

# **PROPOSED REGULATION OF THE PERSONNEL COMMISSION**

**LCB File No. R039-15**

## **NOTICE OF INTENT TO ACT UPON A REGULATION Notice of Hearing for the Permanent Amendment 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 October 9, 2015 at the Blasdel Building, Room 105, 209 East Musser Street, Carson City, Nevada and by videoconferencing to Las Vegas at the Grant Sawyer Building, Room 1400, 555 East Washington Avenue, Las Vegas, Nevada. 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.

<b><u>LCB File</u></b>	<b><u>NAC#:</u></b>	<b><u>Regulation Lead Line:</u></b>
<b>R039-15</b>	NAC 284.448 NAC 284.5875	Time not counted toward completion of probationary period. Military leave with pay.

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 the Department of Administration, Division of Human Resource Management, 209 East Musser Street, Room 101, Carson City, Nevada 89701, Attention: Shelley Blotter. Written submissions must be received by the Division of Human Resource Management on or before September 25, 2015. 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 NV State Library and Archives, 100 North Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be amended will be available at the Division of Human Resource Management, 100 North Stewart Street, Suite 200, Carson City, Nevada and 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  
NV State Library and Archives, 100 North  
Stewart Street  
Legislative Counsel Bureau (LCB), 401 South  
Carson Street  
LCB website: [www.leg.state.nv.us](http://www.leg.state.nv.us)  
Division of Human Resource Management  
website: [www.hr.nv.gov](http://www.hr.nv.gov)  
Nevada Public Notice  
website: [www.notice.nv.gov](http://www.notice.nv.gov)

LAS VEGAS

Grant Sawyer State Office Building, 555 East  
Washington Avenue

**REGULATION AMENDMENTS PROPOSED  
FOR PERMANENT ADOPTION**

**LCB File# R039-15**

**Section 1. NAC 284.448 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, brings this regulation into agreement with the amendment to NRS 281.145 in A.B. 388 of the 2015 Legislative Session.

**NAC 284.448 Time not counted toward completion of probationary period. (NRS 284.065, 284.155, 284.290)**

The following types of leave or temporary status do not count toward the completion of any probationary period:

1. Authorized military leave for active service, as set forth in subsection 8 of NAC 284.444.
  2. Authorized military leave for training beyond the 15 paid working days ~~in any 1 calendar year, as set forth in subsection 8 of NAC 284.444.~~ *authorized by NRS 281.145, as amended by section 1 of Assembly Bill No. 388, chapter 340, Statutes of Nevada 2015, at page 1914, during a 12-month period, as prescribed in NAC 284.5875.*
  3. Except as otherwise provided in NAC 284.580, any leave without pay and catastrophic leave, combined, in excess of 240 hours or, in the case of an exempt classified employee, 30 working days, in a year if the regular work schedule of the employee is 80 hours or less biweekly. If the regular work schedule of an employee is more than 80 hours biweekly, the employee must be allotted additional leave without pay and catastrophic leave in proportion to the number of hours his or her regular work schedule exceeds 80 hours biweekly. As used in this subsection, "year" means a period equal to 12 months of full-time equivalent service measured backward from the employee's pay progression date.
  4. Time which is served in a temporary position pursuant to NAC 284.414.
  5. Any hours worked which exceed 40 in a week.
- (Added to NAC by Dep't of Personnel, eff. 10-26-84; A 5-27-86; 3-27-92; 9-16-92; 11-16-95; 3-1-96; R147-01, 1-22-2002; A by Personnel Comm'n by R182-03, 1-27-2004; R141-07, 1-30-2008)

**Section 2. NAC 284.5875 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, removes language that has become obsolete due to amendments to NRS 281.145 in A.B. 388 of the 2015 Legislative Session.

Additionally A.B. 388 requires the Personnel Commission to adopt regulations to prescribe the 12-month period that State agencies will use to determine an employee's eligibility for military leave. The proposed amendment to this section will retain the calendar year, previously included in NRS 281.145, for all State agencies except for the Office of the Military. The Office of the Military will use the federal fiscal year for this purpose due to the funding source of some of their affected positions.

