

# PROPOSED REGULATION OF THE PERSONNEL COMMISSION

## LCB File No. R133-12

### Section 1. NAC 284.170 is hereby amended to read as follows:

**Explanation of Proposed Change:** The Division of Human Resource Management proposes revised language and a split of NAC 284.170 into separate sections to provide for a clearer and easier understanding of the regulations.

**NAC 284.170** ~~[Initial rate]~~ **Rate of pay: Initial appointment.** ~~[-; effect of promotion, demotion, transfer, reappointment or reemployment; minimum step for continuous employee; rate of pay for nonclassified or unclassified employee appointed to classified position.]~~ (NRS 284.065, 284.155, 284.175)

~~[1. Except as otherwise provided in NAC 284.204 regarding adjustment of steps within the same grade and NAC 284.206 regarding special adjustments to pay, the following provisions govern the grade and the step at which an employee must be paid at the time of employment:~~

~~—(a) If the employment is an initial appointment, the employee's base rate of pay must be set at step 1 of the grade of the position's class[-], except as otherwise provided in NAC 284.204 and NAC 284.206.~~

~~[(b) If the employment is a reinstatement to a position which is:~~

~~—(1) At the same grade as that of the employee's former position, he or she must be paid at or below the step which he held in his or her former position.~~

~~—(2) At a lower grade than the employee's former position, he or she must be paid at or below the step in the lower grade which most closely corresponds to the base rate of pay of his or her former position.~~

~~—(3) A result of the reallocation of the entire class because of a reclassification or a general pay increase, he or she must be paid at or below the step in the new grade which most closely corresponds to the base rate of pay of his or her former grade.~~

~~—2. The following provisions govern the rate of pay which must be paid if an employee is promoted:~~

~~—(a) The employee must be placed at the lowest step in the higher grade that meets one of the following requirements:~~

~~—(1) If the employee moves one or two grades above his or her former grade, he or she must be placed at the same step in the new grade as the step held in his or her former grade.~~

~~—(2) If the employee moves three or more grades above his or her former grade, the employee must be placed:~~

~~—(I) At a step which is equivalent to an increase of two steps above the step held in his or her former grade; or~~

~~—(II) At the lowest step of the new grade,~~

~~↪ whichever pay is higher and in accordance with the provisions of subsection 8.~~

~~—(b) A special adjustment to an employee's pay for performing supervisory duties which is granted in accordance with paragraph (c) of subsection 2 of NAC 284.206 is the present level of pay for the purpose of calculating a promotional increase authorized by paragraph (a) only if the~~

~~employee has received the special adjustment to his or her pay for more than 6 months of continuous full-time service.~~

~~—(c) If an employee has been demoted, he or she may not receive a promotional increase in pay that is greater than the increase which he or she would have otherwise been entitled to receive had he or she not been demoted.~~

~~—(d) This subsection does not apply when an employee is reemployed or reappointed to his or her former grade within 1 year after holding that grade.~~

~~—3. Except as otherwise provided in this subsection and paragraph (b) of subsection 1 of NAC 284.618, an employee who is demoted must be paid at a step within the grade of the class to which he or she was demoted as follows:~~

~~—(a) If the employee has attained permanent status in the class from which he or she was demoted and the demotion is instituted at the employee's request or is acceptable to the employee, the appointing authority shall pay him or her at a step in the grade of the class to which he or she was demoted which is:~~

~~—(1) Equal to his or her present base rate of pay; or~~

~~—(2) Equivalent to a decrease of not more than one step from his or her base rate of pay in the position from which he or she was demoted. Except as otherwise provided in paragraph (b), if the base rate of pay in the position from which he or she was demoted does not fall within the grade of the class to which he or she was demoted, the employee must be paid at a step in the grade of the class to which he or she was demoted which is equal to:~~

~~—(I) The step he or she would have received if he or she had not been promoted to the position from which he or she was demoted; or~~

~~—(II) The step he or she would have received if he or she had been employed in that class from the inception of his or her employment with the State of Nevada.~~

~~—(b) An exception to subparagraph (2) of paragraph (a) may be granted by the appointing authority to pay an employee at a rate that does not fall within the grade of the class to which he or she is demoted if the appointing authority determines that the demotion is in the best interest of the employee and the State of Nevada. If such an exception is granted:~~

