

**PROPOSED REGULATION OF THE DIRECTOR OF THE  
DEPARTMENT OF PERSONNEL**

**LCB File No. R031-98**

March 6, 1998

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

AUTHORITY: §§1-19, NRS 284.155; §2, NRS 284.175, 284.335; §3, NRS 284.350, 284.355, 284.3626; §5, NRS 284.384; §6, NRS 284.335; §7, NRS 284.175; §8, NRS 284.3626; §9, NRS 284.175; §10, NRS 284.175, 284.355, 284.3626; §11, NRS 284.335; §§12-13, NRS 284.345; §§14-16, NRS 284.350; §17, NRS 284.335; §18, NRS 284.383; §19, NRS 284.335, 284.355.

**Section 1.** Chapter 284 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

**Sec. 2.** *“Rating of performance” means the overall rating of an employee’s performance efficiency, character and conduct which is included in the report on performance of an employee.*

**Sec. 3.** *An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS may:*

- 1. Elect to use his accrued sick leave as provided in subsection 1 or 3 of NRS 281.390;*
- 2. Use his accrued compensatory time;*
- 3. Use his accrued annual leave if he:*

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

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

*4. Use catastrophic leave if he has exhausted all of his accrued annual leave, sick leave and compensatory time and his request for catastrophic leave has been approved pursuant to NAC 284.576, to receive payment for all or part of the difference between his normal pay and the benefits received.*

**Sec. 4.** NAC 284.010 is hereby amended to read as follows:

284.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 284.022 to 284.112, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 5.** NAC 284.152 is hereby amended to read as follows:

284.152 1. An employee affected by the allocation of a position to a grade or class or by a change in classification as a result of a study regarding classifications, or the agency where such actions have occurred, may, within 20 working days after the date of receipt of written notice of the action, file a written appeal of the action with the director. The appeal must:

(a) Address the points outlined in the department of personnel's recommendation regarding the proper classification for the position in question; and

(b) Indicate the points with which the appellant disagrees and express the reasons why he disagrees.

2. The director will issue a decision on the appeal within 20 working days after he receives the appeal unless **[he]** :

(a) *He* is prohibited from doing so because of the number of appeals resulting from a study regarding classifications [.

3.];

(b) *There is an agreement with the appellant to extend the limitation of time for the issuance of the decision; or*

(c) *The director delegates the duty to decide the appeal to a designated representative pursuant to subsection 3.*

3. *The director may delegate the duty to decide the appeal to a designated representative if the director is unavailable or reasonably believes he has a conflict of interest. If the director makes such a delegation, the designated representative shall issue a decision on the appeal within 20 working days after the director received the appeal.*

4. The appellant or the agency affected by the decision may appeal it to the [personnel] commission within 30 days after receipt of written notice of the decision from the director.

**Sec. 6.** NAC 284.194 is hereby amended to read as follows:

284.194 1. An employee [who is eligible] *whose last rating of performance was standard or better and who has not attained the top step of his grade* must receive an increase in his salary based on merit of one step on his date of record and each year thereafter of employment equivalent to full-time service until he reaches the top of the grade [.

2. *An employee who has failed to] unless he receives a subsequent rating of performance which is substandard.*

2. *An employee whose last rating of performance was substandard is not eligible for an increase in his salary based upon merit. Such an employee is only entitled to receive an*

increase in salary based on merit [because of a performance report which rates his performance as substandard is only entitled to receive that increase] on the date designated and recorded on a subsequent [performance] report *on performance* as the date on which his *overall* performance improved to standard or better. If a subsequent [performance] report *on performance* is not filed with the director within 30 days after the date required by subsection 4 of NRS 284.340, the employee's performance will be deemed standard and he will be entitled to the increase effective on the date the [performance] report *on performance* was due. The date a report is received by the director or an employee of the department of personnel is the date it is filed.

3. If an increase in salary based on merit is withheld as provided in subsection 2, the employee's date of record must not be affected.

