

PROPOSED REGULATION OF THE PERSONNEL COMMISSION

LCB File No. R136-12

Section 1. NAC 284.576 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, makes changes to the administration of the catastrophic leave benefit. To assist agencies in meeting their business needs, the amendment in subsection 5 will remove the provision that deems an employee on approved leave without pay if insufficient donations are received for the period the employee has been granted catastrophic leave. The amendment in proposed subsection 6 will allow, in cases where a donating employee has left State service, for donating returned excess leave to the donor's former agency's general catastrophic leave bank. The amendment in proposed subsection 7 brings the administrative code into alignment with current reporting practice.

**NAC 284.576 Catastrophic leave: Use and administration; appeal of denial.
(NRS 284.065, 284.155, 284.3621, 284.3626)**

1. An account for catastrophic leave may be established for an employee when he or she or a member of his or her immediate family experiences a catastrophe and the employee has used all of his or her accrued leave.
2. An employee who is affected by a catastrophe and has used or is about to use all of his or her leave may request, on the appropriate form, the transfer of leave to an account for catastrophic leave for his or her personal use after the balance of all of his or her leave has been used. Such a request must be accompanied by a statement from a physician on a form provided by the Committee on Catastrophic Leave created pursuant to NRS 284.3627 which substantiates the necessity of the leave.
3. When a member of the immediate family of an employee is affected by a catastrophe, the appointing authority of the employee may require substantiating evidence that the member of the immediate family requires the employee's attendance before approving the transfer of leave to an account for catastrophic leave for use by the employee. Such evidence may include a statement by an attending physician regarding the status of the catastrophe.
4. The appointing authority shall approve or deny a request for catastrophic leave, taking into consideration the nature of the catastrophe and the expected duration of the leave. The decision of the appointing authority may be appealed to the Committee on Catastrophic Leave pursuant to NRS 284.3629.

~~[5. An employee whose request for catastrophic leave for a specified period of time has been approved and who has not had any or enough donations transferred to his or her account for catastrophic leave established pursuant to subsection 1 shall be deemed to be on approved leave without pay for the same period of time that was approved for the catastrophic leave. If a subsequent donation of hours to the employee's account for catastrophic leave is received before the last day of the approved period of catastrophic leave, the donation must be applied retroactively to cover the beginning of the period of leave that was taken without pay.]~~

~~[6]~~ 5. An employee who wishes to donate hours to an account for catastrophic leave for use by another employee who has been approved to receive the donated hours shall notify his or her appointing authority on the appropriate form of his or her intent to donate the leave. The appointing authority of the employee donating the leave shall submit a copy of the form to the appointing authority of the employee receiving the leave. The appointing authority of the recipient shall use the notice to effect a transfer of leave from the account of the donor to the account of the recipient when the recipient needs to use those hours. If more than one notice of intent to donate leave is received by the recipient's appointing authority on behalf of the recipient, the notices must be maintained in chronological order and used, one at a time as needed, according to the date in which they were received.

~~[7]~~ 6. A donor and his or her appointing authority must be notified on the appropriate form when the donated leave specifically designated for use by another employee has been used or if the amount of leave donated is in excess of the amount approved for use by the recipient. Excess leave must be restored to the account of the donor within 30 working days after the last day on which the recipient was eligible to receive catastrophic leave. *If a donor has separated from State service prior to the restoration of the excess leave, the excess leave shall be donated to the account for catastrophic leave of the appointing authority of the donor when the donation of leave was made.*

~~[8]~~ 7. The appointing authority shall provide the following information on a calendar year basis or as requested by the Director:

(a) Each employee under its authority, identified by a number assigned in accordance with subsection 9, donating or using catastrophic leave, his or her grade and rate of pay and the number of hours and dollar value of the leave donated, excluding any excess leave restored to the account of a donor, pursuant to subsection 7, or used by the employee;

(b) The period and nature of the disability for each employee using catastrophic leave; and

(c) ~~[A comparison of the average dollar value of the accounts for catastrophic leave based on the average rate of pay of the donors and the average dollar value of the leave taken by the recipients.]~~

~~[9]~~ 8. The appointing authority shall assign numbers to employees for the purposes of subsection 8 in a sequential order and in such a manner that ensures the confidentiality of the identity of those employees.

~~[10]~~ 9. Hours donated to an account for catastrophic leave must be donated in increments of 8 hours.

~~[11]~~ 10. As used in this section, "immediate family" has the meaning ascribed to it in NAC 284.562.

(Added to NAC by Dep't of Personnel, eff. 10-18-89; A 8-14-90; 3-23-94; R146-01, 1-18-2002; A by Personnel Comm'n by R145-05, 12-29-2005)