

ASSEMBLY BILL NO. 376—COMMITTEE
ON GOVERNMENT AFFAIRS

MARCH 22, 2023

Referred to Committee on Government Affairs

SUMMARY—Establishes provisions governing paid family leave for certain state employees. (BDR 23-1053)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to state employment; establishing provisions governing paid family leave for certain state employees under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, state employees in the public service are entitled to certain
2 types of leave, including, without limitation, annual, sick and disability leave and
3 leaves of absence under certain provisions. (NRS 284.355, 284.360) **Section 1** of
4 this bill provides that all eligible employees in the classified public service of the
5 State are entitled to take 8 weeks of paid family leave over the course of a 12-
6 month period to: (1) bond with a newborn child of the employee or a newborn child
7 of the domestic partner of the employee; (2) bond with a newly adopted child of the
8 employee; (3) recover from or undergo treatment for a serious illness; (4) care for a
9 seriously ill member of the immediate family of the employee; or (5) participate in
10 a qualifying event resulting from the military deployment to a foreign country of an
11 immediate family member of the employee. To be eligible for such paid family
12 leave, **section 1** provides that an employee must: (1) be a permanent employee in
13 the classified service of the State; (2) be employed for not less than 12 consecutive
14 months; (3) have accrued not less than 40 hours of sick leave; and (4) have used
15 any accrued sick leave in excess of 40 hours before taking paid family leave.
16 **Section 1** further: (1) requires an appointing authority to pay an employee on paid
17 family leave 50 percent of the regular wage the employee would have earned if the
18 employee was not on leave; and (2) prohibits the appointing authority or designee
19 of the appointing authority from denying an eligible employee paid family leave or
20 retaliating or taking any adverse action against an employee for taking paid family
21 leave.

22 **Section 2** of this bill makes a conforming change to provide that an employee
23 may use his or her sick leave for the purposes set forth in **section 1** before taking
24 paid family leave. **Section 3** of this bill makes a conforming change to provide that



25 the provisions authorizing an employee to be granted a leave of absence without
26 pay do not affect the rights of an employee to take paid family leave.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 284 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in this section, a permanent*
4 *employee in the classified service of the State who has been*
5 *employed for not less than 12 consecutive months is entitled to*
6 *take 8 weeks of paid family leave:*

7 (a) *To bond with a newborn child of the employee or a*
8 *newborn child of the domestic partner of the employee;*

9 (b) *To bond with a newly adopted child of the employee;*

10 (c) *To recover from or undergo treatment for a serious illness;*

11 (d) *To care for a seriously ill member of the immediate family*
12 *of the employee; or*

13 (e) *For a qualifying event resulting from the military*
14 *deployment to a foreign country of an immediate family member*
15 *of the employee.*

16 2. *An employee eligible for paid family leave pursuant to*
17 *subsection 1 must have not less than 40 hours of sick leave*
18 *accrued pursuant to NRS 284.355 before taking paid family leave.*
19 *Any sick leave accrued in excess of 40 hours must be used before*
20 *taking paid family leave.*

21 3. *An appointing authority shall pay an employee on paid*
22 *family leave 50 percent of the regular wage the employee would*
23 *have earned if the employee was not on leave.*

24 4. *An employee that is entitled to take paid family leave*
25 *pursuant to subsection 1 is not required to take paid family leave*
26 *consecutively and may take paid family leave over the course of a*
27 *12-month period.*

28 5. *An appointing authority or his or her designee shall not*
29 *deny an eligible employee the right to take paid family leave in*
30 *accordance with the provisions of this section or retaliate or take*
31 *any adverse action against an employee for taking paid family*
32 *leave pursuant to subsection 1.*

33 6. *As used in this section:*

34 (a) *“Domestic partner” means a person who is in a domestic*
35 *partnership which is registered or recognized pursuant to chapter*
36 *122A of NRS and which has not been terminated pursuant to that*
37 *chapter.*

