

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066**  
**Informational Statement**  
**LCB File No. R017-16**

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

The amendments included in this LCB File are necessary to provide consistency between State and federal leave laws.

The three new regulations explain the interpretation of “child”, “parent,” and define “person standing in loco parentis” and “person who stood in loco parentis,” for use in the Attendance and Leaves section of NAC 284. These changes align the terms as used in NAC 284 with those used in the administration of Family and Medical Leave (FMLA). NAC 284.5811 requires, with few exceptions, an employee to use his or her applicable paid leave (e.g., sick leave) concurrent with the FMLA’s provisions. For that reason, differences in definitions of key terminology between the FMLA regulations, the U.S. Department of Labor Wage and Hour Division interpretations, and Nevada Administrative Code creates difficulty and potential liability in the administration of FMLA leave.

The amendment to NAC 284.5237 aligns the interpretation of “parent” by the Wage and Hour Division of the United States Department of Labor to the definition of “parent” as used in the Attendance and Leaves section of NAC 284. (See United States Department of Labor; Administrator’s Interpretation No. 2010-3; June 22, 2010; dol.gov.)

**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 August 31, 2016, 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, the Legislative Counsel Bureau’s website, and mailed to all county libraries in Nevada, and posted at the following locations:

Blasdel Building  
209 E. Musser Street  
Carson City, NV

Legislative Counsel Bureau  
401 S. Carson Street  
Carson City, NV

Nevada State Library and Archives  
100 N. Stewart Street  
Carson City, NV

Grant Sawyer Office Building  
555 E. Washington Avenue  
Las Vegas, NV

Nevada State Capitol Building  
101 N. Carson Street  
Carson City, NV

Regulation workshops were conducted by the Division of Human Resource Management on June 25, 2015, and on January 27, 2016. A public hearing was held by the Nevada Personnel Commission on September 30, 2016.

During the workshop held on June 25, 2015, comment was received from the Deputy Director, Department of Health and Human Services, who expressed concerns that patterning state regulations to match federal regulations may create confusion. As a result of this comment, the proposed regulation was restructured for the final version. Additionally, the Division will provide training and resource materials for ease of application of the regulation.

Additionally, comment was received from the Personnel Officer, Department of Corrections, regarding how an agency would document whether an employee had the day-to-day care or financial responsibility of a child. Staff explained this has not changed from how the regulation is currently administered, and the agency could take a statement either verbally or in writing.

No comment was received during the workshop held on January 27, 2016.

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

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Shelley Blotter at [sblotter@admin.nv.gov](mailto:sblotter@admin.nv.gov) or by calling (775) 684-0105.

3. **The number of persons who:**
  - (a) **Attended each hearing:** - 37
  - (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):**

Carrie Hughes, Personnel Analyst  
State of Nevada  
Department of Administration  
Division of Human Resource Management  
100 N. Stewart Street  
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(775) 684-0111

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- 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 effected 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.**

This regulation does not have a direct economic effect on either a regulated business or 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.