

**LCB File No. E004-99**

**EMERGENCY REGULATION OF THE DEPARTMENT OF PERSONNEL**

Effective December 20, 1999

Section 1. Chapter 284.208 of NAC is hereby amended to read as follows:

**Statement of Emergency:** Record crowds are expected in Las Vegas on New Year's weekend. Department of Transportation Highway Maintenance Workers will be placed at various locations along the "Strip" and I-15 for traffic control and clean-up from 4 p.m. New Year's eve to 6 a.m. New Year's day, and on the next day. Plastic cones will separate these workers from thousands of revelers and cars, including drunk drives. This dangerous duty is not an inherent part of the job and not regularly part of the job. This proposed emergency amendment provides for dangerous duty pay for Highway Maintenance Workers during the time specified.

**NAC 284.208 Compensation for dangerous duty or duty involving physical hardship.**

1. As used in this section:

(a) "Dangerous duty" means work performed under such dangerous circumstances that an accident would probably result in serious injury or death.

(b) "Duty involving physical hardship" entails extreme physical discomfort which is not adequately alleviated by protective or mechanical devices.

2. Except as otherwise provided in this subsection, additional compensation equal to 10 percent of an employee's basic rate of pay must be paid for each hour in which he performs any dangerous duty or duty involving physical hardship. An excluded classified employee who performs any dangerous duty or duty involving physical hardship for any portion of a workday must receive the additional compensation for all of his regularly scheduled hours of employment on that workday.

3. The compensation applies only to employees who are subjected to unusual physical hardship or dangerous duties which are not an inherent part of the job and not regularly part of the job. These duties may appear in the job description, but must not be performed with sufficient regularity to constitute an element in fixing the grade of the position.

4. Only the following groups, under the conditions described, are entitled to receive pay for dangerous duty:

(a) Employees engaged in scuba or skin diving.

(b) Employees who perform duties at a height of more than 16 feet above the floor in a building or 16 feet above ground level outside of a building if the work is performed on portable equipment or outside of a railed or protected area.

(c) All employees, except pilots, for time spent in single engine aircraft or helicopters when required to do so by the employer.

*(e) Employee required to conduct highway maintenance duties involving traffic control and clean up on the Las Vegas "Strip" and I-15 during the millennium celebration where unusually large and potentially unruly crowds and heavy traffic may occur.*