

**CORRECTED ADOPTED EMERGENCY REGULATION  
OF THE PERSONNEL COMMISSION**

**LCB FILE NO. E001-21CA**

**The following document is an emergency regulation submitted  
by the agency on 01/12/2021**

**LCB File No. E001-21**

**NEW Furlough leave.**

1. An appointing authority may establish a policy that defines the minimum increment of furlough leave required to be taken at any one time by an employee of the appointing authority if the appointing authority determines that the minimum increment is necessary based on business necessity. The policy may provide different increments for employees in different divisions, locations or work groups based on business necessity. The appointing authority shall disseminate the policy to each employee under its authority who is required to take furlough leave.

2. The total number of hours of furlough leave required to be taken in a fiscal year by an employee who is initially appointed to state service after January 1, 2021 is:

(a) For a full-time employee, the equivalent of 8 hours of furlough leave for each full month remaining in the fiscal year.

(b) For a part-time employee, the equivalent of the portion of 8 hours of furlough leave for each full month remaining in the fiscal year that is proportional to the average number of hours worked by the part-time employee.

↪ If such an employee is appointed to state service on a day other than the first day of a month, the month in which the employee is appointed is not included in the calculation set forth in this subsection.

3. To the extent practicable, an employee who is required to take furlough leave and his or her supervisor shall jointly determine in advance a schedule pursuant to which the employee will take furlough leave. If, because of business necessity, such a schedule cannot be mutually agreed upon, a supervisor may direct an employee to take furlough leave on a specific day or at a specific time, or both.

4. Movement of an employee from one position to another position must not alter the amount of furlough leave required to be taken by the employee.

5. The amount of furlough leave that an employee is required to take must not be offset by any savings realized as a result of a delay in filling the position that the employee holds.

6. An appointing authority shall not require or allow an employee to take more than 12 hours of furlough leave in a ~~[workweek.]~~ *pay week*.

7. ~~{Unless approved in advance by the Administrator of the Division of Human Resource Management and the Director of the Department of Administration or their designated representatives or, in the case of employees of the Nevada System of Higher Education, by the chief financial officer of the applicable institution, an}~~ *An* appointing authority shall not require or allow an employee to work additional time during the same ~~[workweek]~~ *pay week* in which the employee takes furlough leave if the additional time would be:

(a) Overtime for which the employee would be entitled to be compensated; or

(b) Added regular time for work as a part-time employee.

↪ *Unless any position, positions or class codes are specifically exempted by the Governor's Office or Governor's Finance Office or, in the case of the Nevada System of Higher Education, the Chief Financial Officer.*

8. An employee who leaves state service will not be reimbursed for any furlough leave taken.

9. Any furlough leave taken by an employee must be considered time worked for the purpose of calculating the employee's eligibility to take leave under the federal Family and Medical Leave Act. Any furlough leave that is taken during the time in which an employee takes leave that qualifies under the Family and Medical Leave Act will not be counted against the amount of leave which an employee is entitled to take under the Family and Medical Leave Act.

10. As used in this section, "furlough leave" means the unpaid leave required to be taken pursuant to the provisions of chapter 5, Statutes of Nevada 2020, at page 94.

88Steve Sisolak  
Governor



Laura E. Freed  
Director

Colleen Murphy  
Deputy Director

Peter Long  
Administrator

**STATE OF NEVADA**  
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**MEMORANDUM**

January 11, 2021

**TO:** Angela Hartzler, Deputy Administrator Legal Division  
Legislative Counsel Bureau

**FROM:** Michelle Garton, Deputy Administrator   
Division of Human Resource Management

**SUBJECT:** LCB File No. E001-21

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A regulation to bring Chapter 284 of the Nevada Administrative Code into alignment with A.B. 3 of the 31<sup>st</sup> Special Session of the Nevada Legislature related to furlough leave was adopted by the Personnel Commission on December 4<sup>th</sup> as an emergency regulation and was filed with the Secretary of State, effective on January 7, 2021. The changes indicated on the attached document are intended to correct agency information in subsection 7, as well as to provide clarifying requirements.

If you have any questions regarding this matter, please contact Michelle Garton at (775) 684-0136 or [mgarton@admin.nv.gov](mailto:mgarton@admin.nv.gov).

Attachment