38 (b) *“Immediate family” means a parent, sibling, child by*
39 *blood, adoption or marriage, spouse, grandparent or grandchild.*



1 (c) *“Qualifying event” means any military event or essential*
2 *need resulting from the military deployment of an immediate*
3 *family member. The term includes, without limitation, arranging*
4 *for child care or parental care during deployment, representing*
5 *the military family member at a federal, state or local event during*
6 *deployment and addressing issues due to the death of the military*
7 *family member.*

8 (d) *“Serious illness” has the meaning ascribed to it in*
9 *NRS 232.4854.*

10 **Sec. 2.** NRS 284.355 is hereby amended to read as follows:

11 284.355 1. Except as otherwise provided in this section, all
12 employees in the public service, whether in the classified or
13 unclassified service, are entitled to sick and disability leave with pay
14 of 1 1/4 working days for each month of service, which may be
15 cumulative from year to year. After an employee has accumulated
16 90 working days of sick leave, the amount of additional unused sick
17 leave which the employee is entitled to carry forward from 1 year to
18 the next is limited to one-half of the unused sick leave accrued
19 during that year, but the Commission may by regulation provide for
20 subsequent use of unused sick leave accrued but not carried forward
21 because of this limitation in cases where the employee is suffering
22 from a long-term or chronic illness and has used all sick leave
23 otherwise available to the employee.

24 2. *An employee who is entitled to receive paid family leave*
25 *pursuant to section 1 of this act may use his or her accrued sick*
26 *leave for any purpose set forth in subsection 1 of section 1 of this*
27 *act.*

28 3. Upon the retirement of an employee, the employee’s
29 termination through no fault of the employee or the
30 employee’s death while in public employment, the employee or the
31 employee’s beneficiaries are entitled to payment:

32 (a) For the employee’s unused sick leave in excess of 30 days,
33 exclusive of any unused sick leave accrued but not carried forward,
34 according to the employee’s number of years of public service,
35 except service with a political subdivision of the State, as follows:

36 (1) For 10 years of service or more but less than 15 years, not
37 more than \$2,500.

38 (2) For 15 years of service or more but less than 20 years, not
39 more than \$4,000.

40 (3) For 20 years of service or more but less than 25 years, not
41 more than \$6,000.

42 (4) For 25 years of service, not more than \$8,000.

43 (b) For the employee’s unused sick leave accrued but not carried
44 forward, an amount equal to one-half of the sum of:



1 (1) The employee's hours of unused sick leave accrued but
2 not carried forward; and

3 (2) An additional 120 hours.

4 ~~[3.]~~ 4. The Commission may by regulation provide for
5 additional sick and disability leave for long-term employees and for
6 prorated sick and disability leave for part-time employees.

7 ~~[4.]~~ 5. An employee entitled to payment for unused sick leave
8 pursuant to subsection ~~[2.]~~ 3 may elect to receive the payment in any
9 one or more of the following forms:

10 (a) A lump-sum payment.

11 (b) An advanced payment of the premiums or contributions for
12 insurance coverage for which the employee is otherwise eligible
13 pursuant to chapter 287 of NRS. If the insurance coverage is
14 terminated and the money advanced for premiums or contributions
15 pursuant to this subsection exceeds the amount which is payable for
16 premiums or contributions for the period for which the former
17 employee was actually covered, the unused portion of the advanced
18 payment must be paid promptly to the former employee or, if the
19 employee is deceased, to the employee's beneficiary.

20 (c) The purchase of additional retirement credit, if the employee
21 is otherwise eligible pursuant to chapter 286 of NRS.

22 ~~[5.]~~ 6. Officers and members of the faculty of the Nevada
23 System of Higher Education are entitled to sick and disability leave
24 as provided by the regulations adopted pursuant to subsection 2 of
25 NRS 284.345.

26 ~~[6.]~~ 7. The Commission may by regulation provide policies
27 concerning employees with mental or emotional disorders which:

28 (a) Use a liberal approach to the granting of sick leave or leave
29 without pay to such an employee if it is necessary for the employee
30 to be absent for treatment or temporary hospitalization.

