

# Committee on Catastrophic Leave

## Nevada Revised Statutes (NRS) 284.3627 through 284.3629:

**Committee members:** The Committee on Catastrophic Leave, Division of Human Resource Management (DHRM), Department of Administration, consists of five members appointed by the Governor:

- Three members are executive officers of State agencies; and
- Two members are representatives of labor.

Terms are for three years, provided that members serve at the pleasure of the Governor.

### **Operations of the Committee:**

- Members elect the Chair and Vice Chair for one-year terms from among the members;
- The Committee adopts rules for its management; and
- The Administrator of the DHRM acts as the nonvoting recording Secretary of the Committee.

### **Duties of the Committee:**

- The Committee receives appeals from employees who are aggrieved by decisions of their appointing authorities regarding requests for and use of catastrophic leave (NRS 284.362 through 284.3626);
- An aggrieved employee may file a written notice of appeal with the Committee within specified time limits;
- The Committee shall schedule and conduct a hearing on the merits of the appeal, pursuant to NRS 284.3629;
- The decision of the Committee is final and not subject to judicial review or adjustment of the grievance, pursuant to NRS 284.384; and
- The proceedings of the Committee are not subject to the provisions of Chapter 241 (“Meetings of State and Local Agencies”) of NRS.

|  |
|--|
| EXHIBIT F - SUNSET<br>Document consists of 10 pages.<br>Entire exhibit provided.<br>Meeting Date: 03-15-16 |
|--|

## **Background:**

**Legislation:** The Committee on Catastrophic Leave was established in 2001 with the enactment of Assembly Bill 285 (Chapter 425, *Statutes of Nevada*), sponsored by Assemblywoman Bonnie Parnell. According to testimony in the Assembly Committee on Government Affairs, at that time the head of a State agency held the final authority for determining eligibility to receive catastrophic leave. One purpose in creating the Committee was to ensure consistency among the various State agencies. Another purpose was to simplify the appeal process, which could be lengthy.

The Legislature provided for catastrophic leave in 1989 with the enactment of A.B. 505 (Chapter 334, *Statutes of Nevada*).

**Legislative history:** No legislative history of A.B. 285 has been compiled.

**Members:** The representatives of State agencies are listed on the Committee's website. According to the review form, a vacancy exists among the management representatives and among the employee representatives.

**Reports to the Legislature:** No reports to the Legislature are required pursuant to Chapter 284 ("State Personnel System") of NRS.

## **Records:**

- Research Library holdings: none
- State Library holdings: none
- State Archives holdings: none

**Current contact:** Shelley D. Blotter, Chair

## **Website:**

[http://hr.nv.gov/Boards/Catastrophic Leave/Committee on Catastrophic Leave/](http://hr.nv.gov/Boards/Catastrophic%20Leave/Committee%20on%20Catastrophic%20Leave/)

W161205

**NRS 284.3627 Committee on Catastrophic Leave: Creation; members; terms; vacancies; members serve without compensation.**

1. There is hereby created within the Division the Committee on Catastrophic Leave composed of five members appointed by the Governor.
2. The Committee must be composed of:
  - (a) Three members who are executive officers of state agencies; and
  - (b) Two members who are representatives of labor.
3. The members of the Committee serve at the pleasure of the Governor.
4. After the initial terms, each member of the Committee serves for a term of 3 years. Each member of the Committee continues in office until the member's successor is appointed. Any member of the Committee may be reappointed.
5. A vacancy in the membership of the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.
6. The members of the Committee serve without compensation, except that the members are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Committee.