~~—(1) The employee's base rate of pay will be limited to three grade levels above the grade of the class to which he or she is demoted or his or her base rate of pay in the position from which he or she was demoted, whichever is less.~~

~~—(2) The employee's base rate of pay in the position to which he or she was demoted will be frozen until it falls within the grade of the class to which he or she was demoted or for a maximum of 2 years after the date of demotion, making the employee ineligible for any merit pay increases, cost of living adjustments or adjustments for a class of employees that has been approved by the Legislature.~~

~~—(3) If the employee's frozen base rate of pay does not fall within the grade of the class to which he or she was demoted within the 2-year period, his or her base rate of pay will be adjusted to the highest step within the grade of the class to which he or she was demoted.~~

~~—(c) If an employee accepts a promotion and is demoted before attaining permanent status in the class, he or she must be paid at a step in the grade of the class to which he or she was demoted which is equivalent to the base rate of pay to which he or she would have been entitled had he or she not been promoted.~~

~~—(d) If the demotion is instituted by the appointing authority for disciplinary reasons and is not covered by paragraph (b), the appointing authority shall determine the step in the grade of the class to which the employee was demoted at which the employee will be paid.~~

~~—(e) If an employee is demoted during his or her probationary period in state service, the appointing authority may pay the demoted employee at any step in the grade of the class to which the employee was demoted that is not greater than his or her base rate of pay before the demotion.~~

~~—4. Except as otherwise provided in NAC 284.204, if an employee transfers to a position in the same or a related class, he or she must be placed at the corresponding step in the same grade that he or she held before the transfer. Any exception to this subsection must be:~~

~~—(a) Based on the provisions of NAC 284.204; or~~

~~—(b) Approved by the Division of Human Resource Management based upon a written request and justification for the exception submitted by the appointing authority.~~

~~—5. If an employee is reappointed to a position which is in:~~

~~—(a) The grade which he or she currently holds, he or she retains his or her step.~~

~~—(b) A higher grade and the appointment occurs within 1 year after the date on which he or she last held the grade, the employee must be placed at the step which he or she last held in that grade.~~

~~—(c) A higher grade and the reappointment occurs more than 1 year after he or she held that grade, his or her pay must be calculated pursuant to the provisions relating to promotion in subsection 2.~~

~~→ Any exception to this subsection must be approved by the Division of Human Resource Management based upon a written request and justification for the exception submitted by the appointing authority.~~

~~—6. Except as otherwise provided in subsection 7, if a person is reemployed at:~~

~~—(a) The same grade, he or she must be placed at the step which he or she last held in that grade.~~

~~—(b) A lower grade, he or she must be placed at a step which most closely corresponds to the base rate of pay which he or she held at the time of his or her layoff or separation.~~

~~—(c) A higher grade and the appointment occurs within 1 year after the date on which he or she last held the grade, he or she must be placed at the step which he or she last held in that grade.~~

~~→ An exception to this subsection may be made if the conditions in NAC 284.204 exist, or if money is not available as certified by the Chief of the Budget Division or, in the case of an agency that is not funded from the State General Fund or the Nevada System of Higher Education, as certified by the administrator of that agency or the System. If an exception is made pursuant to this subsection because the agency does not have sufficient money available, the employee retains his or her right of reemployment.~~

~~—7. If a person who is eligible for military reemployment is reemployed, the period of the military service must be included in calculating the step at which he or she will be placed.~~

~~—8. An employee who has been continuously employed without a break in service may not have his or her step set below:~~

~~—(a) Step 4 of any grade if his or her date of hire is before April 26, 1973; or~~

~~—(b) Step 3 of any grade if his or her date of hire is before May 3, 1975, but on or after April 26, 1973, except for disciplinary reasons which result in demotion.~~

~~—9. Except as otherwise provided in this subsection, if a nonclassified or unclassified employee or an employee included in the Personnel System pursuant to the provisions of NRS 284.022 is appointed without a break in service to the classified service, he or she may, at the discretion of the appointing authority:~~

