



DEPARTMENT OF PERSONNEL
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MEMO PERD #39/08

June 3, 2008

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

FROM: Todd Rich, Director *T.R.R.*
Department of Personnel

DATE: June 2, 2008

SUBJECT: RELEASE OF LEAVE BALANCE INFORMATION

As you may already know, the Department of Personnel has changed a long-standing practice and will no longer be releasing employees' sick and annual leave balances to those individuals conducting service jacket reviews for recruitment and hiring purposes.

In light of federal laws such as the Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA), the Department, with the concurrence of the Attorney General's office, has determined that providing this information could result in it being used inappropriately. Approved leave used by a covered individual under the ADA or FMLA should not be used as a hiring factor. Engaging in this type of behavior could result in the State being held liable for discrimination. Consequently, the Department has changed its service jacket review practice to protect the rights of employees and minimize liability issues for the State.

It is our intention to draft regulation changes related to this issue. We appreciate your cooperation and understanding of this matter. If you have any questions or concerns, you can contact me at trich@dop.nv.gov or (775) 684-0131.

TR:sb/vk