(Added to NRS by 2001, 2139)

**NRS CROSS REFERENCES.**

Residency requirements, vacancies, NRS 232A.020

**NRS 284.3628 Committee on Catastrophic Leave: Chair and Vice Chair; quorum; rules; hearings; Secretary.**

1. The members of the Committee shall elect a Chair and Vice Chair from among their members. After the initial election, the Chair and Vice Chair serve in the office for a term of 1 year beginning on July 1 of each year. If a vacancy occurs in the office of Chair or Vice Chair, the members of the Committee shall elect a Chair or Vice Chair from among their members to serve for the remainder of the unexpired term.
2. Any three members of the Committee constitute a quorum, and a majority vote of the quorum is required to take action with respect to any matter.
3. The Committee shall adopt:
  - (a) Rules for its own management; and
  - (b) Such rules of practice and procedure as are necessary to carry out its duties.
4. The Committee shall hold such hearings as are necessary to carry out the provisions of NRS 284.3629.
5. The Administrator or the designee of the Administrator shall act as the nonvoting recording Secretary of the Committee.

(Added to NRS by 2001, 2139)

**NRS 284.3629 Committee on Catastrophic Leave: Appeal of decision of appointing authority; procedure; representation of employee; finality of decision; inapplicability of Open Meeting Law.**

1. An employee aggrieved by any decision of an appointing authority made pursuant to NRS 284.362 to 284.3629, inclusive, may appeal from the decision by filing a written notice of appeal with the Committee within 10 days after the date of the decision.
2. The Committee shall:
  - (a) Within 5 days after receiving a notice of appeal, schedule a hearing on the merits of the appeal for a date not later than 20 days after its receipt of the notice.
  - (b) Cause notice of the date and time of the hearing to be given to the employee and the appointing authority by mail or by personal service.

(c) Conduct the hearing expeditiously and informally. Technical rules of evidence do not apply at the hearing.

3. The employee may file a written request with the Committee to give preference in scheduling the hearing. The request must set forth facts showing that the seriousness of the alleged catastrophe requires an expedited appeal.

4. The employee may represent himself or herself at the hearing or be represented by an attorney or other person of the employee's own choosing.

5. The Committee shall:

(a) Render a decision in writing within 10 days after the hearing, setting forth the reasons therefor.

(b) Cause notice of the decision to be given to the employee and the appointing authority by mail or by personal service.

6. The decision of the Committee is final and is not subject to judicial review or the procedure for the adjustment of grievances pursuant to NRS 284.384.

7. A meeting or hearing held by the Committee to carry out the provisions of this section and the Committee's deliberations on the information or evidence received are not subject to any provision of chapter 241 of NRS.

(Added to NRS by 2001, 2140)



# Information Concerning Board or Commission Subject to Review by the Sunset Subcommittee of the Legislative Commission



as required by Nevada Revised Statutes 232B.230

**Board or commission name:**

Committee on Catastrophic Leave

**Members' names with expiration date of term, and indicate the number of vacancies:**

Management Representatives, Term Expiration Date  
Shelley Blotter, Chairperson 06/30/2016  
Brian Duffrin 06/30/2017  
Vacant

**Physical address:**

100 N. Stewart Street, Suite 200, Carson City, Nevada, 89701

**Mailing address:**

100 N. Stewart Street, Suite 200, Carson City, Nevada, 89701

**Web site address (if any):**

[http://hr.nv.gov/Boards/Catastrophic\\_Leave/Committee\\_on\\_Catastrophic\\_Leave/](http://hr.nv.gov/Boards/Catastrophic_Leave/Committee_on_Catastrophic_Leave/)

**Web site developer (if not EITS, please indicate if EITS approved the web site):**

EITS

**Executive director's name and contact information:**

Shelley Blotter, Chairperson  
100 N. Stewart Street, Suite 200  
Carson City, Nevada 89701  
sblotter@admin.nv.gov

**Staff members' names including titles and status as full-time or part-time (attach additional pages as necessary):**

Carrie Lee, Administrative Assistant 2, Clerk to the Committee on Catastrophic Leave. She is in a full-time position within the Division of Human Resource Management and also provides staff support to the Employee-Management Committee and the Employee &

**Days and hours of operation:**

Monday through Friday from 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., excepting

