

**ADOPTED TEMPORARY REGULATION OF THE
PERSONNEL COMMISSION**

LCB FILE NO. T003-21A

**The following document is an adopted temporaryw regulation submitted
by the agency on 03/31/2021**

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 pay week.*

7. *An appointing authority shall not require or allow an employee to work additional time during the same 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.

LEGISLATIVE REVIEW OF ADOPTED TEMPORARY REGULATIONS
NRS 233B.066
Informational Statement
LCB File No. E001-21

1. A clear and concise explanation of the need for the adopted temporary regulation.

A regulation to bring Chapter 284 of the Nevada Administrative Code into alignment with A.B. 3 of the 31st Special Session of the Nevada Legislature related to furlough leave was adopted by the Personnel Commission on December 4, 2020 as an emergency regulation and was filed with the Secretary of State, effective on January 7, 2021.

The regulation requires each employee to take 48 hours of unpaid furlough leave beginning January 2, 2021 and ending June 30, 2021. The emergency regulation expires prior to the ending date of June 30, 2021. Therefore, the regulation was adopted by the Personnel Commission on March 19, 2021 as a temporary regulation to ensure its effectiveness through June 30, 2021. The changes indicated on the attached document (LCB File #E001-21) are intended to correct agency information in subsection 7, as well as to provide clarifying requirements.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

On December 22, 2020, copies of the proposed regulation amendments were sent by email to persons who were known to have an interest in the subject of proposed personnel regulation changes as well as any person who had specifically requested such notice via Listserv. These documents were also made available on the Division of Human Resource Management's website, the Nevada Public Notice website, and the Legislative Counsel Bureau's website.

A regulation workshop was conducted by the Division of Human Resource Management on January 20, 2021 and a public hearing was held by the Nevada Personnel Commission on March 19, 2021.

No comments opposing the temporary adoption of emergency regulation LCB File #E001-21 and the changes intended to correct agency information in subsection 7, as well as to provide clarifying requirements were received at the workshop.

At the public hearing, staff provided information regarding the intent and need for the regulation.

No comments were received at the public hearing regarding the temporary adoption of

emergency regulation LCB File #E001-21 and the changes intended to correct agency information in subsection 7, as well as to provide clarifying requirements.

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Denise Woo-Seymour at dseymour@admin.nv.gov or by calling (775) 684-0149.

3. **The number of persons who:**
 - (a) **Attended each hearing:** Teleconference Hearing
 - (b) **Testified at each hearing:** 1
 - (c) **Submitted written comments:** 0

4. **Following is a list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3(b):**

[Michelle Garton, MBA](#)

[Deputy Administrator](#)

[Employee & Management Services](#)

[Division of Human Resource Management](#)

[Desk: 775/684-0136](#)

mgarton@admin.nv.gov

5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were not solicited from businesses, as the regulation does not affect businesses. Comments were solicited from affected parties including employees and employee associations. Written minutes and comments from the workshop and public hearing can be obtained as instructed in the response to question #2.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

There was no opposition to the regulation at the Personnel Commission hearing.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**
 - (a) **Both adverse and beneficial effects; and**
 - (b) **Both immediate and long-term effects.**

There are no adverse or beneficial effects on regulated business and the public. There are no immediate or long-term effects on business and the public.

8. The estimated cost to the agency for enforcement of the proposed regulation:

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other State or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation does not overlap or duplicate any State or federal regulations.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The regulation does not include any provisions that are covered by any federal regulations.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

No fees are associated with this regulation.