

LCB File No. T046-01

**ADOPTED TEMPORARY REGULATION
OF THE DEPARTMENT OF PERSONNEL**

(Effective May 1, 2001)

NOTE: Matter in *italics* is new; matter within brackets [] is to be omitted.

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

Explanation of Change: This amendment, proposed by the Department of Personnel, provides a definition for "holiday premium pay."

New Section "Holiday premium pay" defined. *"Holiday premium pay" means compensation at the rate of time and one-half for hours worked on a legal holiday, except those hours subject to overtime as provided in NRS 284.180.*

Sec. 2 NAC 284.526 is hereby amended to read as follows:

Explanation of Change: This amendment, proposed by the Department of Personnel, provides that employees working more than eight hours on a holiday can receive holiday pay for hours worked on the legal holiday up to the number of hours established by an innovative work week agreement. Hours worked on a legal holiday that exceed their established work day or work week would be compensated at the rate of time and one-half.

For example:

1. An employee has an innovative work week agreement which allows him to work four ten-hour days, Monday through Thursday. A holiday occurs on a Monday and the employee works his established shift of ten hours. The employee is entitled to receive ten hours of holiday pay on an hour-for-hour basis and ten hours of holiday premium pay at the rate of time and one-half for working on a holiday.
2. An employee has an innovative work week agreement which allows him to work four ten-hour days, Tuesday through Friday. A holiday occurs on a Monday and the employee is scheduled to work ten hours on his regular day off in addition to his regularly scheduled work week. The employee is entitled to receive ten hours of holiday pay on an hour-for-hour basis and ten hours of pay at the rate of time and one-half for working overtime.
3. An employee has an innovative work week agreement which allows him to work four ten-hour days, Monday through Thursday. A holiday occurs on a Monday and the employee works twelve hours on the holiday and works his regularly scheduled work week. The employee is entitled to receive ten hours of holiday pay on an hour-for-hour basis, two hours of overtime at the rate of time and one-half, and ten hours of holiday premium pay at the rate of time and one-half.

NAC 284.526 Computation of payments for holidays. (NRS 284.155, 284.345)

1. For the purpose of this section, "paid status" means the time an employee is working, is on leave approved pursuant to NAC 284.580 or is on leave with pay, excluding overtime hours or catastrophic leave.

2. A full-time employee working other than a standard work week is entitled to the same number of paid holidays as a full-time employee working the equivalent standard work week.

3. Except as otherwise provided in subsections 11 and 12, a full-time employee who works 40 hours per week, does not work on a holiday and is in paid status during any portion of his scheduled shift immediately before the holiday is entitled to receive 8 hours of holiday pay.

4. Except as otherwise provided in subsections 11 and 12, a full-time employee who works more than 40 hours per week or 80 hours biweekly, is not scheduled to work on a holiday and is in paid status during any portion of his scheduled shift before the holiday is entitled to receive an amount of holiday pay equal to the pay received for his average workday. The average workday of an employee is determined by dividing the total scheduled hours of work per year by 2,088 and multiplying the quotient by 8. For the purposes of this subsection, a fireman assigned to a 24-hour shift shall be deemed to work 56 hours per week and 2,912 hours per year.

5. Except as otherwise provided in subsection 11 and 12, an employee ~~[who is scheduled to work on a holiday and]~~ who works any portion of ~~[his scheduled shift]~~ *the legal holiday* is eligible to receive holiday pay in the amount provided in subsection 3 or 4. ~~[The]~~ *An* employee *who has an innovative work week schedule* is entitled to earn additional holiday pay on an hour-for-hour basis for any hours worked in addition to the period represented by the holiday pay *up to the number of hours of his established workday.* ~~[if the hours are worked as part of the employee's normally scheduled shift.].~~ Any hours worked ~~[in addition to the normally scheduled shift]~~ *that exceed the established workday, under the innovative work week agreement,* do not qualify for additional holiday pay.

6. An employee who works on a holiday must be in paid status on that holiday for the amount of time which is the difference between the time represented by his holiday pay and his normal work schedule for that holiday. If the employee has not worked enough hours to be in paid status, he must use sick leave, annual leave, or compensatory time to make up the difference.

7. Except as otherwise provided in subsection 11, an employee who is scheduled to work on a holiday, but does not work, is eligible for holiday pay in the manner provided in subsection 3 or 4.