**Created by what authority:**

NRS 284.3627

**Authority to adopt regulations (NRS) and citation to regulations (NAC), if applicable:**

The Committee does not have the authority to adopt regulations. The Personnel Commission adopts regulations regarding the administration of catastrophic leave. The authority is provided for in NRS 284.065, 284.155, 284.175, 284.345, 284.350, 284.355,

**Information Concerning Board or Commission  
Subject to Review by the  
Sunset Subcommittee of the Legislative Commission**

List by LCB File No. and date of adoption the five regulations most recently adopted by the board or commission, with any applicable deadline for the adoption of any such regulation:

The Personnel Commission adopted the following regulations related to catastrophic leave:  
R136-12, 10/4/2013  
R069-02, 8/14/2002  
R146-01, 1/18/2002  
R082-00, 8/2/2000

List any required regulations that have not been adopted, with any applicable deadline for the adoption of any such regulation. Please identify each such regulation by LCB File No., if available, or by reference to the provision of NRS or Statutes of Nevada requiring adoption of the regulation:

None

Governing structure of the board or commission pursuant to statute:

The Governor appoints the members of the Committee. The Committee members elect a Chairperson and Vice-Chairperson for 1-year terms. Any three members of the Committee constitute a quorum, and a majority vote of the quorum is required to take action with respect to any matter. In addition to the requirements of NRS 284.3629, the Committee

Duties of the board or commission:

The Committee conducts hearings and renders written decisions of appeals by employees who feel aggrieved by any decision of an appointing authority made pursuant to NRS 284.362 to 284.3629.

Statement of the objectives and programs of the board or commission:

Ensure the equitable resolution of appeals by employees who feel aggrieved by any decision of an appointing authority made pursuant to NRS 284.362 to 284.3629.

**Information Concerning Board or Commission  
Subject to Review by the  
Sunset Subcommittee of the Legislative Commission**

**Itemized list of services offered by the board or commission:**

1. Holds hearings expeditiously and informally.
2. Renders written decisions of appeals by employees who feel aggrieved by any decision of an appointing authority made pursuant to NRS 284.362 to 284.3629.

**Dates of the immediately preceding six meetings:**

February 11, 2016  
March 13, 2015  
August 25, 2014

**Statutory tax exemptions, abatements, or money set aside for the board or commission:**

None

**Description of the manner in which the board or commission is funded, including all funding sources:**

Funds to support the operation of the Committee on Catastrophic Leave are included in the Division of Human Resource Management's budget. The Division is funded through Personnel Assessments charged to departments, agencies, and the Nevada System of Higher Education who use the services of the Division.

**Please identify any forms required by the board or commission to be used by members of the public which are not available for downloading from the web site of the board or commission:**

All forms are available online.

**Information Concerning Board or Commission  
Subject to Review by the  
Sunset Subcommittee of the Legislative Commission**

Does the board or commission have any recommendations for consolidation with another board or commission? If so, which one(s) could be revised to include the charge to the board or commission that is the subject of this review?

No. This is the appropriate forum for employees who feel aggrieved by any decision of an appointing authority made pursuant to NRS 284.362 to 284.3629.

Does the board or commission believe that its objectives and programs have been effective in accomplishing the purposes for which the board or commission was created? Please explain the response with any information the board or commission believes is relevant:

Yes. Prior to the creation of the Committee, departments, agencies, and the Nevada System of Higher Education campuses had different standards which were used to determine if an employee met the requirements to receive catastrophic leave. Additionally, it was not uncommon for these additional requirements to go beyond those in statute or regulation. The Committee, in conjunction with the Division of Human Resource Management, standardized forms to collect relevant information for the Committee's consideration. It is our belief that catastrophic leave is being administered

Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs:

No

If additional space is necessary, please attach additional pages and refer to the attachments on the form.

