employee mask and testing policy. Absence from work by employees of the State of Nevada or local government employees upon any pretext or excuse, such as illness, which is not founded in fact could meet the definition of strike under NRS 288.074. The Nevada Legislature finds that strikes are illegal under NRS 288.700. This memorandum provides guidance to an agency's HR staff in relation to State Personnel System regulations and collective bargaining agreements (CBA) procedure on abuse of sick leave.

NAC 284.566 allows an appointing authority to require an employee to submit substantiating evidence in cases of suspected abuse, which may include, but is not limited to, a certificate from a provider of health care of the need for the absence. Please note that an employee who calls out on protected leave, such as FMLA, may not be subjected to providing a doctor's note. All collective bargaining agreements currently in force between the State of Nevada and unions contain language that allows an appointing authority to require the same documentation. Please reference the CBA as it relates to an employee's bargaining unit.

DHRM recommends the best practice for any employee suspected of violating NRS 288.700 be required to provide a doctor's note for an absence on September 7, 2021. If possible, we

recommend advising the employee at the time of the callout to ensure proper notice. If that is not possible, it is acceptable to require the note upon the employee's return to work.

DHRM remains committed to sharing best practices with agencies so that they may adjust their human resources policies and procedures accordingly. If you have any questions or need further assistance with this matter, please contact Carrie Hughes at cphughes@admin.nv.gov.