

**PROPOSED REGULATION OF THE  
HUMAN RESOURCES COMMISSION**

**LCB File No. R166-24**

July 21, 2025

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

AUTHORITY: §§ 1, 3 and 4, NRS 284.065, 284.345 and 284.356; § 2, NRS 284.065 and 284.345.

A REGULATION relating to state human resources; adopting provisions to implement paid family leave for employees of the Executive Department of the State Government; defining certain terms for the purpose of determining the eligibility of such an employee for paid family leave; requiring paid family leave to run concurrently to leave taken pursuant to the federal Family and Medical Leave Act; authorizing an appointing authority to require an employee of the Executive Department of the State Government to provide certain documentation in support of the need for paid family leave; clarifying the persons who are considered members of the immediate family of an employee for the purposes of certain types of leave; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Human Resources Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations necessary to carry out provisions of law relating to the Human Resources System, including regulations for attendance and leave with or without pay for employees of the Executive Department of the State Government. (NRS 284.065, 284.345) Existing law entitles employees of the Executive Department of the State Government to certain types of leave, including, without limitation, annual, sick and disability, paid family and leaves of absences in certain circumstances. (NRS 284.350, 284.355, 284.356, 284.358, 284.359, 284.360, 284.362) Under existing law, employees of the Executive Department of the State Government are entitled to take 8 weeks of paid family leave over the course of a 12-month period, which is paid at the rate of 50 percent of the regular wage of the employee, to: (1) bond with a newborn child of the employee or a newborn child of the domestic partner of the employee; (2) bond with a newly adopted child of the employee; (3) recover from or undergo treatment for a serious illness; (4) care for a seriously ill member of the immediate family of the employee; or (5) participate in a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee in certain circumstances. (NRS 284.356) **Section 1** of this regulation defines the terms “newborn child,” “newly adopted child” and “serious illness” for the purpose of determining whether an employee is eligible to take paid family leave.

Existing regulations apply the federal Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq. (FMLA) to employees of the Executive Department of State Government. (NAC 284.581) Under existing regulations: (1) with certain exceptions, any accrued sick leave, accrued annual leave, accrued compensatory time, catastrophic leave and holiday pay to which a state employee is entitled is required to run concurrently with the leave granted pursuant to the FMLA; and (2) an appointing authority is authorized to require an employee to provide medical or appropriate documentation to support his or her need for leave pursuant to the FMLA. (NAC 284.5811) **Section 3** of this regulation similarly: (1) requires paid family leave to run concurrently with the leave granted pursuant to the FMLA; and (2) authorizes an appointing authority to require an employee to provide medical or appropriate documentation to support his or her need for paid family leave.

Existing regulations establish the circumstances under which an appointing authority is authorized to separate an employee from his or her employment because of a physical, mental or emotional disorder which results in the inability of the employee to perform the essential functions of his or her job. Under existing regulations, such a separation is not justified when an employee is on sick leave or other approved leave. (NAC 284.611) **Section 4** of this regulation clarifies that such a separation is not justified when an employee is on paid family leave.

Existing regulations define the persons who are members of the “immediate family” of an employee for the purposes of the provisions of the Nevada Administrative Code relating to attendance and leave for employees of the Executive Department of the State Government. (NAC 284.5235) For the purposes of certain specific provisions governing leave for a death in the immediate family of an employee and catastrophic leave, those specific provisions of existing regulations define different persons as members of the “immediate family” of an employee. (NAC 284.562, 284.576) **Section 2** of this regulation clarifies that the general definition of “immediate family” does not apply to those specific provisions of existing regulations that have a different definition of “immediate family.”

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

*For the purpose of determining whether an employee is eligible to take paid family leave pursuant to NRS 284.356:*

- 1. A “newborn child” is a child who is under 1 year of age.*
- 2. A “newly adopted child” is a child who has been placed within the previous 12 months with an adoptive parent.*
- 3. An employee is recovering from or being treated for a “serious illness,” or an immediate family member of the employee is “seriously ill,” if the employee or immediate*

*family member of the employee has a medical illness, physical injury or condition that a provider of health care expects to have a substantial effect on the quality of life of a person with that illness, injury or condition for at least 30 consecutive calendar days. Such a medical illness, physical injury or condition includes, without limitation, Alzheimer's disease and related dementias, cancer, lung disease, heart, renal or liver failure and similar conditions or diseases.*

**Sec. 2.** NAC 284.5235 is hereby amended to read as follows:

284.5235 ~~["Immediate]~~ *Except as otherwise provided in NAC 284.562 and 284.576,*

*"immediate* family" means:

1. The employee's parents, spouse, children, regardless of age, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren and stepparents.
2. If they are living in the employee's household, the employee's father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law, granddaughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law and great-granddaughter-in-law.
3. The employee's next of kin if the employee is entitled to take leave pursuant to the Family and Medical Leave Act to care for a covered service member.

