

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

LCB FILE NO. R016-19I

**The following document is the initial draft regulation proposed
by the agency submitted on 07/01/2019**

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, breaks out subsections 5 and 6 of NAC 284.589 into a new regulation. NAC 284.589 has been amended many times and has grown quite lengthy. The intent of this new regulation is to include the situations in which administrative leave *shall* be granted into a separate regulation. NAC 284.589 is also proposed to be amended to include only the situations in which administrative leave *may* be granted.

Also added to this regulation is a clarification that participation as a member of a committee or board includes preparation for the meeting such as reading and reviewing related documents.

NEW Required administrative leave with pay.

1. An appointing authority shall grant administrative leave with pay to an employee for any of the following purposes:

(a) The initial appointment and one follow-up appointment if the employee receives counseling through an employee assistance program, including, without limitation, consultations provided in person or telephonically.

(b) His or her attendance at a health fair or related event coordinated by the Public Employees' Benefits Program.

(c) His or her participation in an official capacity as a member of a committee or board created by statute on which he or she serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board. As used in this section, "participation" also includes the time spent reading and reviewing documentation submitted in connection with meeting agenda items.

(d) Up to 8 hours for preparation for any predisciplinary review.

(e) Up to 8 hours for preparation for any hearing described in paragraph (f).

(f) The appearance of the employee as a party at a hearing regarding:

(1) An alleged reprisal or retaliatory action against the employee for disclosing an improper governmental action as provided in NRS 281.641;

(2) An involuntary transfer of the employee as provided in NRS 284.376; or

(3) A suspension, demotion or dismissal of the employee as provided in NRS 284.390 and at a predisciplinary review as provided in NAC 284.6561.

2. An appointing authority or the Division of Human Resource Management shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (h), (i) or (j) of subsection 4 of NAC 284.589 if:

(a) The employee requests the administrative leave for a period of time that is reasonably needed to testify at the hearing or meeting;

(b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and

(c) The absence of the employee will not cause an undue hardship to the operations of the appointing authority or adversely impact the provision of services to clients or to the public.

Sec. 2. NAC 284.589 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, breaks out subsections 5 and 6 of NAC 284.589 into a new regulation. NAC 284.589 has been amended many times and has grown lengthy. The intent of the amendments is to include only the situations in which administrative leave *may* be granted. A new regulation is also proposed to include the situations in which administrative leave *shall* be granted.

Additionally, the amendments move the donation of blood and attendance at a general employee benefits orientation into subsection 4 so that the employee is not required to be available by phone or working at another location pursuant to subsection 3.

Finally, this amendment will allow employees who are veterans to request up to 2 hours of administrative leave to attend veterans and military events sponsored by the Legislature. Assembly Bill 62 of the 2015 Legislative Session established “Veteran’s Day at the Legislature,” and allowing the approval of administrative leave for employees who are veterans as intended to support participation by such individuals.

NAC 284.589 ~~Administrative~~ *Permissive administrative* leave with pay. (NRS 284.065, 284.155, 284.345, 284.383, 284.385, 284.390)

1. An appointing authority may grant administrative leave with pay to an employee:

(a) To relieve the employee of his or her duties during the active investigation of a suspected criminal violation or the investigation of alleged wrongdoing;

(b) For up to 30 days when the appointing authority initiates the leave to obtain the results of an examination concerning the ability of the employee to perform the essential functions of his or her position;

(c) For up to 30 days to remove the employee from the workplace when he or she has committed or threatened to commit an act of violence; *or*

~~(d) For up to 2 hours to donate blood;~~

~~(e)~~ *(d)* To relieve the employee of his or her duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065. ~~†; or~~

~~(f) To attend a general employee benefits orientation or an educational session relating to employee benefits, including, without limitation, retirement and deferred compensation.~~

2. The appointing authority, upon approval of the Risk Management Division, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.

3. If an employee is granted administrative leave with pay pursuant to subsection 1 or 2, the employee must be available:

(a) By telephone to the supervisor of the employee; and

(b) To report to a work site or another location, as directed by the supervisor of the employee, → during regular business hours.

