

**PROPOSED REGULATION OF THE
OF THE PERSONNEL COMMISSION**

LCB FILE NO. R088-17I

**The following document is the initial draft regulation proposed
by the agency submitted on 08/31/2017**

Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, amends NAC 284 by adding a new section to define “spouse” to include an individual who is in a marriage or who is in a domestic partnership, pursuant to the relevant statutes. This term is used throughout NAC 284, particularly as it relates to filling vacancies and attendance and leave regulations.

NEW “Spouse” defined. “Spouse” means a person who has entered into a marriage as provided by NRS 122.010 or a domestic partnership as provided by NRS 122A.100 or 122A.500 and the union has not been dissolved.

Section 2. NAC 284.114 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, amends NAC 284.114 to include that a “domestic partnership” may not be used as a basis for discrimination in the personnel management system in the State of Nevada. This amendment is based on NRS 122A.200, which states that a public agency in the State of Nevada shall not discriminate against a person on the basis that the person is a domestic partner rather than a spouse. The definition of “domestic partnership,” pursuant to NRS 122A.040, has also been included in this amendment.

NAC 284.114 Affirmative action program and equal employment opportunity. (NRS 284.065)

1. The Division of Human Resource Management is responsible for establishing, coordinating and evaluating an affirmative action program for this State.

2. The Division of Human Resource Management will cooperate and consult with agencies to:

(a) Identify barriers in the personnel management system which may adversely affect the ability of applicants and employees to reach their full employment potential without regard to race, sex, sexual orientation, gender identity or expression, religion, color, national origin, age, genetic information ~~+~~, disability ~~+~~, *or domestic partnership.*

(b) Coordinate programs to remove barriers to equal employment opportunity while ensuring the effectiveness of the merit system and the opportunity for persons to enter the system and progress in it to the extent of their merit.

3. As used in this section, “gender identity or expression” has the meaning ascribed to it in NRS 281.370.

4. As used in this section, “domestic partnership” has the meaning ascribed to it in NRS 122A.040.

[Personnel Div., Rule I § C, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; 7-6-92; R098-99, 9-27-99; A by Personnel Comm’n by R055-10, 6-30-2010; R023-11, 10-26-2011)

Section 3. NAC 284.2508 is hereby amended to read as follows:

Explanation of Proposed Change: Senate Bill 361 of the 2017 Legislative Session amends NRS 613 to require an employer to provide accommodations to an employee who is a victim of domestic violence or whose family or household member is a victim of domestic violence. These accommodations could include the movement of the employee's desk or office, a modified work schedule, a new telephone number, or anything else that would not create an undue hardship for the employer. This bill also amends NRS 613 to make it unlawful for an employer to discharge, discipline, discriminate against in any manner or deny promotion, or threaten such action, any employee who has requested accommodations as listed above, requested leave pursuant to section 1 of the bill, attended court proceedings, or has an act of violence committed against them at the employee's workplace.

This amendment, proposed by the Division of Human Resource Management, allows the approval of accrued compensatory leave, if available, to an employee who has been employed for at least 90 calendar days, and who is a victim of domestic violence. The regulation also allows the approval of accrued compensatory leave, if available, to an employee who has been employed for at least 90 calendar days when his or her spouse, domestic partner, minor child, certain other family members, or a member of his or her household is a victim of domestic violence. The maximum allowable amount of a combination of all leave types (annual, sick, leave without pay and compensatory leave) is 160 hours in a 12-month period, which begins at the time the domestic violence occurs.

NAC 284.2508 Compensatory time: Use. (NRS 284.065, 284.155, 284.175, 284.345)

1. At the direction of the appointing authority, compensatory time must be used within a reasonable time after it is accrued.

2. Unless it would cause an undue hardship to the agency, a request for the use of compensatory time may not be unreasonably denied if the request is made at least 2 weeks in advance of the first date on which the employee wishes to use his or her compensatory time.

3. Unless it would cause an employee to forfeit an amount of annual leave pursuant to subsection 2 of NRS 284.350, an employee must, to the extent possible, exhaust his or her compensatory time before he uses his or her available annual leave.

4. An appointing authority shall approve a request for compensatory time of an employee who is the victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator if:

(a) The employee has been employed in public service for at least 90 days;

(b) The employee has accrued the amount of compensatory time necessary to cover the time requested; and

(c) The combination of all leave taken by the employee for this purpose, does not exceed 160 hours in the 12-month period immediately following the date on which the act which constitutes domestic violence occurred.

(Added to NAC by Dep't of Personnel by R147-01, eff. 1-22-2002)