

**ADOPTED REGULATION OF THE
PERSONNEL COMMISSION**

LCB File No. R221-05

Effective February 23, 2006

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

AUTHORITY: §1, NRS 284.065, 284.155 and section 2 of Assembly Bill No. 58 of the 73rd Session of the Nevada Legislature, chapter 49, Statutes of Nevada 2005, at page 99 (NRS 616C.477).

A REGULATION relating to state personnel; requiring certain state employers to grant paid leave to certain injured employees who are required to travel for medical treatment after returning to work; and providing other matters properly relating thereto.

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

1. An appointing authority shall grant leave to an employee in the classified or unclassified service of the State to receive medical treatment for a work-related injury or occupational disease if the employee:

(a) Qualified for benefits for a temporary total disability pursuant to NRS 616C.475; and
(b) After returning to work, is required to travel more than 50 miles one way from his place of employment to receive such medical treatment.

2. An appointing authority shall pay an employee who is granted leave pursuant to subsection 1:

(a) If he is a nonexempt employee, his regular hourly rate of pay for each hour that he is absent from his place of employment for such leave.

(b) If he is an exempt classified employee or an exempt unclassified employee and he is absent from his place of employment for a full day for such leave, his regular rate of pay for each such day.

3. Leave granted pursuant to this section must be taken as workers' compensation travel leave and must not be deducted from any sick leave, annual leave, compensatory leave or any other personal leave that may be available to the employee.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB FILE No. R221-05

The Personnel Commission adopted one regulation that pertains to chapter 284 of the Nevada Administrative Code on February 10, 2006. A copy of the regulation, as adopted, and the information statement as required by NRS 233B.066 are attached hereto.

INFORMATIONAL STATEMENT

- 1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

On December 16, 2005 the proposed regulations were forwarded to the Legislative Counsel Bureau for pre-adoption review. On December 29, 2005, a “Notice of Workshop” to solicit comments on proposed regulations and “Notice of Hearing” for the adoption of new regulations were posted conspicuously in public buildings. On the same day, copies of the notices and the text of the proposed regulations were filed with the Nevada State Library. Also on December 29, 2005, all State agencies were notified by memorandum of the proposed actions. Copies of the notices with the text of the proposed regulations were included with the memorandum for dissemination among State employees. Copies of the notices and text of the proposed regulations were posted on the Department’s website and also sent to all employee organizations, all Nevada county public libraries, all requesting parties, and members of the Personnel Commission.

On January 13, 2006, a workshop was held. Shelley Blotter, Chief, Technical Services Division, Department of Personnel, explained the purpose of the workshop, the process by which the proposed regulations would be reviewed and adopted. Ms. Blotter read the explanation of change for the new section and solicited comments.

- a. The following summarizes the comments made at the workshop regarding the proposed regulations:

Ms. Blotter stated that there had been two regulations proposed for this workshop, but the first one relating to public safety injury leave had been pulled from consideration. She read the other Explanation of Proposed Change and called for comments.

New – Workers’ Compensation Travel Leave

Ms. Marsha Manley, NDOT asked the question, “if an employee is home recuperating” would he be entitled to his regular hourly rate when traveling to workers’ compensation doctor’s appointments?” Ms. Blotter responded that an employee home recuperating is already receiving compensation. Ms. Blotter explained that this provision is so that employees who return to work, do not have to use annual or sick leave time for doctor’s appointments if they are 50 or more miles from their designated work location.

Ms. Blotter called for further questions from participants in Carson City and Las Vegas.

There were no additional comments, opposition or discussion on this section.

The regulation presented at the workshop is attached for reference.

2. **The number of persons who:**
 - (a) **Attended the hearing:** 9 in Carson City and 2 in Las Vegas
 - (b) **Testified at the hearing:** 0
 - (c) **Submitted written comments:** No written comments were submitted.
3. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

The regulation does not affect businesses; therefore, their comments were not solicited.

4. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Changes were made to proposed regulation based on the pre-adoption review by the Legislative Counsel Bureau.

5. **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

The regulation does not have a direct economic effect on any business or on the public.

6. **The estimated cost to the agency for enforcement of the regulations:**

Enforcement of this regulation should not result in any increased cost to the Department of Personnel.

7. **A description of any regulations of other State or governmental agencies which the regulations overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, provide the name of the regulating federal agency.**

There is no duplication or overlapping created by this regulation.

- 8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The regulation is not more stringent than a federal regulation.

- 9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide new or increase existing fees; therefore, no monies will be collected or used.