8. A full-time employee whose employment begins on a holiday is entitled to receive holiday pay in accordance with subsection 3 or 4 if he is in paid status during his scheduled shift.

9. A full-time employee whose regular schedule of work is more than 8 hours, but who has the day off because of a holiday, may use annual leave, compensatory leave, or have his schedule adjusted for the amount of time in excess of the holiday pay to which he would be entitled pursuant to subsection 3 or 4. An employee who does not elect to use annual leave or compensatory time and whose schedule is not adjusted may, with the approval of the appointing authority, be placed on a leave of absence without pay.

10. An employee working a part-time standard, nonstandard or innovative work week must be paid holiday pay if:

(a) The holiday falls on a scheduled workday; and

(b) He is in paid status during his scheduled shift immediately before the holiday or on the holiday if his employment begins on that day.

The amount of holiday pay must not exceed 8 hours but must otherwise equal what he would have been paid if there had not been a holiday.

11. An employee scheduled to work on a holiday who fails to report his absence to his supervisor or a designated representative as required by NAC 284.590 is not entitled to receive compensation for the holiday.

12. An employee whose employment is terminated:

(a) The day before the holiday is not entitled to receive compensation for the holiday.

(b) On a holiday on which he is working must be paid an amount for the holiday in proportion to the time he actually worked on the holiday. When an employee gives notice to terminate on a holiday and is not scheduled to work on the holiday, the last day worked or in paid leave status is his date of termination.

13. An employee who transfers the day before a holiday becomes an employee of record in the new agency on the holiday and is entitled to receive compensation for the holiday from the new agency. An employee who transfers from an agency at the end of a shift on a holiday is entitled to receive compensation for the holiday from the previous agency.

14. An employee whose employment is not full-time employment is entitled to be paid holiday pay as provided in subsection 10.

15. Subsections 1 to 14, inclusive, do not apply to an excluded classified employee or excluded unclassified employee. The salary of an excluded classified employee or excluded unclassified employee must not be reduced solely because a holiday occurs on a scheduled workday of that employee.

[Personnel Div., Rule VII § B subsec. 2, eff. 8-11-73; A 7-3-76]--(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 1-26-87; 9-17-87; 4-19-88; 7-14-88; 7-21-89; 9-13-91; 9-16-92; 11-12-93; 3-23-94; R098-99, 9-27-99)

Sec. 3 NAC 284.530 is hereby amended to read as follows:

Explanation of Change: This amendment, proposed by the Department of Personnel, clarifies that an employee shall receive payment for the holiday as provided for in NAC 284.526 and either time and one-half holiday premium pay or time and one-half overtime for working on the holiday. An employee is not eligible for both time and one-half holiday premium pay and time and one-half overtime pay for the hours worked on the holiday.

NAC 284.530 Compensation for working on holidays.

1. An employee is entitled to earn either holiday premium pay or overtime for actual hours worked on the legal holiday in addition to any holiday pay as provided for in NAC 284.526.

~~1~~ 2. An employee, other than an excluded classified employee or excluded unclassified employee, must receive either time and one-half cash payment or time and one-half compensatory time for holidays worked.

~~2~~ 3. An employee entitled to a cash payment pursuant to subsection 1 who works on a holiday may elect to receive compensatory time off for the holiday in lieu of any cash payment pursuant to NAC 284.526 if such an election does not exceed the limits on compensatory time imposed by NAC 284.250. All hours in excess of those limits must be paid in cash. The provisions of this subsection do not apply to a fireman who works a 24-hour shift.

[Personnel Div., Rule VIII § B part subsec. 3, eff. 8-11-73]--(NAC A by Dep't of Personnel, 7-21-89; 9-13-91; 3-23-94)

NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED TEMPORARY REGULATIONS
and
NOTICE OF HEARING
for
THE ADOPTION, AMENDMENT OR REPEAL OF
TEMPORARY REGULATIONS OF THE STATE PERSONNEL DEPARTMENT

Workshop Notice: The Department of Personnel, 209 East Musser Street, Carson City, Nevada, telephone number (775) 684-0119, is proposing the temporary adoption and amendment of regulations pertaining to Chapter 284 of the Nevada Administrative Code.

A workshop has been set for 1:00 p.m. on April 16, 2001, at the Department of Transportation, Room 314, 1263 South Stewart Street, Carson City, Nevada, and via video conference at the Department of Transportation, Building B-Training Room, 123 East Washington Avenue, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the proposed changes to the following sections of the Nevada Administrative Code.

