

**ADOPTED REGULATION OF THE
HUMAN RESOURCES COMMISSION**

LCB File No. R172-24

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

AUTHORITY: § 1, NRS 284.065; § 2, NRS 284.065 and 284.155.

A REGULATION relating to human resources; making an employee of the Executive Department of the State Government who is receiving benefits for a temporary total disability ineligible to take paid family leave; clarifying that a seasonal layoff does not constitute a break in continuous service if an employee is reemployed in a seasonal or permanent position within a prescribed time period; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Human Resources Commission in the Division of Human Resource Management of the Department of Administration to adopt regulations to carry out the provisions relating to the State Human Resources System. (NRS 284.065) Existing law provides that certain employees of the Executive Department of the State Government are entitled to take paid family leave for certain purposes. (NRS 284.356) **Section 1** of this regulation makes an employee who is receiving benefits for a temporary total disability ineligible to take paid family leave.

Existing law requires the Human Resources Commission to adopt a code of regulations for the classified service. (NRS 284.155) Existing regulations make the receipt of certain benefits by an employee contingent upon the amount of continuous service completed by an employee. (NAC 284.446, 284.5395, 284.5405, 284.541) Existing regulations define “continuous service” to mean service which is not broken by a separation. (NAC 284.0525) Existing regulations provide that a seasonal layoff does not constitute a break in continuous service if the employee is reemployed within 1 year after the end of the previous seasonal appointment. (NAC 284.598) **Section 2** of this regulation clarifies that, for a seasonal layoff to not constitute a break in continuous service, an employee must be reemployed in a seasonal or permanent position within 1 year after the end of the previous seasonal appointment.

Section 1. NAC 284.5775 is hereby amended to read as follows:

284.5775 1. An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS *is not eligible for paid family leave pursuant to NRS 284.356. Such an employee* may:

(a) Elect to receive payment for all or part of the difference between his or her normal pay and the benefits received by:

- (1) Using his or her accrued sick leave as provided in subsection 1 or 3 of NRS 281.390;
- (2) Using his or her accrued compensatory time;
- (3) Using his or her accrued annual leave if he or she:

(I) Is on family and medical leave for a serious health condition that prevents him or her from performing one or more of the essential functions of his or her position; or

(II) Elected to use his or her accrued sick leave pursuant to NRS 281.390 and has exhausted all of his or her accrued sick leave; or

(4) Using catastrophic leave if he or she has exhausted all of his or her accrued annual leave, sick leave and compensatory time and his or her request for catastrophic leave has been approved pursuant to NAC 284.576; or

(b) Elect to be placed on leave of absence without pay in accordance with subsection 5 of NRS 281.390.

2. An employee who does not have enough paid leave to make up the difference between his or her normal pay and the benefits for a temporary total disability pursuant to paragraph (a) of subsection 1 must be placed on leave of absence without pay for the time he or she is receiving such benefits and the balance of time not covered by paid leave.

Sec. 2. NAC 284.598 is hereby amended to read as follows:

284.598 The following are not breaks in continuous service:

1. Military leave for active service if the person returns from leave within 90 calendar days after an honorable discharge from military service.
2. A layoff if the employee is reemployed within 1 year after the date he or she was laid off.
3. A seasonal layoff if the employee is reemployed *in a seasonal or permanent position* within 1 year after the end of the previous seasonal appointment.
4. A separation as a result of a permanent disability arising from a work-related injury or occupational disease, if the employee is reemployed within 1 year after the date on which he or she sustained the permanent disability as determined pursuant to NAC 284.6013.