



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
100 North Stewart, Suite 200/Carson City, NV 89701
(775) 684-0150/ <http://dop.nv.gov>

MEMO PERD #52/11
October 18, 2011

TO: Personnel Commission Members
Department Directors
Division Administrators
Agency Personnel Liaisons
Agency Personnel Representatives
Designees for Rules Distribution
Employee Representatives
Interested Parties

FROM: Teresa J. Thienhaus, Division Administrator
Department of Administration,
Division of Human Resource Management

SUBJECT: NOTICE OF PUBLIC HEARING - Amendments to NAC 284

A handwritten signature in cursive script, reading "Teresa J. Thienhaus".

The regulation changes included with this memorandum are being proposed for adoption at the November 18, 2011 Personnel Commission meeting. This meeting will be held at 9:00 a.m. at the Legislative Counsel Bureau, Conference Room 3138, 401 South Carson Street, Carson City with videoconferencing to Las Vegas at the Grant Sawyer Building, Room 4412, 555 East Washington Avenue.

Please circulate or post the enclosed *Notice of Public Hearing* along with the text of the proposed regulations, or otherwise notify your employees.

TJT:dws

Enclosures

NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the Permanent Amendment or Adoption of Regulations of the
Department of Administration
Division of Human Resource Management

The Personnel Commission will hold a public hearing at 9:00 a.m., on November 18, 2011, at the Legislative Counsel Bureau, Conference Room 3138, 401 South Carson Street, Carson City and in Las Vegas at the Grant Sawyer Building, Room 4412, 555 East Washington Avenue via videoconferencing. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to Chapter 284 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

- These regulations do not have a direct economic effect on any business or the public.
- Enforcement of these regulations will not result in an increased cost.
- To our knowledge, these regulations do not overlap or duplicate the regulations of other State or local governmental agencies.
- These regulations do not establish any new fee or increase an existing fee.

Regulation Lead Line:

Differential rate of pay for qualifying shift

NAC #
LCB File #R077-11
NAC 284.210

Persons wishing to comment upon the proposed action of the Personnel Commission may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Department of Administration, Division of Human Resource Management, 100 North Stewart Street, Suite 200, Carson City, Nevada 89701, Attention: Shelley Blotter. Written submissions must be received by the Division of Human Resource Management on or before October 26, 2011. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Personnel Commission may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be amended will be on file at the State Library, 100 North Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the Division of Human Resource Management, 100 North Stewart Street, Suite 200, Carson City; 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

CARSON CITY

Blasdel Building, 209 East Musser Street

Nevada State Library and Archives, 100 Stewart St.

Capitol Building, Main Floor

Legislative Building, 401 South Carson Street

Gaming Control Board, 1919 College Parkway

Division of Human Resource Management web site:

www.dop.nv.gov

Main branch of Nevada County Public Libraries

LAS VEGAS

Grant Sawyer State Office Building

555 East Washington Avenue

Additionally, this notice has been sent to all State agencies.

REGULATION CHANGES PROPOSED FOR PERMANENT ADOPTION

Section 1. NAC 284.210 is hereby amended to read as follows:

Explanation of Proposed Change: Currently, NAC 284.210 defines a ‘qualifying shift’ as at least eight hours of work of which four hours fall between 6 p.m. and 7 a.m. This regulation change redefines a ‘qualifying shift’ as at least eight hours of work of which four hours fall between 7 p.m. and 6 a.m. In addition, this regulation change limits the amount of shift differential an employee is eligible to receive to eight hours in a single shift worked. If an employee works two qualifying shifts in a day, the employee would be eligible for shift differential for both shifts. This regulation change is related to the Nevada Department of Correction’s Priorities of Government. Specifically, this budget calls for a reduction in shift differential pay as presented in the Executive Budget Summary.

NAC 284.210 Differential rate of pay for qualifying shift. (NRS 284.065, 284.155, 284.175)

1. As used in this section:

(a) “Differential rate of pay” means an adjustment in pay equivalent to an additional 5 percent of an employee’s normal rate of pay.

(b) “Qualifying shift” means a period of work of 8 hours or more, of which 4 hours must fall between the hours of ~~{6}~~ 7 p.m. and ~~{7}~~ 6 a.m. The term includes, without limitation, a period of work of 8 hours that is reduced to 7 hours because of a change of time to daylight saving time.

2. ***An employee must not receive the differential rate of pay for more than 8 hours worked in a shift.***

3. An employee is eligible for the differential rate of pay if he works in a unit which provides services requiring multiple shifts within a 24-hour period and he is:

(a) A nonexempt employee in the classified service who works:

(1) A qualifying shift; or

(2) Any shift of at least 8 hours that is other than a qualifying shift plus 4 or more hours between ~~{6}~~ 7 p.m. and ~~{7}~~ 6 a.m. ~~{In}~~ ***Except as otherwise provided in subsection 2, in*** such cases, an employee must receive the differential rate of pay for only the hours worked between ~~{6}~~ 7 p.m. and ~~{7}~~ 6 a.m.

(b) An exempt classified employee assigned to a qualifying shift. ~~{In}~~ ***Except as otherwise provided in subsection 2, in*** such cases, an employee must receive the differential rate of pay for all his regularly scheduled hours of employment on that workday.

~~{3. If}~~

4. ***Except as otherwise provided in subsection 2, if*** an employee is assigned to a qualifying shift when he is on paid leave or a holiday occurs, he must receive the differential rate of pay for that shift.

~~{4.}~~ 5. ***Except as otherwise provided in subsection ~~{3,}~~ 2 or 4, if*** a nonexempt employee in the classified service is assigned to a qualifying shift and the employee is not in paid status for the entire period of that shift, the employee must receive the differential rate of pay for the portion of the shift in which he is in paid status.

~~{5. A nonexempt employee in the classified service who works overtime pursuant to NRS 284.180 in conjunction with a qualifying shift must be paid overtime at the differential rate of pay.}~~

[Personnel Div., Rule III § I, eff. 8-11-73; A 7-3-76]—(NAC A by Dep’t of Personnel, eff. 12-17-87; 7-21-89; 3-23-94; 10-27-97; R031-98, 4-17-98; A by Personnel Comm’n by R065-98, 7-24-98; A by Dep’t of Personnel by R098-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm’n by R069-02, 8-14-2002; R022-05, 10-31-2005)