4. Except as otherwise provided in NAC 284.202, no retroactive payment of an increase in salary based on merit may be given.

**Sec. 7.** NAC 284.210 is hereby amended to read as follows:

284.210 1. Except as otherwise provided in this subsection, compensation equivalent to an adjustment of one grade must be authorized for an employee for all hours worked within a work shift if the employee is assigned to a qualifying shift. An excluded classified employee who is assigned to a qualifying shift for any portion of a workday must receive such compensation for all of his regularly scheduled hours of employment on that workday.

2. One shift qualifies an employee to receive the compensation.

3. The compensation applies during the time when an employee is on sick and annual leave, holidays and other leave with pay if the employee is still assigned to that shift when the leave is taken.

4. Any hours exceeding the qualifying 8-hour shift are eligible for overtime at the differential rate of pay for that shift if they are worked by an employee other than an excluded classified employee, in conjunction with, immediately before or following the shift.

5. A qualifying shift, including the times at which the shift started and ended, must be clearly designated on the employee's time sheet and approved by the employee's supervisor.

6. As used in this section, "qualifying shift" means a [scheduled] period of work of at least 8 hours, of which 4 hours must fall within the hours from 6 p.m. to 7 a.m.

**Sec. 8.** NAC 284.250 is hereby amended to read as follows:

284.250 1. The principal method of compensating an employee for overtime is cash payment which is computed at the rate established in NRS 284.180 and in the classification and compensation plan.

2. Compensatory time off which is computed at the rate specified in NRS 284.180 and in the classification and compensation plan may be granted if the employee and the appointing authority have entered into an agreement which complies with the provisions of 29 C.F.R. § 553.23. Compensatory time off must be taken within a reasonable time after accrual at the direction of the appointing authority.

3. Compensatory time may not be accrued in excess of 120 hours unless an agreement entered into pursuant to subsection 2 provides for the accrual of additional hours of compensatory time, not to exceed 240 hours. Overtime liability incurred in excess of these limits

must be paid in cash. The appointing authority may pay in cash overtime accrued below these limits.

4. If an employee accrues overtime in excess of 60 hours, or in excess of 120 hours in the case of an employee subject to an agreement which provides for the accrual of up to 240 hours of compensatory time, the head of the department shall review the workload problem.

5. If, after October 15, an employee determines he may lose annual leave at the end of the calendar year, he may elect to use annual leave instead of compensatory time for approved leave.

*6. An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS may use his accrued compensatory time pursuant to section 3 of this regulation.*

**Sec. 9.** NAC 284.278 is hereby amended to read as follows:

284.278 1. **[Part-time employees must work the equivalent of 8 full-time continuous years to be eligible for longevity pay.**

**2.]** Except as otherwise provided in subsection **[4,] 3,** an eligible part-time employee or an eligible full-time employee who works less than full time for a portion of the 6-month qualifying period, is entitled to receive longevity pay based on the following formula:

$$\frac{\text{The number of [full-time equivalent] hours worked}}{\text{1044 hours}} \times \frac{\text{6 months}}{\text{6 months}} = \text{longevity increment} = \text{longevity payment for}$$

[3.] 2. Except as otherwise provided in subsection [4, a full-time] 3, an employee whose regularly scheduled work shift is more than 40 hours per week or 80 hours biweekly is entitled to receive longevity pay based on the following formula:

$$\begin{array}{r}
 \text{The number of hours worked} \\
 \text{during 6-month qualifying period} \\
 \hline
 \text{Total scheduled work hours} \\
 \text{during 6-month qualifying period} \\
 \text{[for a full-time employee]}
 \end{array}
 \times
 \begin{array}{l}
 \text{longevity increment} = \\
 \text{longevity payment for} \\
 \text{6 months}
 \end{array}$$

