

Chapter 284 of NAC

EMERGENCY REGULATION OF THE
PERSONNEL COMMISSION

LCB File No. E005-15

(Effective for 120 days after July 1, 2015)

NAC 284.448 Time not counted toward completion of probationary period. (NRS 284.065, 284.155, 284.290) The following types of leave or temporary status do not count toward the completion of any probationary period:

1. Authorized military leave for active service, as set forth in subsection 8 of NAC 284.444.
2. Authorized military leave for training beyond the 15 paid working days in ~~any 1 calendar year, as set forth in subsection 8 of NAC 284.444.~~ *a 12-month period pursuant to NRS 281.145.*
3. Except as otherwise provided in NAC 284.580, any leave without pay and catastrophic leave, combined, in excess of 240 hours or, in the case of an exempt classified employee, 30 working days, in a year if the regular work schedule of the employee is 80 hours or less biweekly. If the regular work schedule of an employee is more than 80 hours biweekly, the employee must be allotted additional leave without pay and catastrophic leave in proportion to the number of hours his or her regular work schedule exceeds 80 hours biweekly. As used in this subsection, "year" means a period equal to 12 months of full-time equivalent service measured backward from the employee's pay progression date.
4. Time which is served in a temporary position pursuant to NAC 284.414.
5. Any hours worked which exceed 40 in a week.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 5-27-86; 3-27-92; 9-16-92; 11-16-95; 3-1-96; R147-01, 1-22-2002; A by Personnel Comm'n by R182-03, 1-27-2004; R141-07, 1-30-2008)

**NEVADA PERSONNEL COMMISSION'S
STATEMENT OF EMERGENCY**

WHEREAS, the Nevada Personnel Commission ("Commission") has convened this public meeting for the purpose of considering the adoption of the foregoing Emergency Regulation, which relates to the effect of military leave with pay on probationary period;

WHEREAS, the Commission finds that an emergency exists insofar as the need for swift action resulting from the implementation of the 12-month period for each agency during which an officer or employee of the agency is eligible to take military leave on July 1, 2015 does not leave adequate time for the Commission to use the procedures mandated by Chapter 233B of the NRS for amending a permanent regulation;

NOW THEREFORE, the Commission hereby adopts the following Emergency Regulation which shall be effective on July 1, 2015 upon the endorsement by the Governor and filing with the Secretary of State.

FOR THE COMMISSION:

/s/
KATHERINE FOX, Chairman
Nevada Personnel Commission

June 19, 2015
Date

GOVERNOR'S ENDORSEMENT

I, Governor Brian Sandoval, endorse the Nevada Personnel Commission's foregoing Statement of Emergency.

/s/
BRIAN SANDOVAL
Governor of Nevada

June 23, 2015
Date

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
Emergency Regulations

1. A clear and concise explanation of the need for the adopted regulation.

The amendments to these regulations remove language that has become obsolete due to amendments to NRS 281.145 in A.B. 388 of the 2015 Legislative Session. A.B. 388 requires the Personnel Commission to stipulate the 12-month period that State agencies will use to determine an employee's eligibility for military leave. The proposed amendment to this regulation will retain the calendar year previously included in NRS 281.145 except for the Office of the Military which will use the federal fiscal year time frame for eligibility purposes due to the funding source of some positions.

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

On June 11, 2015, copies of the proposed regulation amendments were sent by email to persons who were known to have an interest in the subject of proposed personnel regulation changes as well as any person who had specifically requested such notice via Listserv. These documents were also made available on the Division of Human Resource Management website, Nevada Public Notice website, e-mailed to all county libraries in Nevada, and posted at the following locations:

Blasdel Building
209 E. Musser Street
Carson City, NV 89701

Nevada State Library and
Archives
100 Stewart Street
Carson City, NV 89701

Grant Sawyer State Office Bldg.
555 E. Washington Blvd.
Las Vegas, NV 89101

Capitol Building
Main Floor
Carson City, NV 89701

There was no pertinent comments from the public at the Personnel Commission meeting on June 19, 2015.

A summary of the meeting can be obtained from the Division of Human Resource Management by contacting Shelley Blotter at sblotter@admin.nv.gov or calling (775) 684-0105.

3. The number of persons who:

- (a) Attended each hearing:** June 19, 2015 - 26
- (b) Testified at each hearing:** June 19, 2015 - 0
- (c) Submitted written comments:** 0

4. **A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented , for each person identified above in #3, as provided to the agency is attached as Exhibit A.**

N/A

5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were not solicited from businesses, as the regulation does not affect businesses. Comments were solicited from effected parties including employees and employee associations. No written comments were received.

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

No opposition to the regulation was received at the Personnel Commission hearing.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**
 - (a) **Both adverse and beneficial effects; and**
 - (b) **Both immediate and long-term effects.**

This regulation does not have a direct economic effect on either a regulated business or the public.

8. **The estimated cost to the agency for enforcement of the proposed regulation:**

There is no additional cost to the agency for enforcement of this regulation.

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

The regulations do not overlap or duplicate any State or federal regulations.

10. **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 amendments proposed are not more stringent than the federal regulation pertaining to the military.

- 11. 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.**

No fees are associated with this regulation.