

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

LCB FILE NO. R166-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/26/2018**

Section 1. NAC 284.468 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management upon input from the Office of the Governor’s HR Working Group, revises the terms previously used to define “job elements,” to include the new terms to be used in the revised process to complete reports on performance of State of Nevada classified employees.

NAC 284.468 Standards for performance of work. (NRS 284.065, 284.155, 284.335)

1. A standard for the performance of work is a written statement prepared on a form prescribed by the Division of Human Resource Management of the results or behavior, or both, expected of an employee when the job elements of the employee’s position are satisfactorily performed under existing working conditions. Standards are required for all classified positions.

2. The appointing authority is responsible for ensuring that each position has standards and that each employee is evaluated using those standards. The supervisor has responsibility for establishing the initial standards, but the employee must be given the opportunity to provide comments when the standards for his or her position are revised.

3. The appointing authority has final approval of the standards for a position.

4. Standards must be reviewed annually and amended when appropriate.

5. Each employee must be provided with a copy of the standards for his or her position.

6. As used in this section, “job elements” means the ~~principal assignments, job tasks, goals, objectives, responsibilities or related factors, or any combination thereof.~~ *quality of work, quantity of work, work habits, relationships with people, taking action independently, meeting work commitments, and analyzing situations and materials. This term also includes supervising the work of others and personnel management practices when assigned.*

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 8-28-85; A by Personnel Comm’n by R038-03 & R068-03, 10-30-2003)

Sec. 2. NAC 284.576 is hereby amended to read as follows:

Explanation of Proposed Change: Senate Bill 361 of the 2017 Legislative Session amends NRS

613, in part, to make it unlawful for an employer to discharge, discipline, or discriminate against in any manner or deny promotion, or threaten such action, any employee who has requested accommodations, 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, requires the approval of catastrophic leave to an employee who is eligible for catastrophic leave and is not the alleged perpetrator, who has been employed for at least 90 calendar days, and who is a victim of domestic violence. The regulation also requires the approval of catastrophic leave to an employee who is eligible for catastrophic leave and has been employed for 90 calendar days when his or her family or household member who meets the definition of “immediate family” pursuant to NAC 284.562 is a victim of domestic violence. Approval of catastrophic leave would be conditioned upon the employee otherwise meeting the requirements for catastrophic leave, and an appointing authority may require that an employee submit substantiating information

proving that the immediate family member requires the employee's attendance. The maximum allowable amount of leave is 160 hours in a 12-month period, including any combination of applicable leave types (e.g., annual, sick, compensatory time, leave without pay). The 12-month period begins at the time the domestic violence occurs.

The removal of subparagraph (b) of subsection 7 will no longer require agencies to report on the nature of the disability because the Division feels the information can remain at the agency level, and it is not necessary for the Division to obtain.

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. Pursuant to subsection 1, an appointing authority shall approve catastrophic leave, upon request, to an employee who is eligible to receive catastrophic leave pursuant to NRS 284.362 to 284.3629, inclusive, and NAC 284.575, and is a victim of an act which constitutes domestic violence or whose family member who meets the definition of immediate family member pursuant to NAC 284.562 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; and

(b) 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.

↪ The appointing authority may require substantiating evidence that the immediate family member requires the employee's attendance before the approval of catastrophic leave.

~~2.~~ 3. 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.~~ 4. 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.~~ 5. 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.~~ 6. 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.

~~¶6.¶~~ **7.** 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. Except as otherwise provided in this subsection, 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 the donor is separated from state service before the excess leave is restored pursuant to this subsection, the excess leave must be transferred to the account for catastrophic leave of the appointing authority of the donor when the donation of leave was made.

~~¶7.¶~~ **8.** The appointing authority shall provide the following information on a calendar year basis or as requested by the Administrator:

(a) Each employee under its authority, identified by a number assigned in accordance with subsection 8, 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 6, or used by the employee ~~¶; and~~

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

~~¶8.¶~~ **9.** The appointing authority shall assign numbers to employees for the purposes of subsection 7 in a sequential order and in such a manner that ensures the confidentiality of the identity of those employees.

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

~~¶10.¶~~ **11.** 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; R136-12, 10-4-2013)