[4.] 3. Prorated longevity pay for an eligible part-time or full-time excluded classified employee or eligible part-time or full-time excluded unclassified employee must be calculated using the following formula:

$$\begin{array}{r}
 \text{The number of 8-hour days worked} \\
 \text{during 6-month qualifying period} \\
 \hline
 \text{[Total scheduled workdays} \\
 \text{6-month qualifying period} \\
 \text{employee] 130.5 days}
 \end{array}
 \times
 \begin{array}{l}
 \text{longevity increment} = \\
 \text{longevity payment for during} \\
 \text{6 months for a full-time}
 \end{array}$$

4. As used in this section, "hours" does not include overtime hours unless an employee:

- (a) *Is working more than 40 hours per week;*
- (b) *The overtime hours are part of his regularly scheduled hours; and*
- (c) *Payment for the overtime hours is compensation, as defined in NRS 286.025.*

**Sec. 10.** NAC 284.282 is hereby amended to read as follows:

284.282 1. Except as otherwise provided in NAC 284.580, an employee who is on leave without pay or catastrophic leave, *or both*, for the entire 6-month period of qualification is not entitled to pay for longevity for that period. **[Leave]** *For the purpose of computing the longevity payment in the 6-month period, leave without pay or catastrophic leave , or any combination thereof*, for 240 hours or less in a calendar year may be counted as time worked for an employee other than an excluded classified employee or excluded unclassified employee. **[Leave]** *Any combination of leave* without pay **[or]** *and* catastrophic leave for 30 working days or less in a calendar year may be counted as time worked for an excluded classified employee or excluded unclassified employee.

2. Except as otherwise provided in NAC 284.580, the formulas provided in NAC 284.278 must be used in calculating the payment for longevity for:

(a) Employees, other than excluded classified employees and excluded unclassified employees, who take *any combination of* leave without pay **[or]** *and* catastrophic leave in excess of 240 hours in any 1 calendar year; and

(b) Excluded classified employees and excluded unclassified employees who take *any combination of* leave without pay **[or]** *and* catastrophic leave in excess of 30 working days in any 1 calendar year.

3. For the purposes of subsections 1 and 2, an employee whose regular work schedule is more than 80 hours biweekly must be allotted additional leave without pay *and catastrophic leave* in proportion to the number of hours his regular work schedule exceeds 80 hours biweekly. For the purposes of this subsection, a fireman who is assigned to a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year.

4. *For the purposes of subsections 1 and 2, the leave without pay and catastrophic leave of an employee whose regular work schedule is less than 40 hours per week must be adjusted in proportion to the number of hours that the regular work schedule of the employee is less than 40 hours per week.*

5. An employee who retires and applies for retirement pursuant to the provisions of chapter 286 of NRS or who dies during the 6-month qualifying period is eligible for longevity pay according to the applicable formula in NAC 284.278.

[5.] 6. An employee who is laid off and is rehired within 1 year after the date of layoff is eligible for pay for the longevity he would have earned if he had not been laid off. The employee must be treated as if he had been on leave without pay pursuant to subsections 1 and 2.

[6.] 7. A person with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 is eligible for pay for the longevity he would have earned if he had not been separated from state service. The employee must be treated as if he had been on leave without pay pursuant to subsections 1 and 2.

[7.] 8. A person who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS and makes the election provided in:

(a) Subsection 1 or 3 of NRS 281.390 is entitled to accrue service credit for longevity during the period he is receiving benefits and is being paid an amount of sick leave equal to the difference between his normal salary and the benefits received.

(b) Subsection 5 of NRS 281.390 must be placed on leave of absence without pay, unless the employee is on family and medical leave because a serious health condition prevents him from performing the essential functions of his position. Such an employee may, while he is on such leave, elect to use his accrued annual leave in lieu of being placed on leave of absence without pay.

[8.] 9. An employee who does not have enough sick leave to make up the difference between his normal salary and benefits for temporary total disability must be placed on leave of absence without pay for the period he is receiving such benefits and the balance of time not covered by sick leave or other paid leave. Such an employee accrues service credit only for the time he is covered by sick leave or other paid leave. The employee ceases to be on leave of absence without pay when he has exhausted all of his sick leave and is not approved for other leave.