ACTION

**NAC
REGULATI
ON**

Newly proposed rules for temporary adoption

Holiday premium pay defined	New Section
Computation of payments for holidays	284.526
Compensation for working on holidays	284.530

A copy of all materials relating to the proposed regulations is included with this announcement. Additional copies may be obtained at the workshop or by contacting the Department of Personnel offices at 209 East Musser Street, Room 300, Carson City, Nevada, telephone number (775) 684-0119, or 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada, telephone number (702) 486-2900. A reasonable fee for copying may be charged.

Hearing Notice: The Personnel Commission will hold a public hearing at 9:00 a.m. on April 27, 2001, at the Department of Transportation, Room 314, 1263 South Stewart Street, Carson City, Nevada, and via video conference at the Department of Transportation, Building B-Training Room, 123 East Washington Avenue, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption and amendment of regulations. If no person, who is directly affected by the proposed action, appears to request time to make an oral presentation, the Personnel Commission may proceed immediately to act upon any written submissions.

- # These regulations do not have a direct economic effect on any business or the public.
- # Enforcement of these regulations should not result in any increased cost.
- # To our knowledge, these regulations do not overlap or duplicate the regulations of other state or local governmental agencies.
- # These regulations do not establish any new fee or increase an existing fee.

A statement of the need for and purpose of the proposed regulations precedes the text of each regulation included in the attached document.

Persons wishing to comment upon the proposed action of the Personnel Commission may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Phil Hauck, Department of Personnel, 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204. **Written submissions must be received by the Department of Personnel on or before April 12, 2001.**

A copy of this notice and the regulations to be adopted and amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted and amended will be available at the Department of Personnel, 209 East Musser, Room 300, Carson City, Nevada, or at the Department of Personnel, 555 East Washington Avenue, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of each regulation will include the entire text of any section of the Nevada Administrative Code which is proposed for amendment or repeal. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The notice of the Workshop and Hearing has been posted at the following locations:

CARSON CITY

Blasdel Building, 209 East Musser Street
Nevada State Library, 100 Stewart Street
Capitol Building
State Legislature, 401 S. Carson Street

LAS VEGAS

Grant Sawyer State Office Building
555 East Washington Avenue

ALL NEVADA COUNTY PUBLIC LIBRARIES

NOTE: *We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Department of Personnel, in writing, at 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204, or call Irene Davis at 684-0119, no later than five working days prior to the meeting.*

NOTICE OF ADOPTION OF TEMPORARY REGULATION T029-01

On April 27, 2001, the Personnel Commission approved the adoption of the attached temporary amendments to Chapter 284 of NAC. These amendments were filed with the Secretary of State on May 1, 2001.

INFORMATIONAL STATEMENT

The following is the informational statement concerning these actions as required in 233B.066:

1. On March 28, 2001, copies of the "Notice of Workshop" to solicit comments on proposed temporary regulations and "Notice of Hearing" for the adoption of temporary regulations were posted conspicuously in public buildings including the Nevada State Library. On the same day, all State agencies were notified by memorandum of the proposed actions. Copies of the notices with the text of the proposed temporary regulations were included with the memorandum for dissemination among State employees. Copies of the notices and text of the proposed temporary regulations were also sent to the State of Nevada Employees Association, the main public library in each county, all requesting parties, and members of the Personnel Commission.
2. The workshop was held at the Department of Transportation in Carson City and via teleconference in Las Vegas on Monday, April 16, 2001. Twenty-six people attended the workshop on the proposed regulations. An explanation of each temporary regulation was given and no comments were received.

On Friday, April 27, 2001, a Personnel Commission hearing was held at the Nevada Department of Transportation in Carson City on the proposed temporary regulations. Forty-nine people were in attendance in Carson City and 13 were in attendance in Las Vegas via teleconference. The proposed temporary regulations were adopted by the Personnel Commission. A summary of the public response is available upon request from the Department of Personnel, 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204.

3. The regulations do not affect businesses; therefore, their comment was not solicited.
4. These regulations do not have a direct economic effect on any business or the public.
5. Enforcement of these regulations should not result in any increased cost to the Department of Personnel.
6. These regulations do not duplicate or overlap with other State or government regulations.