**284.5875 Military leave with pay. (NRS 281.145, 284.065, 284.345)**

1. ~~In accordance with NRS 281.145 and subsections 2 and 3:~~

~~(a) If a public officer or employee has a work schedule that does not include any portion of Saturday or Sunday, the public officer or employee must be granted a maximum of 15 working days of military leave with pay in a calendar year to serve under orders; and~~

~~(b) If a public officer or employee has a work schedule that includes any portion of Saturday or Sunday, the public officer or employee must be granted a maximum of 39 working days of military leave with pay in a calendar year to serve under orders.~~

~~2. If the work schedule of a public officer or employee is changed in a calendar year from including any portion of Saturday or Sunday to not including any portion of Saturday or Sunday, the public officer or employee is entitled to receive not more than 15 working days of military leave with pay after the effective date of the change to the work schedule, but is not entitled to receive more than a total of 39 working days of military leave with pay for the calendar year.~~

~~3. If the work schedule of a public officer or employee is changed in a calendar year from not including any portion of Saturday or Sunday to including any portion of Saturday or Sunday, the public officer or employee is entitled to receive not more than 39 working days of military leave with pay for the calendar year from the effective date of the change to the work schedule, but is not entitled to receive more than a total of 39 working days of military leave with pay for the calendar year or more than 15 working days of military leave with pay before the effective date of the change. If the public officer or employee took more than 15 working days of military leave to serve under orders before the effective date of the change to the work schedule, military leave with pay must not be granted retroactively for those working days.~~

~~4. As used in this section and NRS 281.145, the Commission will interpret:~~

~~(a) "To serve under orders" to mean to perform military service pursuant to orders issued by the appropriate military authority, including, without limitation, orders for deployment and any orders to complete training.~~

~~(b) "Work schedule" to mean a public officer's or employee's regularly assigned schedule of work. The term does not include any short-term changes to a schedule, overtime, standby status or instances where the public officer or employee is called back to work during his or her scheduled time off, unless the change becomes part of his or her regularly assigned schedule.~~

~~(c) "Working day" to mean a period of work consisting of the number of hours a public officer or employee is regularly scheduled to work. The term does not include overtime, standby status or instances where the public officer or employee is called back to work during his or her scheduled time off.~~ *Except as otherwise provided in subsection 2, the 12-month period during which a public officer or employee of an agency of the State is eligible to take the number of working days of leave set forth in subsection 1 or 2 of NRS 281.145, as amended by section 1 of Assembly Bill No. 388, chapter 340, Statutes of Nevada 2015, at page 1914, is a calendar year.*

*2. The 12-month period during which a public officer or employee of the Office of the Military is eligible to take the number of working days of leave set forth in subsection 1 or 2 of NRS 281.145, as amended by section 1 of Assembly Bill No. 388, chapter 340, Statutes of Nevada 2015, at page 1914, is a federal fiscal year.*

(Added to NAC by Personnel Comm'n by R138-13, eff. 6-23-14)

Brian Sandoval  
Governor



James R. Wells, CPA  
Director

Lee-Ann Easton  
Administrator

**STATE OF NEVADA**  
**DEPARTMENT OF ADMINISTRATION**  
***Division of Human Resource Management***  
100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701  
Phone: (775) 684-0150 | [www.hr.nv.gov](http://www.hr.nv.gov) | Fax: (775) 684-0124

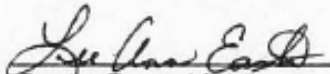
June 2, 2015


**Regulation Small Business Impact Statement**

The Division of Human Resource Management has determined that the adoption of this proposed regulation does not impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business.

These regulations only impact the classified service of Executive Branch departments and the Nevada System of Higher Education.

*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 is accurate.*

  
Lee-Ann Easton, Administrator

  
Date