**Sec. 3.** NAC 284.5811 is hereby amended to read as follows:

284.5811 1. Except as otherwise provided in subsection 2, an employee who is entitled to take leave pursuant to the Family and Medical Leave Act is limited to a total of 12 weeks of such

leave during a rolling 12-month period. The rolling 12-month period is measured backward from the date an employee uses any leave pursuant to the Family and Medical Leave Act.

2. An employee who is entitled to take leave pursuant to the Family and Medical Leave Act to care for a covered service member is limited to a total of 26 weeks of such leave during a single 12-month period.

3. Except as otherwise provided in subsections 4 and 5, an employee who meets the requirements for eligibility for and who is taking leave pursuant to the Family and Medical Leave Act must exhaust all the accrued sick leave, *paid family leave*, accrued annual leave, accrued compensatory time and catastrophic leave that the employee is eligible to use based on the nature of the absence before using leave without pay. Any accrued sick leave, *paid family leave*, accrued annual leave, accrued compensatory time, catastrophic leave and holiday pay to which the employee is entitled pursuant to NAC 284.255 runs concurrently with the leave granted pursuant to the Family and Medical Leave Act if the employee is otherwise eligible for that sick leave, *paid family leave*, annual leave, compensatory time, catastrophic leave or holiday pay.

4. If an employee is absent from work as the result of a work-related injury or illness and meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:

(a) Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and

(b) The employee may elect to use paid leave or leave without pay for the portion of time that he or she is not being compensated for the work-related injury or illness.

5. If an employee is absent from work as the result of a non-work-related injury or illness, the employee is receiving compensation for the injury or illness from a disability benefit plan and the employee meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:

(a) Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and

(b) The employee may use paid leave for the time that the employee is being compensated for the non-work-related injury or illness if the employee has entered into an agreement with the appointing authority to use the paid leave. If the employee and the appointing authority have not entered into such an agreement, the employee may not elect to use and the appointing authority may not require the employee to use paid leave for that time.

6. If an employee who is a victim of an act which constitutes domestic violence or sexual assault or whose family or household member is a victim of an act which constitutes domestic violence or sexual assault, and the employee is not the alleged perpetrator, is absent from work and meets the requirements for eligibility pursuant to the Family and Medical Leave Act, any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act.

7. An appointing authority may require an employee to provide medical or other appropriate documentation to support his or her need for *paid family leave pursuant to NRS 284.356 or* leave pursuant to the Family and Medical Leave Act.

**Sec. 4.** NAC 284.611 is hereby amended to read as follows:

284.611 1. Before separating an employee because of a physical, mental or emotional disorder which results in the inability of the employee to perform the essential functions of his or her job, the appointing authority must:

(a) Verify with the employee's physician or by an independent medical evaluation paid for by the appointing authority that the condition does not, or is not expected to, respond to treatment or that an extended absence from work will be required;

(b) Determine whether reasonable accommodation can be made to:

(1) Enable the employee to perform the essential functions of his or her job; or

(2) Reassign the employee if it has been determined that:

(I) There is no reasonable accommodation that can be made to enable the employee to perform the essential functions of his or her job; or

(II) All other reasonable accommodations would cause an undue hardship to the appointing authority.

(c) Make a request to the Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to obtain the services provided by that Division, or if the employee is receiving worker's compensation, request the services of the rehabilitation provider, to evaluate the employee's condition and to provide any rehabilitative services possible; and

(d) Ensure that all reasonable efforts have been made to retain the employee.

2. A separation pursuant to this section is only justified when:

(a) The information obtained through the procedures specified in subsection 1 supports the decision to separate;

(b) The employee is not on sick leave , *paid family leave* or other approved leave; and

(c) A referral has been made to the Public Employees' Retirement System and the employee has been determined to be ineligible for, or has refused, disability retirement.

3. A permanent employee separated pursuant to this section is entitled to the same rights and privileges afforded permanent employees who are dismissed for disciplinary reasons. The procedures contained in NAC 284.656, 284.6561 and 284.6563 must be followed, and he or she may appeal the separation to the hearing officer.

4. A permanent employee who is separated because of a physical, mental or emotional disorder is eligible for reinstatement pursuant to NAC 284.386 if he or she recovers from the disorder.

5. As used in this section, "undue hardship" has the meaning ascribed to it in 29 C.F.R. § 1630.2.