

Steve Sisolak
Governor



Laura E. Freed
Director

Colleen Murphy
Deputy Director

Peter Long
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
209 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 684-0122

MEMORANDUM

HR#58-20

December 22, 2020

TO: DHRM Listserv Recipients

FROM: Peter Long, Administrator *Peter Long*
Division of Human Resource Management

SUBJECT: NOTICE OF WORKSHOP – Amendments to NAC 284

The regulation changes included with this memorandum are being proposed for temporary adoption. This meeting will be held via teleconference only. Pursuant to Governor Sisolak's Declaration of Emergency Directives 026 and 029, the requirement contained in NRS 241.023(1)(b) that there be a physical location is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Coronavirus). Accordingly, anyone planning to participate in the meeting must participate by using the teleconference number.

Wednesday, January 20, 2021 – 9:00 a.m.

Meeting materials are available on the Division of Human Resource Management's website at: http://hr.nv.gov/Boards/Master_Meetings_Calendar/

Teleconference Access:
Teleconference Number – 877-848-7030
Participant Code – 4277490#

Please circulate or post the attached *Notice of Workshop to Solicit Comments on Proposed Temporary Regulations* along with the text of the proposed regulations.

PL:dws
Attachments

**NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED TEMPORARY REGULATIONS**

The Division of Human Resource Management, 100 N. Stewart Street, Suite 200, Carson City, Nevada, telephone number (775) 684-0136, is proposing the temporary adoption and amendment of regulations pertaining to Chapter 284 of Nevada Administrative Code.

Wednesday, January 20, 2021 – 9:00 a.m.

***This meeting will be held via teleconference only.**

Pursuant to Governor Sisolak’s Declaration of Emergency Directives 026 and 029, the requirement contained in NRS 241.023(1)(b) that there be a physical location is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Coronavirus).

Accordingly, anyone planning to participate in the meeting must participate by using the teleconference number.

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The purpose of the workshop is to solicit comments from interested persons on the following topics that may be addressed in the proposed regulations:

<u>NAC #</u>	<u>Regulation Leadline</u>
NEW	Furlough leave.

A copy of all materials relating to the proposal may be obtained by contacting the Division of Human Resource Management at (775) 684-0149 or dseymour@admin.nv.gov. A reasonable fee for copying may be charged. The agency’s Small Business Impact Statement is attached.

This Notice of Workshop to Solicit Comments on Proposed Temporary Regulations has been sent to all persons on the agency’s mailing list for administrative regulations and posted at the following locations:

WEBSITES

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

Nevada Public Notice website: www.notice.nv.gov

NOTE: We are pleased to make reasonable accommodations for individuals with disabilities who wish to participate in the meeting. If special arrangements for the meeting are necessary, please notify Breece Flores at (775) 684-0135 or bdflores@admin.nv.gov no later than five working days before the meeting.

Explanation of Proposed Change: This new regulation was approved as an emergency regulation by Governor Sisolak, in response to AB 3 of the 31st Special Legislative Session 2020 requiring each employee to take 48 hours of unpaid furlough leave beginning January 2, 2021 and ending June 30, 2021. The emergency regulation will expire prior to the ending date of June 30, 2021. Therefore the regulation is submitted as a temporary regulation to ensure its effectiveness through June 30, 2021.

NEW Furlough leave.

1. An appointing authority may establish a policy that defines the minimum increment of furlough leave required to be taken at any one time by an employee of the appointing authority if the appointing authority determines that the minimum increment is necessary based on business necessity. The policy may provide different increments for employees in different divisions, locations or work groups based on business necessity. The appointing authority shall disseminate the policy to each employee under its authority who is required to take furlough leave.

2. The total number of hours of furlough leave required to be taken in a fiscal year by an employee who is initially appointed to state service after January 1, 2021 is:

(a) For a full-time employee, the equivalent of 8 hours of furlough leave for each full month remaining in the fiscal year.

(b) For a part-time employee, the equivalent of the portion of 8 hours of furlough leave for each full month remaining in the fiscal year that is proportional to the average number of hours worked by the part-time employee.

↳ If such an employee is appointed to state service on a day other than the first day of a month, the month in which the employee is appointed is not included in the calculation set forth in this subsection.

3. To the extent practicable, an employee who is required to take furlough leave and his or her supervisor shall jointly determine in advance a schedule pursuant to which the employee will take furlough leave. If, because of business necessity, such a schedule cannot be mutually agreed upon, a supervisor may direct an employee to take furlough leave on a specific day or at a specific time, or both.

4. Movement of an employee from one position to another position must not alter the amount of furlough leave required to be taken by the employee.

5. The amount of furlough leave that an employee is required to take must not be offset by any savings realized as a result of a delay in filling the position that the employee holds.

6. An appointing authority shall not require or allow an employee to take more than 12 hours of furlough leave in a workweek.

7. Unless approved in advance by the Administrator of the Division of Human Resource Management and the Director of the Department of Administration or their designated representatives or, in the case of employees of the Nevada System of Higher Education, by the chief financial officer of the applicable institution, an appointing authority shall not require or allow an employee to work additional time during the same workweek in which the employee takes furlough leave if the additional time would be:

(a) Overtime for which the employee would be entitled to be compensated; or

(b) Added regular time for work as a part-time employee.

8. An employee who leaves state service will not be reimbursed for any furlough leave taken.

9. Any furlough leave taken by an employee must be considered time worked for the purpose of calculating the employee's eligibility to take leave under the federal Family and Medical Leave Act. Any furlough leave that is taken during the time in which an employee takes leave that qualifies

under the Family and Medical Leave Act will not be counted against the amount of leave which an employee is entitled to take under the Family and Medical Leave Act.

10. As used in this section, “furlough leave” means the unpaid leave required to be taken pursuant to the provisions of chapter 5, Statutes of Nevada 2020, at page 94.

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Regulation Small Business Impact Statement

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 284. Additionally, NRS 284.013 provides limitations to which employees of the Executive Branch are covered by NRS 284. NRS 284.065 authorizes the Personnel Commission to adopt regulations to carry out the provisions of this chapter.

Due to the limitations of the Nevada State Constitution and NRS 284, the Division of Human Resource Management staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. These regulations only impact employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business and that the information contained in this statement was prepared properly and is accurate.

Peter Long

Peter Long, Administrator

12/22/2020

Date