

Joe Lombardo
Governor



Joy Grimmer
Director

Bob Ragar
Deputy Director

Bachera Washington
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
515 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 687-9085

MEMORANDUM
HR#36-24

July 31, 2024

TO: DHRM Listserv Recipients

FROM: Bachera Washington, Administrator
Division of Human Resource Management

SUBJECT: NOTICE OF WORKSHOP – Amendments to NAC 284

The regulation changes included with this memorandum are being proposed for proposed for temporary adoption. In order to review the proposed changes in the regulations and solicit comments from interested persons, a workshop will be held at 9:00 a.m. on August 16, 2024, at the Nevada State Library and Archives Building, 100 N. Stewart Street, Room 110, Carson City, Nevada with videoconferencing to the Eureka Building, 7251 Amigo Street, Suite 120, Las Vegas Nevada.

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

Attachments

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REGULATION WORKSHOP

DATE: August 16, 2024

TIME: 9:00 a.m.

PLACE: Nevada State Library and Archives Eureka Building
100 N. Stewart Street 7251 Amigo Street
Room 110 Suite 120
Carson City, Nevada Las Vegas, Nevada

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

Meeting materials are available on the Division of Human Resource Management's website at:

[http://hr.nv.gov/Boards/Master Meetings Calendar/](http://hr.nv.gov/Boards/Master_Meetings_Calendar/)

AGENDA

1. Call to Order
2. Review of proposed changes to NAC 284:

<u>NAC #</u>	<u>Regulation Leadline</u>
284.250	Overtime: Compensation.
284.252	Compensatory time: Request for payment for certain portions.
284.253	Compensatory time: Rate of pay.

3. Adjournment

This workshop will be conducted in accordance with the Open Meeting Law (NRS 241.020).

NOTE: Comments by the general public will be taken following a description of the proposed

regulation changes. Public comment may be limited to 5 minutes per person at the discretion of the staff member conducting the workshop.

If anyone has questions or wishes to discuss in further detail the items scheduled for this regulation workshop, please contact Michelle Garton at mgarton@admin.nv.gov.

Notices have been posted on the Division of Human Resource Management's website at www.hr.nv.gov and at the following locations:

CARSON CITY

NV State Library and Archives, 100 N. Stewart Street
515 E. Musser Street
Legislative Counsel Bureau (LCB), 401 S. Carson Street
Nevada State Capitol Building, 101 N. Carson Street

LAS VEGAS

Eureka Building, 7251 Amigo Street, Suite 120

WEBSITES

LCB website: www.leg.state.nv.us

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

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 Michelle Garton at (775) 684-0131 or mgarton@admin.nv.gov no later than five working days before the meeting.

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

The Division of Human Resource Management, 515 E. Musser Street, Suite 101, Carson City, Nevada, telephone number (775) 684-0131, is proposing the temporary adoption and amendment of regulations pertaining to Chapter 284 of Nevada Administrative Code. A workshop has been set for 9:00 a.m. on August 16, 2024, at the Nevada State Library and Archives Building, 100 N. Stewart Street, Room 110, Carson City, Nevada with videoconferencing to the Eureka Building, 7251 Amigo Street, Suite 120, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following topics that may be addressed in the proposed regulations:

Meeting materials are available on the Division of Human Resource Management’s website at:

<http://hr.nv.gov/Boards/Master Meetings Calendar/>

<u>NAC #</u>	<u>Regulation Leadline</u>
284.250	Overtime: Compensation.
284.252	Compensatory time: Request for payment for certain portions.
284.253	Compensatory time: Rate of pay.

A copy of all materials relating to the proposal may be obtained by contacting the Division of Human Resource Management at (775) 684-0131 or roxannehardy@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 Listserv and posted at the following locations:

CARSON CITY

NV State Library and Archives, 100 N. Stewart Street
515 E. Musser Street
Legislative Counsel Bureau, 401 S. Carson Street
Nevada State Capitol Building, 101 N. Carson Street

LAS VEGAS

Eureka Building, 7251 Amigo Street, Suite 120

WEBSITES

LCB website: www.leg.state.nv.us

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

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

In addition, this Notice of Workshop to Solicit Comments on Proposed Temporary Regulations has been sent to:

ALL NEVADA COUNTY PUBLIC LIBRARIES

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 Roxanne Hardy at (775) 684-0131 or roxannehardy@admin.nv.gov no later than five working days before the meeting.