~~—(a) Be paid at a step which corresponds to or is below his or her rate of pay as a nonclassified or unclassified employee if it is within the grade of the class to which he or she is appointed;~~  
~~—(b) Be paid at the first step in the new grade to which he or she is appointed; or~~  
~~—(c) Receive a special adjustment to his or her pay pursuant to subsection 1 of NAC 284.204 or NAC 284.206.~~

~~→ An exception to this subsection may be made if a nonclassified or unclassified employee who was an employee of the Legislative Branch of State Government employed at the conclusion of a regular session of the Legislature pursuant to NRS 284.3775 transfers to state service.~~

~~—10. An employee who was previously employed in the classified service and is appointed pursuant to the provisions of subsection 9 may not be paid at a step and grade which is greater than he or she received at the time he or she left the classified service, unless he or she has held the unclassified or nonclassified position for more than 1 year.~~

~~—11. As used in this section, “present level of pay” means a rate of pay that is equal to the amount that is assigned to the step within the grade which is closest to, but does not exceed, the employee’s pay after a special adjustment to pay pursuant to the provisions of NAC 284.206.]~~

[Personnel Div., Rule III § F, eff. 8-11-73; A 10-6-78]—(NAC A by Dep’t of Personnel, 10-26-84; 8-28-85; 5-27-86; 7-22-87; 9-17-87; 12-17-87; 7-21-89; 8-14-90; 8-1-91; 7-6-92; 3-23-94; 7-1-94; 3-1-96; R098-99, 9-27-99; R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm’n by R038-03, 10-30-2003)

**Chapter 284 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.**

## **Sec. 2.**

**Explanation of Proposed Change:** Proposed by the Division of Human Resource Management, this amendment simplifies the language on how to determine the rate of an employee’s pay when he or she is reinstated.

*NEW. Rate of pay: Reinstatement. (NRS 284.065, 284.155, 284.175) If the appointment is a reinstatement, the employee’s base rate of pay must be set at or below that amount which most closely corresponds to the base rate of pay of his or her most recently held position with the state.*

## **Sec. 3.**

**Explanation of Proposed Change:** Proposed by the Division of Human Resource Management, this amendment just places this language in its own section so that it is easier to locate the relevant information.

*NEW. Rate of pay: Promotion (NRS 284.065, 284.155, 284.175) The following provisions govern the rate of pay which must be paid if an employee is promoted:*

*1. The employee must be placed at the step in the higher grade that meets one of the following requirements:*

*(a) If the employee moves one or two grades above his or her former grade, he or she must be placed at the same step in the new grade as the step held in his or her former grade.*

*(b) If the employee moves three or more grades above his or her former grade, the employee must be placed:*

*(1) At a step which is equivalent to an increase of two steps above the step held in his or her former grade; or*

*(2) At the lowest step of the new grade,*

*↪ whichever pay is higher and in accordance with the provisions of Section 9.*

*2. A special adjustment to an employee's pay for performing supervisory duties which is granted in accordance with paragraph (c) of subsection 2 of NAC 284.206 is the present level of pay for the purpose of calculating a promotional increase authorized by paragraph (a) only if the employee has received the special adjustment to his or her pay for more than 6 months of continuous full-time service.*

*3. If an employee has been demoted, he or she may not receive a promotional increase in pay that is greater than the increase which he or she would have otherwise been entitled to receive had he or she not been demoted.*

*4. This subsection does not apply when an employee is reemployed or reappointed to his or her former grade within 1 year after holding that grade.*

#### **Sec. 4.**

<p><b>Explanation of Proposed Change:</b> Proposed by the Division of Human Resource Management, this amendment just places this language in its own section so that it is easier to locate the relevant information.</p>
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*NEW. Rate of pay: Demotion. (NRS 284.065, 284.155, 284.175) Except as otherwise provided in this section and paragraph (b) of subsection 1 of NAC 284.618, an employee who is demoted must be paid at a step within the grade of the class to which he or she was demoted as follows:*

*1. If the employee has attained permanent status in the class from which he or she was demoted and the demotion is instituted at the employee's request or is acceptable to the employee, the appointing authority shall pay him or her at a step in the grade of the class to which he or she was demoted which is:*