4. Except as otherwise provided in subsection ~~†5~~ *2 of NEW NAC*, an appointing authority or the Division of Human Resource Management may grant administrative leave with pay to an employee for any of the following purposes:

(a) His or her participation in, or attendance at, activities which are directly or indirectly related to the employee's job or employment with the State but which do not require him or her to participate or attend in an official capacity as a state employee.

(b) His or her safety during an emergency when employees have been authorized by the Governor not to report to work or to leave work before the end of their shifts during the emergency, including, without limitation, emergencies relating to enemy attacks or other hostile actions, natural causes or other catastrophes, except for employees who are designated as essential and notified that they are required to report to work or remain at work.

(c) Closure of the employee's office or work site caused by a natural disaster, pandemic or other similar adverse condition when the employee is scheduled and expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(d) Closure, as a result of a pandemic, of a school or a center or facility that provides day care services which is attended by the employee's dependent child or the temporary cancellation, as a result of a pandemic, of a program attended by the employee's dependent child. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(e) For up to 2 hours to attend veterans or military events sponsored by the Legislature for an employee who is a veteran.

(f) For up to 2 hours to donate blood.

(g) To attend a general employee benefits orientation or an educational session relating to employee benefits, including, without limitation, retirement and deferred compensation.

~~[(e)]~~ *(h)* His or her appearance as an aggrieved employee, an employee who filed a complaint described in NAC 284.658 or a witness at a hearing of the Committee.

~~[(f)]~~ *(i)* His or her appearance as a witness at a hearing regarding a matter described in subparagraph (1), (2) or (3) of paragraph (f) of subsection ~~†6~~:

~~—(g)† 1 of NEW NAC.~~

(j) His or her appearance to provide testimony at a meeting of the Commission.

~~†5. An appointing authority or the Division of Human Resource Management shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (e), (f) or (g) of subsection 4 if:~~

~~—(a) The employee requests the administrative leave for a period of time that is reasonably needed to testify at the hearing or meeting;~~

~~—(b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and~~

~~—(c) The absence of the employee will not cause an undue hardship to the operations of the appointing authority or adversely impact the provision of services to clients or to the public.~~

~~—6. An appointing authority shall grant administrative leave with pay to an employee for any of the following purposes:~~

~~—(a) The initial appointment and one follow-up appointment if the employee receives counseling through an employee assistance program, including, without limitation, consultations provided in person or telephonically.~~

~~—(b) His or her attendance at a health fair or related event coordinated by the Public Employees' Benefits Program.~~

~~—(c) His or her participation in an official capacity as a member of a committee or board created by statute on which he or she serves as a representative of state employees. Such leave must be in~~

~~lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.~~

~~—(d) Up to 8 hours for preparation for any predisciplinary review.~~

~~—(e) Up to 8 hours for preparation for any hearing described in paragraph (f).~~

~~—(f) The appearance of the employee as a party at a hearing regarding:~~

~~———(1) An alleged reprisal or retaliatory action against the employee for disclosing an improper governmental action as provided in NRS 281.641;~~

~~———(2) An involuntary transfer of the employee as provided in NRS 284.376; or~~

~~———(3) A suspension, demotion or dismissal of the employee as provided in NRS 284.390 and at a predisciplinary review as provided in NAC 284.6561.]~~

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-20-90; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 9-13-91; 12-26-91; 11-12-93; 3-23-94; 11-16-95; 10-27-97; R042-99, 9-27-99; R058-01, 9-6-2001; A by Personnel Comm'n by R038-03, 10-30-2003; R183-03, 1-27-2004; R145-05, 12-29-2005; R141-07, 1-30-2008; R061-09 & R081-09, 10-27-2009; R063-09, 11-25-2009; R058-10, 10-15-2010; R137-13, 6-23-14; R042-15, 12-21-2015; R033-17, 10-31-2017; R150-17, 6-26-2018)