

**PROPOSED REGULATION OF
THE PERSONNEL COMMISSION**

LCB File No. R039-15

August 28, 2015

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1 and 3, NRS 281.145, as amended by section 1 of Assembly Bill No. 388, chapter 340, Statutes of Nevada 2015, at page 1914, and NRS 284.155 and 284.345; §2, NRS 281.145, as amended by section 1 of Assembly Bill No. 388, chapter 340, Statutes of Nevada 2015, at page 1914, and NRS 284.065, 284.155, 284.290 and 284.345.

A REGULATION relating to public personnel; revising provisions governing military leave with pay for certain public officers and employees of the State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, public officers and employees who are active members of the National Guard or a reserve component of the Armed Forces of the United States are required to be relieved from their duties as a public officer or employee to serve under orders without loss of their regular compensation for a period of not more than 15 working days in a 12-month period. In addition to these 15 working days of leave, such public officers and employees who are employed by the State of Nevada and whose work schedules include Saturday or Sunday are required to be relieved from their duties as a public officer or employee to serve under orders for training that is scheduled on a Saturday or Sunday without loss of their regular compensation for an additional 24 working days in a 12-month period. Existing law requires the Personnel Commission within the Division of Human Resource Management of the Department of Administration to adopt regulations prescribing for each state agency this 12-month period during which a state officer or employee is eligible to take the number of working days of military leave with pay set forth in existing law. (NRS 281.145, as amended by section 1 of Assembly Bill No. 388, chapter 340, Statutes of Nevada 2015, p. 1914) **Section 1** of this regulation prescribes that 12-month period for state agencies and **section 2** of this regulation makes a conforming change.

Section 3 of this regulation eliminates certain rules for calculating military leave with pay and interpretations of terms relating to military leave with pay in existing regulations that have been revised in existing law by Assembly Bill No. 388 of the 78th Regular Session of the Nevada Legislature. (NRS 281.145, as amended by section 1 of Assembly Bill No. 388, chapter 340, Statutes of Nevada 2015, p. 1914; LCB File No. R138-13)

Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

1. 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.

Sec. 2. NAC 284.448 is hereby amended to read as follows:

284.448 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 section 1 of this regulation.*

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.

Sec. 3. Section 1 of LCB File No. R138-13 is hereby repealed.

TEXT OF REPEALED SECTION

Section 1 of LCB File No. R138-13.

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.