*(a) Equal to his or her present base rate of pay; or*

*(b) Equivalent to a decrease of not more than one step from his or her base rate of pay in the position from which he or she was demoted. Except as otherwise provided in subsection 2, if the base rate of pay in the position from which he or she was demoted does not fall within the grade of the class to which he or she was demoted, the employee must be paid at a step in the grade of the class to which he or she was demoted which is equal to:*

*(1) The step he or she would have received if he or she had not been promoted to the position from which he or she was demoted; or*

*(2) The step he or she would have received if he or she had been employed in that class from the inception of employment with the State of Nevada.*

*2. An exception to paragraph (b) of subsection 1 may be granted by the appointing authority to pay an employee at a rate that does not fall within the grade of the class to which he or she is demoted if the appointing authority determines that the demotion is in the best interest of the employee and the State of Nevada. If such an exception is granted:*

(a) *The employee's base rate of pay will be limited to three grade levels above the grade of the class to which he or she is demoted or his or her base rate of pay in the position from which he or she was demoted, whichever is less.*

(b) *The employee's base rate of pay in the position to which he or she was demoted will be frozen until it falls within the grade of the class to which he or she was demoted or for a maximum of 2 years after the date of demotion, making the employee ineligible for any merit pay increases, cost of living adjustments or adjustments for a class of employees that has been approved by the Legislature.*

(c) *If the employee's frozen base rate of pay does not fall within the grade of the class to which he or she was demoted within the 2-year period, his or her base rate of pay will be adjusted to the highest step within the grade of the class to which he or she was demoted.*

3. *If an employee accepts a promotion and is demoted before attaining permanent status in the class, he or she must be paid at a step in the grade of the class to which he or she was demoted which is equivalent to the base rate of pay to which he or she would have been entitled had he or she not been promoted.*

4. *If the demotion is instituted by the appointing authority for disciplinary reasons and is not covered by subsection 2, the appointing authority shall determine the step in the grade of the class to which the employee was demoted at which the employee will be paid.*

5. *If an employee is demoted during his or her probationary period in state service, the appointing authority may pay the demoted employee at any step in the grade of the class to which the employee was demoted that is not greater than his or her base rate of pay before the demotion.*

## Sec. 5.

**Explanation of Proposed Change:** Proposed by the Division of Human Resource Management, this amendment simplifies the language on how to determine the rate of an employee's pay when he or she transfers.

*NEW. Rate of pay: Transfer. (NRS 284.065, 284.155, 284.175) If an employee transfers to a position in the same or a related class, he or she must maintain the step held before the transfer. Any exception to this subsection must be based on the provisions of NAC 284.204*

## Sec. 6.

**Explanation of Proposed Change:** Proposed by the Division of Human Resource Management, this amendment just places this language in its own section so that it is easier to locate the relevant information.

*NEW. Rate of pay: Reappointment. (NRS 284.065, 284.155, 284.175) If an employee is reappointed to a position, he or she retains his or her step.*

1. *The grade which he or she currently holds, he or she retains his or her step.*

2. *A higher grade and the appointment occurs within 1 year after the date on which he or she last held the grade, the employee must be placed at the step which he or she last held in that grade.*

3. *A higher grade and the reappointment occurs more than 1 year after he or she held that grade, his or her pay must be calculated pursuant to the provisions relating to promotion in Section 3.*

↳ *Any exception to this subsection must be approved by the Division of Human Resource Management based upon a written request and justification for the exception submitted by the appointing authority.*

#### Sec. 7.

**Explanation of Proposed Change:** Proposed by the Division of Human Resource Management, this amendment simplifies the language on how to determine the rate of an employee's pay when he or she is reemployed.

*NEW. Rate of pay: Reemployment. (NRS 284.065, 284.155, 284.175) Except as otherwise provided in Section 8, if a person is reemployed, he or she must be placed at the step which most closely corresponds to the base rate of pay which he or she held at the time of his or her layoff or separation.*

↳ *An exception to this section may be made if the conditions in NAC 284.204 exist, or if money is not available as certified by the Chief of the Budget Division or, in the case of an agency that is not funded from the State General Fund or the Nevada System of Higher Education, as certified by the administrator of that agency or the System. If an exception is made pursuant to this section because the agency does not have sufficient money available, the employee retains the right of reemployment.*

#### Sec. 8.

**Explanation of Proposed Change:** Proposed by the Division of Human Resource Management, this amendment just places this language in its own section so that it is easier to locate the relevant information.

