

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; making an appropriation; 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 an employee of the Executive Department of the State
5 Government is 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 employed by the State for
13 not less than 12 consecutive months; (2) have accrued not less than 40 hours of sick
14 leave; and (3) have used any accrued sick leave in excess of 40 hours before taking
15 paid family leave. **Section 1** further: (1) requires an appointing authority to pay an
16 employee on paid family leave 50 percent of the regular wage the employee would
17 have earned if the employee was not on leave; and (2) prohibits the appointing
18 authority or designee of the appointing authority from denying an eligible employee
19 paid family leave or retaliating or taking any adverse action against an employee
20 for taking paid family leave.

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



24 the provisions authorizing an employee to be granted a leave of absence without
25 pay do not affect the rights of an employee to take paid family leave.
26 **Section 3.5** of this bill makes an appropriation to the Department of
27 Administration for the costs of computer programming to carry out the provisions
28 of this bill.

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, an employee*
4 *of the Executive Department of the State Government who has*
5 *been employed for not less than 12 consecutive months is entitled*
6 *to 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*



1 *chapter 122A of NRS and which has not been terminated pursuant*
2 *to that chapter.*

3 *(b) "Immediate family" means a parent, sibling, child by*
4 *blood, adoption or marriage, spouse, grandparent or grandchild.*

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

12 *(d) "Serious illness" has the meaning ascribed to it in*
13 *NRS 232.4854.*

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

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

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

32 3. Upon the retirement of an employee, the employee's
33 termination through no fault of the employee or the
34 employee's death while in public employment, the employee or the
35 employee's beneficiaries are entitled to payment:

36 (a) For the employee's unused sick leave in excess of 30 days,
37 exclusive of any unused sick leave accrued but not carried forward,
38 according to the employee's number of years of public service,
39 except service with a political subdivision of the State, as follows:

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

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

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



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

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

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

6 (2) An additional 120 hours.

7 ~~[3.]~~ 4. The Commission may by regulation provide for
8 additional sick and disability leave for long-term employees and for
9 prorated sick and disability leave for part-time employees.

10 ~~[4.]~~ 5. An employee entitled to payment for unused sick leave
11 pursuant to subsection ~~[2.]~~ 3 may elect to receive the payment in any
12 one or more of the following forms:

13 (a) A lump-sum payment.

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

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

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

29 ~~[6.]~~ 7. The Commission may by regulation provide policies
30 concerning employees with mental or emotional disorders which:

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

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

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

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



1 ~~18.1~~ 9. The Division may investigate any instance in which it
2 believes that an employee has taken sick or disability leave to which
3 the employee was not entitled. If, after notice to the employee and a
4 hearing, the Commission determines that the employee has taken
5 sick or disability leave to which the employee was not entitled, the
6 Commission may order the forfeiture of all or part of the employee's
7 accrued sick leave.

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

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

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

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

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

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

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

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

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

43 (b) Has recently adopted a child,
44 ↪ must be granted, upon request, a leave of absence without pay for
45 a period not to exceed 12 weeks. Such a request by natural parents



1 must be submitted at least 3 months before the date upon which the
2 requested leave will begin, unless a shorter notice is approved by the
3 employer. Such a request by adoptive parents must be submitted not
4 fewer than 2 working days after the parents receive notice of the
5 approval of the adoption. This subsection does not affect the rights
6 of an employee set forth in NRS 284.350 , ~~for~~ 284.355 ~~and~~
7 *section 1 of this act.*

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

12 **Sec. 3.5.** 1. There is hereby appropriated from the State
13 General Fund to the Department of Administration the sum of
14 \$18,154 for the costs of computer programming to carry out the
15 provisions of this act.

16 2. Any remaining balance of the appropriation made by
17 subsection 1 must not be committed for expenditure after June 30,
18 2025, by the entity to which the appropriation is made or any entity
19 to which money from the appropriation is granted or otherwise
20 transferred in any manner, and any portion of the appropriated
21 money remaining must not be spent for any purpose after
22 September 19, 2025, by either the entity to which the money was
23 appropriated or the entity to which the money was subsequently
24 granted or transferred, and must be reverted to the State General
25 Fund on or before September 19, 2025.

26 **Sec. 4.** 1. This section and section 3.5 become effective upon
27 passage and approval.

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

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

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