[9.] 10. Service in a seasonal position must be credited towards payments for longevity if the employee is employed on December 31 and June 30 and if the requirements for longevity service have been met. If an employee in a seasonal position is not on the payroll on those two dates and he is reemployed without a 12-month break in service, the employee is entitled to receive a prorated payment for longevity based on the service during the last longevity period.

[10.] 11. If a person is on leave of absence without pay for military service pursuant to NRS 284.365 or is reemployed within 90 days after the military service, the time during which he was not in paid status because of his military service will be counted when determining the rate for pay for longevity. The person is eligible for payment for longevity for the time he is in paid status in accordance with the provisions of subsections 1 and 2.

[11.] 12. If a nonclassified employee or an employee covered by NRS 284.022 is appointed without a break in service to the classified or unclassified service, the previous time served is counted for longevity purposes but not for any retroactive payment.

**Sec. 11.** NAC 284.470 is hereby amended to read as follows:

284.470 1. A person shall not complete a report [of] *on* performance unless he has completed the training provided or approved by the director concerning the preparation of a report on performance.

2. A report [of] *on* performance must be prepared on the form prescribed by the department of personnel.

3. When a report [of] *on* performance is given which [rates] reports the *rating of* performance of an employee as substandard, it must contain a written notice that such reports affect both adjustments in salary based on merit and the employee's eligibility for longevity pay. More frequent reports may be made in the supervisor's discretion.

4. The preparation of each report [of] *on* performance must include a discussion between the employee and his immediate supervisor. The employee shall complete and sign the appropriate section on the report [of] *on* performance within 10 working days after the discussion takes place and return the report to his supervisor for forwarding to the appointing

authority. If the employee disagrees with the report [of] on performance and requests a review, he must respond and identify the specific points of disagreement, if such specificity is provided. The reviewing officer shall respond within 10 working days after receiving the request.

5. A copy of each report [of] on performance must be filed with the department of personnel.

**Sec. 12.** NAC 284.524 is hereby amended to read as follows:

284.524 1. The work week for state employees is 40 hours, except that work weeks of a different number of hours may be established [in order] to meet the needs of different state agencies in compliance with the provisions of NRS 281.100, 281.110 [,] and 284.180. The workday for a full-time state employee who works a standard or nonstandard work schedule consists of two [, 4-hour] work periods separated by a 1/2- to 1-hour meal period. *Insofar as practicable, the meal period must occur in the middle of the work shift.* A rest period of 15 minutes must be granted for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.

2. Except as otherwise provided in subsections 3 and 4, an appointing authority shall provide a meal period and rest period to an employee who has an innovative work schedule during each workday as follows:

(a) A 1/2- to 1-hour meal period must be provided during each period of work that exceeds 5 hours. Insofar as practicable, the meal period must occur in the middle of the work shift.

(b) A rest period of 15 minutes must be provided for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.

3. The requirement to relieve an employee for a 1/2- to 1-hour meal period does not apply to an employee who receives a paid meal period.

4. The requirement for a rest period does not apply to an employee of:

(a) A correctional institution who:

(1) Works directly with the inmates at the institution; and

(2) Works a straight 8-hour work shift.

(b) The mental hygiene and mental retardation division of the department of human resources who:

(1) Maintains or monitors the equipment in a heat plant which operates 24 hours a day;

and

(2) Works a straight 8-hour work shift.

**Sec. 13.** NAC 284.5255 is hereby amended to read as follows:

284.5255 1. Except as otherwise provided in subsection 2, an employee shall provide an accurate accounting of the hours worked and leave used during a pay period on the appropriate form provided by his employer, including , *without limitation*, the specific times at which his work shifts started and ended. Entries must be made to account for all hours in the pay period, as prescribed by his employer. The employee shall submit the form in a timely manner to his supervisor or the designated representative of the supervisor.

2. An excluded classified employee or excluded unclassified employee shall provide on the appropriate form an accurate accounting of leave used pursuant to NAC 284.5895.