Explanation of Proposed Change: These amendments, proposed by the Division of Human Resource Management, bring regulations related to compensatory time into alignment. The intent is to allow an appointing authority to pay out compensatory leave balances, to the extent budget authority is available, and the employee agrees to a payout.

NAC 284.250 Overtime: Compensation. (NRS 284.065, 284.155, 284.175)

1. Except as otherwise provided in subsection 2, the method of compensating an employee for overtime is cash payment which is computed at the rate of time and one-half of the employee's normal rate of pay as required pursuant to NRS 284.180.

2. *A nonexempt employee may be compensated for overtime with compensatory time in lieu of cash payment if:*

(a) *The employee is a member of a bargaining unit for which a collective bargaining agreement exists; or*

(b) *The employee and the appointing authority ~~may~~ enter into an agreement which complies with the provisions of 29 C.F.R. § 553.23 ~~for compensating a nonexempt employee for overtime with compensatory time in lieu of cash payment.~~*

3. Compensatory time may not be accrued in excess of 120 hours unless an agreement entered into pursuant to subsection 2 provides for the accrual of additional hours of compensatory time, not to exceed 240 hours. Overtime liability incurred in excess of these limits must be paid in cash. ~~The appointing authority may pay in cash for compensatory time accrued below these limits.~~

[Personnel Div., Rule III § L subsecs. 9-11, eff. 8-11-73; renumbered as subsecs. 8-10, 10-10-76]—(NAC A by Dep't of Personnel, 10-26-84; 9-30-88; 11-12-93; 3-23-94; R031-98, 4-17-98; R147-01, 1-22-2002)

NAC 284.252 Compensatory time: Request for payment ~~for certain portions.~~ (NRS 284.065, 284.155, 284.175)

1. ~~Except as otherwise provided in subsection 2, an~~ An employee who has accrued ~~more than 60 hours of~~ compensatory time may request, in writing, payment in cash for ~~the~~ any amount of compensatory time that ~~exceeds 60 hours~~ that has been accrued.

2. ~~Except as otherwise provided in this subsection, an employee who is subject to an agreement which provides for the accrual of up to 240 hours of compensatory time may request, in writing, payment in cash for any compensatory time accrued in excess of 120 hours. An exception to this subsection may be made for payment of all compensatory time accrued in excess of 60 hours to:~~

~~—(a) A firefighter who submits a request for payment on or before April 1, if payment is made during the month of April.~~

~~—(b) A district brand inspector who submits a request for payment on or before September 1, if payment is made during the month of September.~~

~~—(c) A 24-hour duty officer of the Division of Emergency Management of the Department of Public Safety who has accumulated more than 60 hours of compensatory time during any 12 consecutive months.~~

~~3.~~ A request for payment in cash for compensatory time pursuant to this section may not be unreasonably denied. Such a request may be denied if ~~+~~

~~—(a) The Chief of the Budget Division certifies that there is insufficient money available in the State General Fund; or~~

~~—(b) In the case of an agency that is not supported from the State General Fund, the administrator}~~ **the appointing authority** of that agency, **in consultation with the Office of Finance in the Office of the Governor**, certifies ~~{that the agency has}~~ **there is** insufficient money available.

(Added to NAC by Dep't of Personnel, eff. 8-26-83; A 10-26-84; 9-30-88; 3-23-94; R147-01, 1-22-2002)

NAC 284.253 Compensatory time: Rate of pay. (NRS 284.065, 284.155, 284.175)

~~{1. Except as otherwise provided in subsection 2, an employee who terminates his or her employment must be paid for compensatory time at a rate that is an average of the normal rate of pay received by the employee during the last 3 years of the employee's employment, or the final normal rate of pay received by the employee, whichever is higher.~~

~~—2. Any other employee must be paid for compensatory}~~ **Compensatory** time **must be paid** at his or her normal rate of pay.

(Added to NAC by Dep't of Personnel, eff. 5-27-86; A 11-16-95; R147-01, 1-22-2002)

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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 Human Resources 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. This regulation only impacts employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

A concerted effort was made to determine any economic burden. The Department has relied on the expert knowledge of Department staff. The regulation solely addresses pay for government employees so the impact is solely on government employees and agencies and no small business will be affected.

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.

Bachera Washington
Bachera Washington, Administrator

July 31, 2024
Date