

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

LCB File No. R088-17

October 2, 2017

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

AUTHORITY: §§1-5, NRS 122A.200, as amended by section 4 of chapter 72, Statutes of Nevada 2017, at page 289, and NRS 284.065; §§6 and 7, NRS 284.065 and 284.345.

A REGULATION relating to the State Personnel System; revising provisions relating to barriers to employment opportunities; revising provisions governing compensatory time of employees in the public service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Personnel Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations governing the State Personnel System. (NRS 284.065)

Existing law provides that, with certain limited exceptions, a domestic partner has the identical rights and responsibilities as those granted to or imposed upon a spouse. (NRS 122A.200, as amended by section 4 of chapter 72, Statutes of Nevada 2017, at page 289) Existing law defines “domestic partners” as persons who: (1) have registered a valid domestic partnership or have a recognized domestic partnership pursuant to the laws of this State; and (2) have not terminated that domestic partnership pursuant to the laws of this State. (NRS 122A.030, as amended by section 1 of chapter 72, Statutes of Nevada 2017, at page 288)

Section 2 of this regulation defines the term “domestic partner” for the purposes of regulations governing the State Personnel System to have the meaning ascribed to that term in existing law. **Section 3** of this regulation defines the term “spouse” to include a domestic partner so that any reference to a spouse in the regulations governing the State Personnel System is equally a reference to a domestic partner.

Existing regulations require the Division of Human Resource Management to cooperate and consult with agencies to identify barriers in the personnel management system of the State which may adversely affect the ability of applicants and employees to reach their full employment

potential without regard to certain specified categories that are protected from discrimination regarding employment. (NAC 284.114) **Section 5** of this regulation adds “whether or not the person is a domestic partner” to the list of specified categories.

Existing law requires the Personnel Commission to adopt regulations governing attendance and leave with or without pay or reduced pay in the various classes of positions in the public service. (NRS 284.345)

The Personnel Commission recently proposed a regulation to require an appointing authority to grant annual leave, sick leave and leave of absence without pay, upon request, to an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence and the employee is not the alleged perpetrator if: (1) the employee has been employed in public service for a specified period; (2) the employee has accrued the leave requested; and (3) the combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence occurred. (Sections 6-8 of Proposed Reg. of the Personnel Comm’n, LCB File No. R037-17) **Section 6** of this regulation similarly requires an appointing authority to grant compensatory time to such an employee.

Section 7 of this regulation provides that **section 6** becomes effective only if LCB File No. R037-17 is adopted by the Personnel Commission and filed with the Secretary of State.

Section 1. Chapter 284 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Domestic partner” has the meaning ascribed to it in NRS 122A.030, as amended by section 1 of chapter 72, Statutes of Nevada 2017, at page 288.*

Sec. 3. *“Spouse” includes a domestic partner as set forth in NRS 122A.200, as amended by section 4 of chapter 72, Statutes of Nevada 2017, at page 289.*

Sec. 4. NAC 284.010 is hereby amended to read as follows:

284.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 284.021 to 284.1125, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 284.114 is hereby amended to read as follows:

284.114 1. The Division of Human Resource Management is responsible for establishing, coordinating and evaluating an affirmative action program for this State.

2. The Division of Human Resource Management will cooperate and consult with agencies to:

(a) Identify barriers in the personnel management system which may adversely affect the ability of applicants and employees to reach their full employment potential without regard to race, sex, sexual orientation, gender identity or expression, religion, color, national origin, age, genetic information ~~for disability.~~, *disability or whether or not the person is a domestic partner.*

(b) Coordinate programs to remove barriers to equal employment opportunity while ensuring the effectiveness of the merit system and the opportunity for persons to enter the system and progress in it to the extent of their merit.

3. As used in this section, “gender identity or expression” has the meaning ascribed to it in NRS 281.370.

Sec. 6. NAC 284.2508 is hereby amended to read as follows:

284.2508 1. At the direction of the appointing authority, compensatory time must be used within a reasonable time after it is accrued.

2. Unless it would cause an undue hardship to the agency, a request for the use of compensatory time may not be unreasonably denied if the request is made at least 2 weeks in advance of the first date on which the employee wishes to use his or her compensatory time.

3. Unless it would cause an employee to forfeit an amount of annual leave pursuant to subsection 2 of NRS 284.350, an employee must, to the extent possible, exhaust his or her compensatory time before using his or her available annual leave.

4. An appointing authority shall approve a request for compensatory time of an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator if:

(a) The employee has been employed in public service for at least 90 days;

(b) The employee has accrued the amount of compensatory time necessary to cover the time requested; and

(c) The combination of all leave taken by the employee for this purpose does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence occurred.

Sec. 7. 1. This section and sections 1 to 5, inclusive, of this regulation become effective upon filing with the Secretary of State.

2. Section 6 of this regulation becomes effective only if LCB File No. R037-17 is adopted by the Personnel Commission and filed by the Legislative Counsel with the Secretary of State.

Section 6 of this regulation becomes effective on:

(a) January 1, 2018;

(b) The date on which this regulation is filed by the Legislative Counsel with the Secretary of State; or

(c) The date on which LCB File No. R037-17 is filed by the Legislative Counsel with the Secretary of State,
↳ whichever occurs later.