

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

LCB FILE NO. R141-22I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/29/2022**

Explanation of Proposed Change: This amendment is in response to a recent decision out of the First Judicial District Court of the State of Nevada remanding the decision back to the Employee-Management Committee (EMC) to determine which activities performed before or after a regularly scheduled shift are compensable. Pursuant to NRS 284.065, the authority to adopt regulations lies with the Personnel Commission, and as such, the administrative regulation making process is appropriate to address the court's decision.

Section 1. NAC 284.524 is hereby amended as follows:

NAC 284.524 Reporting for work; workweeks and workdays; periods for meals and rest. (NRS 284.065, 284.155, 284.345)

1. An employee shall report for a work shift on time and ready to perform the duties and tasks assigned to his or her position.

2. A shift begins when an employee arrives at the entryway to his or her duty location and includes, but is not limited to, the time it takes an employee to travel to and from the entryway to his or her assigned workstation, the time it takes to conduct a pre- or post-shift briefing between arriving and departing staff, and other activities as required by an appointing authority.

~~12-1~~ 3. Except as otherwise provided in this subsection, the workweek for state employees is 40 hours. A workweek of a different number of hours may be established to meet the needs of state agencies in compliance with the provisions of NRS 281.100, 281.110 and 284.180. The workday for a full-time state employee who works a standard or nonstandard work schedule consists of two work periods separated by a 1/2- to 1-hour meal period. Insofar as practicable, the meal period must occur in the middle of the work shift. A rest period of 15 minutes must be granted for each 4-hour period of work and, except as otherwise provided in NAC 284.5242 and insofar as practicable, must occur in the middle of the period of work.

~~13-1~~ 4. Except as otherwise provided in subsections ~~14 and 5~~ 5 and 6, an appointing authority shall provide a meal period and rest period to an employee who has an innovative work schedule during each workday as follows:

(a) A 1/2- to 1-hour meal period must be provided during each period of work that exceeds 6 hours. Insofar as practicable, the meal period must occur in the middle of the work shift.

(b) A rest period of 15 minutes must be provided for each 4-hour period of work and, except as otherwise provided in NAC 284.5242 and insofar as practicable, must occur in the middle of the period of work.

~~14-1~~ 5. The requirement to relieve an employee for a 1/2- to 1-hour meal period does not apply to an employee who receives a paid meal period.

~~15-1~~ 6. The requirement for a rest period does not apply to an employee who works:

(a) Directly with the inmates at a correctional institution.

(b) For the Division of Public and Behavioral Health of the Department of Health and Human Services and who:

(1) Maintains or monitors the equipment in a heat plant which operates 24 hours a day; and

(2) Works a straight 8-hour work shift.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-20-90; 8-1-91; 11-12-93; R031-98, 4-17-98; R098-99, 9-27-99; A by Personnel Comm'n by R068-03, 10-30-2003; R145-05, 12-29-2005; R033-17, 10-31-2017)