

PROPOSED REGULATION OF THE PERSONNEL COMMISSION

LCB File No. R043-15

Proposed Repeal of Permanent Regulations

NAC 284.262 through NAC 284.284, inclusive, are hereby repealed.

Explanation of proposed change: Assembly Bill 436 of the 2015 Legislative Session repeals NRS 284.177 and NRS 284.179, which include the provisions associated with longevity pay. As a result, the regulations surrounding longevity pay, NAC 284.262 through 284.284, inclusive, must be repealed.

NAC 284.262 Longevity pay: Eligibility. (NRS 284.065, 284.155, 284.175) Classified and unclassified employees are eligible for longevity pay pursuant to NRS 284.177.

NAC 284.270 Longevity pay: Required rating of performance. (NRS 284.065, 284.155, 284.175, 284.335)

1. For an employee to be eligible for longevity pay pursuant to NRS 284.177, he or she must receive a rating of performance of standard or better on his or her most recent report on performance.

2. An employee's performance will be deemed to be standard on the date on which the report on performance was due if:

(a) The employee's performance was not rated during the previous 12 months; or

(b) A subsequent report on performance was not filed after the employee received a substandard rating of performance pursuant to the provisions of subsection 4 of NRS 284.340.

NAC 284.274 Longevity pay: Dates of payment and eligibility; responsible agency. (NRS 284.065, 284.155, 284.175)

1. After 8 years of continuous service, an employee is eligible for longevity pay in semiannual payments on December 31 and June 30.

2. Except as otherwise provided in NAC 284.282, such employees who are eligible and have not been separated from state service as of these dates will receive longevity pay.

3. An agency is responsible for the payment of longevity pay due an employee if that employee is employed by the agency on the date on which the employee becomes eligible for the semiannual payment.

NAC 284.278 Longevity pay: Formulas for calculation. (NRS 284.065, 284.155, 284.175)

1. Except as otherwise provided in subsection 2, longevity pay for nonexempt employees must be calculated based on the following formula:

The number of hours
worked during the 6-month
qualifying period

X

longevity increment =

longevity payment for
the 6-month period

Total full-time equivalent hours
during the 6-month
qualifying period

for the pay class designation

2. Longevity pay for exempt classified employees and exempt unclassified employees must be calculated based on the following formula:

The number of 8-hour days
worked during the 6-month
qualifying period

X

longevity increment =

longevity payment for
the 6-month period

Total full-time equivalent
8-hour days for the pay class designation during
the 6-month qualifying period

3. As used in this section, “hours worked” includes only the base hours for the pay class designation.

NAC 284.282 Longevity pay: Particular circumstances. (NRS 284.065, 284.155, 284.175, 284.345, 284.355, 284.3626)

1. Except as otherwise provided in NAC 284.580 for a leave of absence without pay during a fiscal emergency, an employee who is on leave without pay or catastrophic leave, or any combination of both, for the entire 6-month period of qualification is not entitled to longevity pay for that period.

2. The payment for longevity pay for a full-time employee will not be prorated pursuant to NAC 284.278 if he or she:

(a) Is an exempt classified employee or exempt unclassified employee and he or she uses an amount of leave without pay or catastrophic leave, or any combination of both, that equals 30 days or less in a calendar year; or

(b) Is a nonexempt employee, the base hours established for his or her pay class designation are 40 hours per week or 80 hours biweekly and he or she uses 240 hours or less of leave without pay or catastrophic leave, or any combination of both, in a calendar year.

3. If the base hours established for a pay class designation exceed 40 hours per week or 80 hours biweekly, an employee in that pay class designation must be allotted leave without pay and catastrophic leave in proportion to his or her base hours and full-time equivalency. The longevity pay of such an employee will not be prorated unless his or her use of leave without pay and catastrophic leave proportionally exceeds the limits set forth in subsections 2 and 4.

4. A part-time employee must be allotted leave without pay and catastrophic leave in proportion to his or her base hours and the full-time equivalency for his or her pay class designation. The longevity pay of such an employee will not be prorated unless his or her use of

leave without pay and catastrophic leave proportionally exceeds the limit set for a full-time employee in his or her pay class designation pursuant to subsection 2.

5. An employee who retires pursuant to the provisions of chapter 286 of NRS or who dies during the 6-month qualifying period is eligible for longevity pay according to the applicable formula in NAC 284.278.

6. An employee who is laid off and is rehired within 1 year after the date of layoff is eligible for the longevity pay he or she would have earned if he or she had not been laid off. The longevity pay must be calculated as if the employee had been on leave without pay pursuant to subsection 2.

7. A person with a permanent disability arising from a work-related injury or occupational disease who is reemployed following a separation from state service within 1 year after the date on which he or she sustained the permanent disability as determined pursuant to NAC 284.6013 is eligible for the longevity pay he or she would have earned if he or she had not been separated from state service. The longevity pay of such an employee must be calculated as if the employee had been on leave without pay pursuant to subsection 2.

8. An employee is eligible to earn service credit for the calculation of longevity pay when he or she is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS and he or she uses accrued sick leave, accrued annual leave or accrued compensatory time to meet the difference between his or her normal pay and the benefits he or she receives. Such an employee ceases to earn service credit for the calculation of longevity pay when he or she is placed on a leave of absence without pay or catastrophic leave.

9. Service in a seasonal position must be credited toward the calculation of longevity pay if the employee is employed on December 31 and June 30 and if the requirements for eligibility for longevity pay have been met. If an employee in a seasonal position is not on the payroll on those two dates and is reemployed within 12 months, the employee is entitled to receive prorated longevity pay for his or her service during the previous longevity period.

10. If a person is on leave of absence without pay for military service pursuant to NRS 284.359 or is reemployed within 90 days after the military service, the time during which he or she was not in paid status because of his or her military service will be counted as service credit for the calculation of longevity pay. The person is eligible for longevity pay for the time he or she is in paid status in accordance with the provisions of subsection 2.

11. If a nonclassified employee or an employee covered by NRS 284.022 is appointed without a break in service to the classified or unclassified service, the previous time served is counted for the purpose of calculating longevity pay, but the employee is not eligible for any retroactive longevity pay.

NAC 284.284 Longevity pay: Return to state service. (NRS 284.065, 284.155, 284.175)

1. An employee who was eligible for longevity pay and who separated from state service before July 1, 1981, and returns to state service retains his or her eligibility for longevity pay.

2. For the purposes of this section, the employee will receive the same semiannual rate of payment that he or she received at the time of his or her separation from service. However, the employee may not receive any semiannual increases until he or she has again served the same number of years without a break in service that he or she had served at the time of his or her separation from service plus 1 year.