

**PROPOSED REGULATION OF
THE STATE CONTROLLER**

LCB File No. R120-03

September 26, 2003

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

AUTHORITY: §1, NRS 281.129.

Section 1. NAC 281.250 is hereby amended to read as follows:

281.250 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, upon approval of the Board of the Public Employees' Benefits Program.*

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

(e) An employee organization or labor organization *whose primary mission is the advancement and support of its members within the employment positions and professions of the members,* 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 ~~54~~ **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.

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:~~

~~—(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 who are members of the organization, if the withholding is made pursuant to the provisions of subparagraph (2) of paragraph (e) of subsection 1.]~~ *the number or percentage of members required for withholdings pursuant to paragraph (e) of subsection 1.*

3. *On or before January 1 and July 1 of each year, an employee organization or labor organization that receives withholdings pursuant to paragraph (e) of subsection 1 shall submit to the State Controller a detailed report of the membership of the organization. The State Controller will review the report to determine whether the number or percentage required by paragraph (e) of subsection 1 is met.*

4. The State Controller will send written notice to an employee organization or labor organization if the number *or percentage* 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 withholdings, including refunds and missed withholdings, must be resolved by the employee and the organization receiving the withholding.