3. An employee who falsifies his time sheet or who causes or attempts to cause another employee to falsify a time sheet may be subject to disciplinary action pursuant to NAC 284.650.

4. An employee's supervisor is responsible for reviewing the employee's time sheet and verifying the accuracy of all hours worked and leave used by the employee. **[If an entry on the time sheet is contested by the employee's supervisor,]**

*5. The supervisor or payroll representative of an employee may change an entry on an employee's time sheet in accordance with the policy for the correction of errors on time sheets of the payroll center that administers the payroll of the agency that employs the employee. If an employee's supervisor or payroll representative changes an entry on the employee's time sheet, including, without limitation, the number of hours that the employee worked, the type of pay requested by the employee or the type of leave that the employee used, the employee must be notified of the change. If the employee contests a change to an entry on his time sheet, the employee is entitled only to his base pay for the work week in question. The contested entry must be resolved as soon as practicable and any adjustment must be made during the next pay period following the resolution of the contested entry.*

**[5.] 6.** A supervisor who is negligent in reviewing and certifying the accuracy of an employee's time sheet may be subject to disciplinary action pursuant to NAC 284.650.

*7. As used in this section, "payroll representative" means a person who is responsible for coordinating the payroll of the agency that employs the employee with the payroll center that administers that payroll.*

**Sec. 14.** NAC 284.538 is hereby amended to read as follows:

284.538 1. An employee who has completed 10 years or more but less than 15 years of continuous full-time *or part-time* state service is entitled to *accrue up to a maximum of* 1 1/2 days of annual leave for each calendar month of *full-time* service. If an employee has not been in continuous public service, the period before the interruption will not be counted except as *otherwise* provided in NAC 284.5405.

2. An employee who has completed 15 years or more of [total] *continuous* full-time *or part-time* state service is entitled to *accrue up to a maximum of* 1 3/4 days of annual leave for each calendar month of *full-time* service. If an employee has not been in continuous public service, the period before the interruption will not be counted except as *otherwise* provided in NAC 284.5405.

[3. Except for an employee who is on a leave of absence pursuant to NRS 281.390 or 284.365 or NAC 284.580, the date an employee becomes eligible for an increased rate of annual leave must be delayed 8 hours for each day of leave without pay in excess of 240 hours or, in the case of an excluded classified employee or excluded unclassified employee, 30 working days, in any 1 calendar year. For the purpose of this subsection, a day of leave is 8 hours, except for an employee who regularly works more than 80 hours in a biweekly period. For such an employee, a day of leave must be determined by dividing his regularly scheduled hours in a year by 2,088 and multiplying the quotient by 8.]

**Sec. 15.** NAC 284.539 is hereby amended to read as follows:

284.539 1. Except as otherwise provided in subsection 3 of NAC 284.5815, the appointing authority shall determine the time when annual leave is taken after considering the needs of the

service and the seniority and wishes of the employee. Annual leave may not be granted in excess of the accumulated annual leave.

2. If an employee submits a written request for annual leave at least 60 days in advance, it must be honored except for good and sufficient reason. The approval or denial must be in writing within 15 workdays after receipt by the appointing authority of the written request for leave. The appointing authority may not prohibit an employee from using at least 5 consecutive days of annual leave in any calendar year.

3. An employee shall request annual leave at least 30 days in advance if the need for leave is foreseeable and the annual leave is to be taken in conjunction with a planned leave of absence without pay.

4. An employee who has accumulated both annual leave and compensatory time off, and who may lose annual leave at the end of the calendar year, may elect to use the annual leave instead of the compensatory time for approved leave. In all other instances, compensatory time must, as far as practicable, be exhausted before annual leave is used.

5. An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or *chapter* 617 of NRS may use his accrued annual leave [to receive payment for the difference between his normal pay and the benefits received, if the employee has:

- (a) Elected to use his accrued sick leave time pursuant to NRS 281.390; and
- (b) Exhausted his accrued sick leave.