Please include with this form:

1. The operating budget of the board or commission.
2. A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits this form, including the balances of any fund or account maintained by or on behalf of the board or commission.
3. The most recent legislative audit or other audit of the board or commission, and any efficiency studies or constituent or staff surveys conducted in the past 3 years.
4. Any reports required to be filed with the Legislative or Executive Branch over the past 3 years. Please indicate if any reports were filed late or have not been filed.
5. Copies of the minutes of the immediately preceding six meetings of the board or commission.
6. A copy of the organizational chart showing the governing structure of the board or commission and its staff.
7. A copy of the most recent strategic plan of the board or commission.

Please submit this form electronically to: [cstonefield@lcb.state.nv.us](mailto:cstonefield@lcb.state.nv.us). Submit additional documents electronically in a .pdf format.

If the file is too large for emailing, please submit hard copies to:

Carol Stonefield  
Research Division  
Legislative Counsel Bureau  
401 South Carson Street  
Carson City, NV 89701

## **Committee on Catastrophic Leave (attachment to the Review Form)**

Page 1, Members' names with expiration date of term, and indicate the number of vacancies

Management Representatives, Term Expiration Date  
Shelley Blotter, Chairperson 06/30/2016  
Brian Duffrin 06/30/2017  
Vacant

Employee Representatives, Term Expiration Date  
John Jessee 06/30/2018  
Vacant

Page 1, Executive director's name and contact information:

Shelley Blotter, Chairperson  
100 N. Stewart Street, Suite 200  
Carson City, Nevada 89701  
sblotter@admin.nv.gov  
(775) 684-0105

Page 1, Staff members' names including titles and status as full-time or part-time:

Carrie Lee, Administrative Assistant 2, Clerk to the Committee on Catastrophic Leave. She is in a full-time position within the Division of Human Resource Management and also provides staff support to the Employee-Management Committee and the Employee & Management Services Section of the Division of Human Resource Management.

Page 1, Days and hours of operation:

Monday through Friday from 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m.,  
excepting State holidays

Page 1, Authority to adopt regulations (NRS) and citation to regulations (NAC), if applicable:

The Committee does not have the authority to adopt regulations. The Personnel Commission adopts regulations regarding the administration of catastrophic leave. The authority is provided for in NRS 284.065, 284.155, 284.175,

284.345, 284.350, 284.355, 284.362, 284.3621, and 284.3626. Regulations related to catastrophic leave are NAC 284.562 and 284.575 through 284.5775.

Page 2, Governing structure of the board or commission pursuant to statute:

The Governor appoints the members of the Committee. The Committee members elect a Chairperson and Vice-Chairperson for 1-year terms. Any three members of the Committee constitute a quorum, and a majority vote of the quorum is required to take action with respect to any matter. In addition to the requirements of NRS 284.3629, the Committee adopts rules for its own management. The Administrator of the Division of Human Resource Management or the designee of the Administrator acts as the nonvoting recording Secretary of the Committee.

Page 3, Dates of the immediately preceding six meetings:

February 11, 2016  
March 13, 2015  
August 25, 2014  
March 26, 2014  
March 14, 2014  
August 1, 2013

Page 4, Does the board or commission believe that its objectives and programs have been effective in accomplishing the purposes for which the board or commission was created? Please explain the response with any information the board or commission believes is relevant:

Yes. Prior to the creation of the Committee, departments, agencies, and the Nevada System of Higher Education campuses had different standards which were used to determine if an employee met the requirements to receive catastrophic leave. Additionally, it was not uncommon for these additional requirements to go beyond those in statute or regulation. The Committee, in conjunction with the Division of Human Resource Management, standardized forms to collect relevant information for the Committee's consideration. It is our belief that catastrophic leave is being administered more equitably since the inception of the Committee.

Due to the Committee's very limited scope and number of members, it may act quickly when an employee has suffered a catastrophe. Additionally, the Committee's meetings are not subject to the open meeting law due to the confidential nature of the subjects discussed. Neither the Personnel Commission nor the Employee-Management Committee meet often enough to be responsive to these issues.