

LEGISLATIVE REVIEW OF ADOPTED REGULATION--NRS 233B.066
Informational Statement
LCB File #R137-13

1. A clear and concise explanation of the need for the adopted regulation.

The first amendment to this regulation promotes participation in general benefits orientations and educational sessions related to employee benefits, by specifying that an appointing authority may grant administrative leave for these purposes. It is important for State employees to understand benefits to which they are entitled. For example, administrative leave may be granted so that an employee is able to attend an orientation or education session such as a retirement or deferred compensation event.

The second amendment will ensure equitable treatment of employees in times of emergency that are out of his or her control. Historically, *some* employees have been released from work for situations such as weather related safety hazards, and this amendment provides that *all* employees, other than those designated as essential, to be granted administrative leave in the event it is authorized by the Governor. This amendment allows an appointing authority or the Division of Human Resource Management to grant administrative leave for events authorized by the Governor that may pose a safety risk to employees.

The State of Nevada's Employee Assistance Program (EAP) is an excellent benefit to employees that offers a wide variety of consultation services. In addition to referring employees to counseling services, which typically occur in an office, the EAP provides consultative services related to topics such as financial and legal advice, which is typically handled over the phone. The third amendment clarifies that administrative leave must be granted to employees to participate in both types of consultation situations. Employees are more productive when personal issues are resolved and the employee can focus on work.

Employees who elect health insurance benefits through the Public Employees Benefits Program (PEBP) may receive a reduction in plan premiums if he or she participates in a biometric screening coordinated by PEBP. Therefore, it is important to include mandating administrative leave for this purpose in particular, in addition to mandating administrative leave be granted to attend a PEBP coordinated health fair, or a related event such as a flu-shot clinic. This final amendment to the regulation is not intended to mandate administrative leave for personal consultation appointments for retirement, deferred compensation, general flu shot clinics (or administration by a pharmacy), or doctor's appointments

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop, and notices of intent to act upon a regulation were sent by email to persons who were known to have an interest in the subject of proposed personnel regulation changes as well as any person who had specifically

requested such notice. These documents were also made available on the Division of Human Resource Management website; www.hr.nv.gov, the Legislative Counsel Bureau (LCB) website; www.leg.state.nv.us, the Nevada Public Notice website; www.notice.nv.gov, emailed to all county libraries in Nevada, and physically posted at the following locations:

Blasdel Building
209 E. Musser Street
Carson City, NV 89701

Nevada State Library and
Archives
100 Stewart Street
Carson City, NV 89701

Grant Sawyer State Office Bldg.
555 E. Washington Blvd.
Las Vegas, NV 89101

Legislative Building
401 S. Carson Street
Carson City, NV 89701

A regulation workshop was conducted by the Division of Human Resource Management on January 8, 2014.

During the regulation workshop, comment was received from the Public Employee's Benefits Program (PEBP) in support of allowing administrative leave to be granted for general employee benefits orientations and educational sessions, as well as requiring that administrative leave be granted for PEBP sponsored health fairs or related events.

Also during this workshop, comment was received from the Department of Employment, Training and Rehabilitation requesting that it be made clear that the requirement to grant administrative leave for health fairs and related events, is specifically for events coordinated by PEBP. There would be no requirement to grant administrative leave for activities such as a flu shot clinic at a pharmacy.

Subsequent to the regulation workshop, written comment was received from the Department of Health and Human Services (DHHS), and suggestions were incorporated into the changes ultimately approved by the Personnel Commission.

An additional change to the proposed language was made at the request of PEBP to ensure that DHHS's change did not nullify the original intent of the regulation related to PEBP. The language was proposed at the Personnel Commission meeting and adopted unopposed.

A public hearing was held by the Nevada Personnel Commission on April 11, 2014.

During the public hearing, comment was received by PEBP in support of the proposed changes.

Comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Shelley Blotter at sblotter@admin.nv.gov or calling (775) 684-0105.

3. **The number of persons who:**
 (a) **Attended each hearing:** January 8, 2014 – 28; April 11, 2014 - 55
 (b) **Testified at each hearing:** January 8, 2014 – 3; April 11, 2014 – 2
 (c) **Submitted written comments:** 3
4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**

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5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were not solicited from businesses, as the regulation does not affect businesses. Comments were solicited from affected parties including employees and employee

associations. Comments from the workshop and Personnel Commission hearing can be obtained from the Division of Human Resource Management by contacting Shelley Blotter at sblotter@admin.nv.gov or calling (775) 684-0105.

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

This regulation amendment was changed based on suggestions received at the workshop on January 8, 2014 and written comments that were submitted. The Personnel Commission unanimously approved the changes.

- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.**
(a) Estimated economic effect on the businesses which they are to regulate.
(b) Estimated economic effect on the public which they are to regulate.

This regulation does not have a direct economic effect on either a regulated business or the public. It only impacts the State of Nevada classified service.

- 8. The estimated cost to the agency for enforcement of the proposed regulation:**

There is no additional cost to the agency for enforcement of this regulation.

- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulation does not overlap any federal or state mandated regulation, but only enhances the current state regulation regarding administrative leave.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The regulation does not include any provisions that are more stringent than any federal regulation.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

No fees are associated with this regulation.