An employee who is on family and medical leave because a serious health condition prevents him from performing one or more of the essential functions of his position may use his accrued

annual leave without complying with paragraphs (a) and (b).] pursuant to section 3 of this regulation.

**Sec. 16.** NAC 284.5405 is hereby amended to read as follows:

284.5405 1. Except as otherwise provided in this section, any employee who returns to state service following a separation is eligible to accrue annual leave based on his total service with the state after he has completed 3 years of continuous [full-time service or the equivalent.] service. The employee must requalify after each break in service.

2. An employee who is rehired within 1 year after being laid off accrues annual leave at a rate based on his total state service. He may use his annual leave immediately upon accruing it if he has completed 6 months of employment.

3. An employee with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 accrues annual leave at a rate based on his total state service. He may use his annual leave immediately upon accruing it if he has completed 6 months of employment.

4. An employee who is rehired within 1 year after being laid off is entitled to buy back the balance of the annual leave for which he received payment in a lump sum on the date of the layoff. The rate of pay at which he is rehired applies to the buying back of annual leave.

5. An employee with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 is entitled to buy back the balance of the annual leave for which he received payment in a lump sum at the time of separation. The rate of pay at which he is reemployed applies to the buying back of annual leave.

6. If an employee who was laid off before completing 6 months of employment is rehired within 1 year of his layoff, the amount of the unpaid annual leave he had earned before the layoff must be restored to him.

7. If a person eligible for military reemployment is reemployed, he accrues annual leave at the rate which he would have earned if he had not left state service.

8. If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority, the balance of his annual leave is charged to the agency to which he is appointed.

9. If a nonclassified employee, an unclassified employee of the University and Community College System of Nevada, or an employee included in the personnel system pursuant to NRS 284.022 is appointed without a break in service to the classified or unclassified service, the annual leave which he has accrued is transferable. This may not exceed the amount remaining to the employee's credit and is subject to the maximum amount which is permitted by the classified or unclassified rate of accrual. The agency to which the employee is appointed is not responsible for payment of any annual leave in excess of the amount which is transferable. It is the transferring employee's responsibility to seek payment of any excess amount of annual leave remaining to his credit from his former employer.

**Sec. 17.** NAC 284.614 is hereby amended to read as follows:

284.614 1. Except as otherwise provided in NAC 284.438, if it becomes necessary for a classified employee to be laid off because of a shortage of work or money, the abolition of a position, or some other material change in duties or organization:

(a) The administrator of the department shall determine in what geographical location, class series, class and option the reductions in staff will have the least detrimental effect on the

operations of the department and shall specify layoffs accordingly. In the department of human resources and the University and Community College System of Nevada, the administrator of a division, with the approval of the director of the department, shall determine in what geographical location, class series, class and option the reduction of staff will have the least detrimental effect on operations and shall specify the layoffs accordingly.

(b) Within the department, and within the geographical location, class series, class and option selected, all employees of the department who are not permanent must be laid off before any permanent employees in the following order:

- (1) Emergency employees.
- (2) Temporary employees.
- (3) Provisional employees.
- (4) Probationary employees.

(c) If additional reductions are necessary, permanent employees must be laid off on the basis of performance and seniority. In computing seniority, the time covered by a report [of] on performance “below standard” or “unacceptable” made during the last 4 years must not be included, except that no report may be considered for the time covered within 75 calendar days before the notification of layoff was issued. Except as otherwise provided in this paragraph, the time “covered” by a report of substandard performance runs from the date the report was filed with the director until the date recorded on the employee’s subsequent [performance] report on performance as the date on which his performance improved to standard or better. If the subsequent [performance] report on performance is not filed within 30 days after the date

required by subsection 4 of NRS 284.340, the employee's performance shall be deemed standard effective on the date the [performance] report *on performance* was due.

(d) In the department and within the geographical location, class series, class and option where layoffs are to take place, those employees with the least seniority must be laid off.

(e) For the purposes of this subsection, an appointing authority may consider whether positions are full time or part time and limit layoffs to full-time or part-time employees.

