

LCB File No. R120-03

PROPOSED REGULATION OF THE OFFICE OF
THE STATE CONTROLLER

NAC 281.250

CHAPTER 281. PUBLIC OFFICERS AND EMPLOYEES
WITHHOLDING FROM STATE PAYROLL

281.250 Duties and authority of state controller; resolution of disputes.

NAC 281.250 is hereby amended to read as follows:

1. In addition to any other withholdings provided by law, the state controller will withhold money from the salary or wages of an officer or employee of the executive department whose payroll is processed by the state controller, for payment to:

- a) Any charitable organization approved by the controller.
- b) Employee credit unions.

c) ~~One health and accident insurer for each officer or employee~~. *Insurers, if the board of the public employees' benefits program has approved the request.*

d) The United States for the purchase of a savings bond or similar obligations *of the United States*.

e) An employee organization or labor organization if:

(1) At least ~~20 percent of the~~ *500* officers or employees of the state request withholdings from their wages or salaries for payment to the organization; or

(2) At least ~~51~~ *30* percent of the officers or employees of the state who are eligible to be members of a homogeneous unit request withholdings from their wages or salaries for payment to the organization. For the purposes of this subparagraph, a "homogeneous unit" means a group of state employees or officers having a sufficient community of interest to make it appropriate for them to be represented by a particular employee organization; *and*

(3) For the purposes of this paragraph (e) subparagraphs (1) and (2), that organization has as its primary mission the advancement and support of its members within their employment position and within their profession.

2. An officer or employee of the executive department is not entitled to continue the withholding provided by paragraph (e) of subsection 1 if the number of officers or employees

who request the withholding falls below ~~[an average for a calendar year of]~~ *the number of members required for a withholding pursuant to paragraph (e) of subsection 1.*

~~[a. Ten percent of the officers and employees of the state, if the withholding is made pursuant to the provisions of subparagraph (1) of paragraph (e) of subsection 1.]~~

~~— b. Twenty six percent of the officers and employees of the state, if the withholding is made pursuant to the provisions of subparagraph (2) of paragraph (e) of subsection 1.]~~

3. The employee organization must submit to the state controller on a biannual basis on or before January 1 of each year, and on or before July 1 of each year, a detailed membership report to ensure they meet the criteria set forth by paragraph (e) of subsection 1.

4. ~~[3.]~~ The state controller will send written notice to an employee organization or labor organization if the number of officers and employees who request that money be withheld for payment to the organization falls below the *number or* percentage required by paragraph (e) of subsection 1. The members of the organization may continue to have the money withheld from their salaries or wages and paid to the organization for not more than 1 year after the date of the notice given by the state controller. If the *number or* percentage required by paragraph (e) of subsection 1 is not met in that year, the withholding will be discontinued.

~~[4.—The percentages required by paragraph (e) of subsection 1 do not apply to an officer or employee of the executive department whose withholding for payment to an employee organization or labor organization began before January 2, 1990.]~~

5. All disputes regarding withholding, including refunds and missed withholdings, must be resolved by the employee and the organization receiving the withholding.