

**REVISED PROPOSED REGULATION OF THE  
PERSONNEL COMMISSION**

**LCB File No. R024-16**

August 2, 2016

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

AUTHORITY: §§1 and 2, NRS 284.065 and 284.345.

A REGULATION relating to state personnel; revising provisions governing credit for annual leave and sick leave given to certain former employees of the Nevada System of Higher Education who transfer to the nonclassified, classified or unclassified service; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Personnel Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations governing the State Personnel System. (NRS 284.065)

Existing regulations provide the method for determining the amount of annual leave and sick leave that a former unclassified employee of the Nevada System of Higher Education (NSHE) is entitled to transfer to the employee’s new appointment in the classified or unclassified service governed by the Personnel Commission if that new appointment occurs without a break in service. (NAC 284.5405, 284.551) Specifically, the former employee of NSHE is allowed to transfer the amount of annual leave and sick leave that would have accrued to him or her as a classified or unclassified employee governed by the Personnel Commission less any annual leave or sick leave which he or she used during his or her position as an unclassified employee of NSHE.

**Sections 1 and 2** of this regulation amend existing regulations to provide that such a transfer applies to former employees of NSHE. Specifically, **sections 1 and 2** provide that if an employee occupying a position within NSHE is appointed without a break in service to the nonclassified, classified or unclassified service, his or her annual leave and sick leave will be transferred to the new appointment.

**Section 1.** NAC 284.5405 is hereby amended to read as follows:

284.5405 1. Except as otherwise provided in this section, any employee who returns to state service following a separation is eligible to accrue annual leave based on his or her total

service with the State after he or she has completed 3 years of continuous service. The employee must requalify after each break in service.

2. An employee who is rehired within 1 year after being laid off accrues annual leave at a rate based on his or her total state service. He or she may use the annual leave immediately upon accruing it if he or she has completed a total of 6 months of employment.

3. An employee with a permanent disability arising from a work-related injury or occupational disease who is reemployed following a separation from state service within 1 year after the date on which he or she sustained the permanent disability as determined pursuant to NAC 284.6013 accrues annual leave at a rate based on his or her total state service. He or she may use the annual leave immediately upon accruing it if he or she has completed a total of 6 months of employment.

4. An employee who is rehired within 1 year after being laid off is entitled to buy back the balance of the annual leave for which he or she received payment in a lump sum on the date of the layoff. The rate of pay at which he or she is rehired applies to the buying back of annual leave.

5. An employee with a permanent disability arising from a work-related injury or occupational disease who is reemployed following a separation from state service within 1 year after the date on which he or she sustained the permanent disability as determined pursuant to NAC 284.6013 is entitled to buy back the balance of the annual leave for which he or she received payment in a lump sum at the time of separation. The rate of pay at which he or she is reemployed applies to the buying back of annual leave.

6. If an employee who was laid off before completing 6 months of employment is rehired within 1 year after the layoff, the amount of the unpaid annual leave he or she had earned before the layoff must be restored.

7. If a person eligible for military reemployment is reemployed, he or she accrues annual leave at the rate which he or she would have earned if he or she had not left state service.

8. If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority, the balance of the employee's annual leave is charged to the agency to which he or she is appointed.

9. If a nonclassified employee, an ~~unclassified~~ employee ~~of~~ *occupying a position within* the Nevada System of Higher Education , or an employee included in the State Personnel System pursuant to NRS 284.022 is appointed without a break in service to the *nonclassified*, classified or unclassified service, his or her annual leave ~~must be recomputed to reflect the amount that would have accrued to him or her as a classified or unclassified employee less any annual leave which he or she used during his or her nonclassified, Nevada System of Higher Education or governmental agency employment, and the remaining balance~~ will be transferred to the new appointment. The amount of annual leave transferred by the employee pursuant to this subsection may not exceed the maximum amount which is permitted by the classified or unclassified rate of accrual as set forth in NRS 284.350 and NAC 284.538. The agency to which the employee is appointed is not responsible for payment of any annual leave in excess of the amount which is transferable. It is the responsibility of the employee who is transferring annual leave to seek payment of any excess amount of annual leave remaining to his or her credit from his or her former employer. ~~If the amount of annual leave which is recomputed pursuant to this subsection~~

~~results in a negative amount, the employee will begin the new appointment in the classified or unclassified service without any hours of annual leave.~~

**Sec. 2.** NAC 284.551 is hereby amended to read as follows:

284.551 1. An employee who is rehired within 1 year after he or she is laid off is entitled to the restoration of the accrued and unused sick leave remaining in his or her account at the time of the layoff.

2. The balance of a seasonal employee's sick leave must be restored to him or her for each subsequent term of appointment if the employee is rehired within 1 year after the date of his or her last seasonal separation.

3. An employee who is reemployed within 1 year after sustaining a permanent disability arising from a work-related injury or occupational disease as determined pursuant to NAC 284.6013 is entitled to restoration of the accrued and unused sick leave that remained in his or her account at the time of separation.

4. If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority, the balance of his or her sick leave is charged to the agency to which he or she is appointed.

5. If a nonclassified employee, an ~~unclassified~~ employee ~~of~~ *occupying a position within* the Nevada System of Higher Education, or an employee covered by NRS 284.022 is appointed to the *nonclassified*, classified or unclassified service without a break in service, his or her sick leave ~~must be recomputed to reflect the amount that would have accrued to him or her as a classified or unclassified employee less any sick leave which he or she used during his or her nonclassified, Nevada System of Higher Education or governmental agency employment and the remaining balance~~ will be transferred to the new appointment. ~~If the amount of sick leave~~

~~which is recomputed pursuant to this subsection results in a negative amount, the employee will begin the new appointment in the classified or unclassified service without any hours of sick leave.]~~