

**PROPOSED REGULATION OF THE BOARD OF THE  
PUBLIC EMPLOYEES' BENEFITS PROGRAM**

**LCB File No. R101-13**

**NRS 287.045 Persons eligible to participate in Program; limited affiliation period.**

1. Except as otherwise provided in this section, every state officer or employee is eligible to participate in the Program on *the first day of the month following the completion of 90 days of full-time employment.*

2. Professional employees of the Nevada System of Higher Education who have annual employment contracts are eligible to participate in the Program on:

(a) The effective dates of their respective employment contracts, if those dates are on the first day of a month; or

(b) The first day of the month following the effective dates of their respective employment contracts, if those dates are not on the first day of a month.

3. Every officer or employee who is employed by a participating local governmental agency on a permanent and full-time basis on the date on which the participating local governmental agency enters into an agreement to participate in the Program pursuant to paragraph (a) of subsection 1 of NRS 287.025, and every officer or employee who commences employment with that participating local governmental agency after that date, is eligible to participate in the Program on *the first day of the month following the completion of 90 days of full-time employment*, unless that officer or employee is excluded pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.

4. Every member of the Senate and Assembly is eligible to participate in the Program on *the first day of the month following the 90th day after the member's initial term of office begins.*

5. Notwithstanding the provisions of subsections 1, 3 and 4, if the Board does not, pursuant to NRS 689B.580, elect to exclude the Program from compliance with NRS 689B.340 to 689B.590, inclusive, and if the coverage under the Program is provided by a health maintenance organization authorized to transact insurance in this State pursuant to chapter 695C of NRS, any affiliation period imposed by the Program may not exceed the statutory limit for an affiliation period set forth in NRS 689B.500.

(Added to NRS by 1963, 1320; A 1965, 124, 1026; 1967, 1581; 1969, 466, 1428; 1981, 222; 1985, 622; 1989, 1966; 1993, 385, 876; 1995, 1958; 1997, 2961; 1999, 3034; 2001, 216, 954, 1926; 2001 Special Session, 96; 2003, 3254, 3269; 2007, 2879; 2009, 1592)

*(emphasis added)*

As amended in R109-12:

**NAC 287.150 "Full-time employment" interpreted; consideration of certain employees of Nevada System of Higher Education as state employee participants.** (NRS 287.043, 287.045)

As used in NRS 287.045, the Board interprets "full-time employment" to mean the employment, election or appointment by a participating public agency of a person who:

1. *In any calendar month, works as a public employee or officer at least 80 hours. The Board will consider such full-time employment to commence at the beginning of the month in which the public employee or officer works 80 hours.*

2. Is elected or appointed as a public officer who receives any compensation regardless of the number of hours worked. The Board will consider such full-time employment to commence at the beginning of the month in which the person's term of service or term of office begins.

(Added to NAC by Com. on Benefits, eff. 5-4-92; A by Bd. of Pub. Employees' Benefits Prog. by R126-00, 12-22-2000, eff. 1-1-2001; R154-03, 3-22-2004; R089-05, 6-28-2006; R126-07, 1-30-2008; R109-12, 12-20-2012)

*(emphasis added)*

Proposed new regulation effective May 1, 2014:

Section 1:

1. *Except as otherwise provided in sections 2 and 5 of NRS 287.045, every state officer or employee is eligible to participate in the Program on the first day of the month following the completion of 58 days of full-time employment.*
2. *Every officer or employee who is employed by a participating local governmental agency on a permanent and full-time basis on the date on which the participating local governmental agency enters into an agreement to participate in the Program pursuant to paragraph (a) of subsection 1 of NRS 287.025, and every officer or employee who commences employment with that participating local governmental agency after that date, is eligible to participate in the Program on the first day of the month following the completion of 58 days of full-time employment, unless that officer or employee is excluded pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.*
3. *Every member of the Senate and Assembly is eligible to participate in the Program on the first day of the month following the 58th day after the member's initial term of office begins.*
4. *This regulation is effective May 1, 2014.*