*NEW. Rate of pay: Military Reemployment. (NRS 284.065, 284.155, 284.175) If a person who is eligible for military reemployment is reemployed, the period of the military service must be included in calculating the step at which he or she will be placed.*

#### Sec. 9.

**Explanation of Proposed Change:** Proposed by the Division of Human Resource Management, this amendment just places this language in its own section so that it is easier to locate the relevant information. There are employees that were hired prior to 1973 and are still employed.

*NEW. Rate of pay: Minimum step for continuous employment (NRS 284.065, 284.155, 284.175) An employee who has been continuously employed without a break in service may not have his or her step set below:*

*1. Step 4 of any grade if his or her date of hire is before April 26, 1973; or*

*2. Step 3 of any grade if his or her date of hire is before May 3, 1975, but on or after April 26, 1973, except for disciplinary reasons which result in demotion.*

**Sec. 10.**

**Explanation of Proposed Change:** Proposed by the Division of Human Resource Management, this amendment just places this language in its own section so that it is easier to locate the relevant information.

*NEW. Rate of pay: Nonclassified, Unclassified Appointed to Classified. (NRS 284.065, 284.155, 284.175)*

*1. Except as otherwise provided in this subsection, if a nonclassified or unclassified employee or an employee included in the Personnel System pursuant to the provisions of NRS 284.022 is appointed without a break in service to the classified service, he or she may, at the discretion of the appointing authority:*

*(a) Be paid at a step which corresponds to or is below his or her rate of pay as a nonclassified or unclassified employee if it is within the grade of the class to which he or she is appointed;*

*(b) Be paid at the first step in the new grade to which he or she is appointed; or*

*(c) Receive a special adjustment to his or her pay pursuant to subsection 1 of NAC 284.204 or NAC 284.206.*

*↪ An exception to this subsection may be made if a nonclassified or unclassified employee who was an employee of the Legislative Branch of State Government employed at the conclusion of a regular session of the Legislature pursuant to NRS 284.3775 transfers to state service.*

*2. An employee who was previously employed in the classified service and is appointed pursuant to the provisions of subsection 1 may not be paid at a step and grade which is greater than he or she received at the time he or she left the classified service, unless he or she has held the unclassified or nonclassified position for more than 1 year.*

*3. As used in this section, "present level of pay" means a rate of pay that is equal to the amount that is assigned to the step within the grade which is closest to, but does not exceed, the employee's pay after a special adjustment to pay pursuant to the provisions of NAC 284.206.*

**Sec. 11. NAC 284.182 is hereby amended to read as follows:**

**Explanation of Proposed Change:** Proposed by the Division of Human Resource Management, this amendment just places this language in its own section so that it is easier to locate the relevant information. Language in subsection 6 was relocated under subsection 2 as it impacts this subsection.

**NAC 284.182 Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date. (NRS 284.065, 284.155, 284.175)**

*1. **New Pay Progression Date.** An employee receives a new pay progression date if he or she is:*

*(a) Promoted to a position that results in an increase of two grades or more; or*

(b) Reinstated.

2. ~~[An employee who is]~~ **Retained Pay Progression Date.** *An employee will retain his or her current pay progression date when he or she is:*

- (a) Promoted to a position that results in an increase of one grade;
- (b) In a position that is reclassified to a higher class as a result of an individual classification study or an occupational study;
- (c) Transferred to a position without receiving an increase in grade;
- (d) Reappointed to a position at a grade that he or she formerly held;
- (e) Reemployed and has remained continuously employed; or
- (f) Demoted~~[,]~~.

↳ ~~[retains the pay progression date he or she held before the action described in paragraphs (a) to (f), inclusive, occurred.]~~ **If the number of total hours of leave without pay or catastrophic leave of a nonexempt employee that exceed 240 hours is less than one day of full-time equivalent service for the pay class designation of the employee, an adjustment will not be made for those hours.**

3. **Military:** If a person who is eligible for military reemployment is reemployed, he or she retains the pay progression date held when separated from this State for his or her service in the military.