31 (b) Provide for the retention of the job of such an employee for a
32 reasonable period of absence, and if an extended absence
33 necessitates separation or retirement, provide for the reemployment
34 of such an employee if at all possible after recovery.

35 (c) Protect employee benefits, including, without limitation,
36 retirement, life insurance and health benefits.

37 ~~[7.]~~ 8. The Commission shall establish by regulation a
38 schedule for the accrual of sick leave for employees who regularly
39 work more than 40 hours per week or 80 hours biweekly. The
40 schedule must provide for the accrual of sick leave at the same rate
41 proportionately as employees who work a 40-hour week accrue sick
42 leave.

43 ~~[8.]~~ 9. The Division may investigate any instance in which it
44 believes that an employee has taken sick or disability leave to which
45 the employee was not entitled. If, after notice to the employee and a



1 hearing, the Commission determines that the employee has taken
2 sick or disability leave to which the employee was not entitled, the
3 Commission may order the forfeiture of all or part of the employee's
4 accrued sick leave.

5 **Sec. 3.** NRS 284.360 is hereby amended to read as follows:

6 284.360 1. Any person holding a permanent position in the
7 classified service may be granted a leave of absence without pay.
8 Leave of absence may be granted to any person holding a position in
9 the classified service to permit acceptance of an appointive position
10 in the unclassified service. Leave of absence must be granted to any
11 person holding a position in the classified service to permit
12 acceptance of a position in the Legislative Branch during a regular
13 or special session of the Legislature, including a reasonable period
14 before and after the session if the entire period of employment in the
15 Legislative Branch is continuous.

16 2. If a person is granted a leave of absence without pay to
17 permit acceptance of an appointive position in the unclassified
18 service or a position in the Legislative Branch, any benefits earned
19 while the person is in the:

20 (a) Classified service are retained and must be paid by the
21 employer in the classified service, whether or not the person returns
22 to the classified service.

23 (b) Unclassified service or employed by the Legislative Branch
24 are retained and must be paid by the appointing authority in the
25 unclassified service or by the Legislative Branch, if the person does
26 not return to the classified service, or by the employer in the
27 classified service, if the person returns to the classified service.

28 3. Any person in the unclassified service, except members of
29 the academic staff of the Nevada System of Higher Education, may
30 be granted by the appointing authority a leave of absence without
31 pay for a period not to exceed 6 months.

32 4. Officers and members of the faculty of the Nevada System
33 of Higher Education may be granted leaves of absence without pay
34 as provided by the regulations prescribed pursuant to subsection 2 of
35 NRS 284.345.

36 5. Except as otherwise provided in subsection 6, a person in the
37 classified or unclassified service who:

38 (a) Is the natural parent of a child who is less than 6 months old;
39 or

40 (b) Has recently adopted a child,
41 ➔ must be granted, upon request, a leave of absence without pay for
42 a period not to exceed 12 weeks. Such a request by natural parents
43 must be submitted at least 3 months before the date upon which the
44 requested leave will begin, unless a shorter notice is approved by the
45 employer. Such a request by adoptive parents must be submitted not



1 fewer than 2 working days after the parents receive notice of the
2 approval of the adoption. This subsection does not affect the rights
3 of an employee set forth in NRS 284.350 , ~~for~~ 284.355 ~~and~~
4 *section 1 of this act.*

5 6. The provisions of subsection 5 are effective only if the
6 Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,
7 or a subsequent federal law ceases to provide for a parental leave of
8 absence of at least 12 weeks.

9 **Sec. 4.** 1. This section becomes effective upon passage and
10 approval.

11 2. Sections 1, 2 and 3 of this act become effective:

12 (a) Upon passage and approval for the purpose of adopting any
13 regulations and performing any other preparatory administrative
14 tasks that are necessary to carry out the provisions of this act; and

15 (b) On January 1, 2024, for all other purposes.