Similar considerations may be given to and limitations placed on positions requiring selective certification pursuant to NAC 284.378.

2. When determining seniority for order of layoff:

(a) Seniority must be projected and counted up to the established date of layoff.

(b) Seniority for part-time employment must be prorated to its full-time equivalent.

(c) If a classified employee enters unclassified service and subsequently reenters classified service, his previous and current classified service is counted.

(d) Except as otherwise provided in NAC 284.580, *any combination of* authorized leave without pay *and catastrophic leave* for more than 240 hours or, in the case of an excluded classified employee, 30 working days, in a year, calculated pursuant to subsection 7 of NAC 284.182, is not counted.

(e) When an employee was separated from service with the state for any of the reasons that do not result in a break in continuous service as provided in NAC 284.598, the time during the separation is not counted.

**Sec. 18.** NAC 284.650 is hereby amended to read as follows:

284.650 Appropriate disciplinary or corrective action may be taken for any of the following causes:

1. Activity which is incompatible with an employee's conditions of employment established by law or which [violate] *violates* a provision of NAC 284.653 or 284.738 to 284.771, inclusive.
2. Disgraceful personal conduct which impairs the performance of a job or causes discredit to the agency.
3. The employee of any institution administering a security program, in the considered judgment of the appointing authority, violates or endangers the security of the institution.
4. Discourteous treatment of the public or fellow employees while on duty.
5. Incompetence or inefficiency.
6. Insubordination or willful disobedience.
7. Inexcusable neglect of duty.
8. Fraud in securing appointment.
9. Prohibited political activity.
10. Dishonesty.
11. Abuse, damage to or waste of public equipment, property or supplies because of inexcusable negligence or willful acts.
12. Drug or alcohol abuse as described in NRS 284.4062 and NAC 284.884.
13. Conviction of any criminal act involving moral turpitude.

14. Being under the influence of intoxicants, a controlled substance without a medical doctor's prescription [.] or any other illegally used substances while on duty and performing a function that does not involve the operation of a motor vehicle.

15. Unauthorized absence from duty or abuse of leave privileges.

16. Violation of any rule of the commission.

17. Falsification of any records.

18. Misrepresentation of official capacity or authority.

19. The suspension, revocation or cancellation of [the] *a professional or occupational license, certificate or permit or driver's license* [of an employee] if the possession of [a valid driver's license is required to perform an essential function of his job.] *the professional or occupational license, certificate or permit or driver's license is a requirement of the position at the time of appointment as stated in the standards of work performance, essential functions or specification of class for the position, or in other documentation provided to the employee at the time of appointment, or required thereafter pursuant to federal or state law.*

20. Violation of any safety rule adopted or enforced by the employee's appointing authority.

21. Carrying, while on the premises of the workplace, any firearm which is not required for the performance of the employee's current job duties or authorized by his appointing authority. As used in this subsection, "workplace" means any building, office or location specifically intended to serve as a place where work is performed by an employee during the course of a workday, including , *without limitation*, irregular shifts. The term does not include

parking lots, garages, or vehicle depots, unless those areas constitute an employee's usual and customary [**worksite**] *work site*, or locations that serve as both living quarters and [**worksites**] *work sites*, except when the living quarters are also used to care for children pursuant to a state program or as otherwise authorized by the state.

**Sec. 19.** NAC 284.174 and 284.251 are hereby repealed.

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### TEXT OF REPEALED SECTIONS

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**284.174 Eligibility for increase in salary based upon merit.**

1. An employee whose last performance rating was standard or better and who has not attained the top step of his grade must receive an increase in his salary based upon merit of one step on his date of record and each year thereafter of employment equivalent to full-time service.

2. An employee with a substandard performance rating is not eligible for an increase in his salary based upon merit.

**284.251 Use of compensatory time to supplement benefits for temporary total disability. (NRS 284.155)** An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS may use his accrued

compensatory time to receive payment for the difference between his normal pay and the benefits received.