4. **Restored to Former Position following Promotion:** If an employee was promoted but is being restored to his or her former position pursuant to the provisions of NAC 284.462, the date of appointment and pay progression date of the former position must be restored.

5. **Pay Progression Date adjustment:** Except as otherwise provided in this subsection and subsection 6, an employee's pay progression date must be adjusted:

(a) To equal 1 year of full-time equivalent service for an employee who changes from full-time employment to part-time employment or from part-time employment to full-time employment; or

(b) On a day-for-day basis for the amount of time the employee:

(1) Was separated from state service if the employee is reemployed within 1 year after the date on which he or she was laid off or received a seasonal separation.

(2) Was separated from state service if the employee is a person with a permanent disability arising from a **work-related injury or occupational disease** who is reemployed within 1 year after the date on which he or she sustained the permanent disability as determined pursuant to NAC 284.6013.

(3) Was on leave without pay, or on catastrophic leave, if the employee is:

(I) A nonexempt employee and the leave without pay or catastrophic leave was in excess of 240 hours; or

(II) An exempt classified employee and the leave without pay or catastrophic leave was in excess of 30 working days,

↳ in a year, except for leave without pay for a work-related injury or illness pursuant to NRS 281.390 or on a military leave of absence pursuant to NRS 284.359 or a leave of absence without pay during a fiscal emergency pursuant to NAC 284.580. An employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his or her pay class designation. As used in this subparagraph, "year" means a period equal to 12 months of full-time equivalent service measured backward from the employee's pay progression date.

6. ~~[[If the number of total hours of leave without pay or catastrophic leave of a nonexempt employee that exceed 240 hours is less than one day of full time equivalent service for the pay class designation of the employee, an adjustment will not be made for those hours.~~

~~—7.]~~ **Pay Progression Date during leave without pay or on catastrophic leave:** If an employee is on leave without pay, or on catastrophic leave, on his or her pay progression date, any adjustment to his or her pay progression date will be made after he or she returns to work.

[Personnel Div., Rule III part § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 8-22-86; 4-19-88; 7-21-89; 10-18-89; 3-27-92; 7-6-92; 9-16-92; 11-16-95; 3-1-96; 10-27-97; 10-27-97; R043-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R182-03, 1-27-2004; R022-05, 10-31-2005; R142-05, 12-29-2005)

**Sec. 12. NAC 284.587 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, will clarify that civil leave must be granted for a leave of absence for duty as an emergency communications technician as outlined in NRS 281.149. It will additionally clarify that only leave taken in response to a disaster or emergency that is declared to be a disaster or emergency by an appropriate authority, such as the Governor of the State of Nevada or the President of the United States, will qualify for civil leave.

**NAC 284.587 Civil leave with pay for certain volunteers or when absence is necessary to meet disaster or emergency. (NRS 284.065, 284.155, 284.345)**

Civil leave with pay must be granted to an employee who meets the requirements of **NRS 281.149** or NRS 284.357, and may also be granted by the appointing authority to an employee whose absence from the job is necessary to meet a **declared** disaster or emergency.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by R146-01, 1-18-2002)

**Sec. 13. NAC 284.588 is hereby repealed:**

**Explanation of Proposed Change:** The repeal of this regulation is proposed by the Division of Human Resource Management due to the fact that NRS 284.358 mirrors this regulation making this regulation unnecessary.

**NAC 284.588 Civil leave with reduced pay when performing certain service in time of war or emergency. (NRS 284.065, 284.155, 284.175, 284.345)** ~~[[An employee in the public service who performs active military service in the Armed Forces of the United States or any other category of persons designated by the President of the United States or the Governor of this State, including, without limitation, the Commissioned Corps of the Public Health Service, in time of war or emergency, is entitled to civil leave with reduced pay pursuant to this section for the period of such service. The pay that such an employee is entitled to receive pursuant to this section is the difference between the pay he or she would have otherwise received as a state employee and his or her pay for active military service. If his or her pay for active military service is greater than the pay he or she would have otherwise received as a state employee, the employee will not receive any additional pay pursuant to this section while he or she is in active military service.]]~~

(Added to NAC by Dep't of Personnel by R146-01, 1-18-2002, eff. 2-4-2002)