

Amendment No. 334

Assembly Amendment to Assembly Bill No. 376	(BDR 23-1053)
Proposed by: Assembly Committee on Government Affairs	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

TJO/HAC



Date: 4/14/2023

A.B. No. 376—Establishes provisions governing paid family leave for certain state employees. (BDR 23-1053)



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:

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

Section 2 of this bill makes a conforming change to provide that an employee may use his or her sick leave for the purposes set forth in **section 1** before taking paid family leave. **Section 3** of this bill makes a conforming change to provide that the provisions authorizing an employee to be granted a leave of absence without 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 thereto a new
2 section to read as follows:

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

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

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

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

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

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

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

29 6. *As used in this section:*

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

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

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

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

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

42 284.355 1. Except as otherwise provided in this section, all employees in
43 the public service, whether in the classified or unclassified service, are entitled to
44 sick and disability leave with pay of 1 1/4 working days for each month of service,
45 which may be cumulative from year to year. After an employee has accumulated 90
46 working days of sick leave, the amount of additional unused sick leave which the
47 employee is entitled to carry forward from 1 year to the next is limited to one-half
48 of the unused sick leave accrued during that year, but the Commission may by
49 regulation provide for subsequent use of unused sick leave accrued but not carried

1 forward because of this limitation in cases where the employee is suffering from a
2 long-term or chronic illness and has used all sick leave otherwise available to the
3 employee.

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

7 3. Upon the retirement of an employee, the employee's termination through
8 no fault of the employee or the employee's death while in public employment, the
9 employee or the employee's beneficiaries are entitled to payment:

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

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

16 (2) For 15 years of service or more but less than 20 years, not more than
17 \$4,000.

18 (3) For 20 years of service or more but less than 25 years, not more than
19 \$6,000.

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

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

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

25 (2) An additional 120 hours.

26 ~~13~~ 4. The Commission may by regulation provide for additional sick and
27 disability leave for long-term employees and for prorated sick and disability leave
28 for part-time employees.

29 ~~14~~ 5. An employee entitled to payment for unused sick leave pursuant to
30 subsection ~~12~~ 3 may elect to receive the payment in any one or more of the
31 following forms:

32 (a) A lump-sum payment.

33 (b) An advanced payment of the premiums or contributions for insurance
34 coverage for which the employee is otherwise eligible pursuant to chapter 287 of
35 NRS. If the insurance coverage is terminated and the money advanced for
36 premiums or contributions pursuant to this subsection exceeds the amount which is
37 payable for premiums or contributions for the period for which the former
38 employee was actually covered, the unused portion of the advanced payment must
39 be paid promptly to the former employee or, if the employee is deceased, to the
40 employee's beneficiary.

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

43 ~~15~~ 6. Officers and members of the faculty of the Nevada System of Higher
44 Education are entitled to sick and disability leave as provided by the regulations
45 adopted pursuant to subsection 2 of NRS 284.345.

46 ~~16~~ 7. The Commission may by regulation provide policies concerning
47 employees with mental or emotional disorders which:

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

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

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

3 ~~[7.]~~ 8. The Commission shall establish by regulation a schedule for the
4 accrual of sick leave for employees who regularly work more than 40 hours per
5 week or 80 hours biweekly. The schedule must provide for the accrual of sick leave
6 at the same rate proportionately as employees who work a 40-hour week accrue
7 sick leave.

8 ~~[8.]~~ 9. The Division may investigate any instance in which it believes that an
9 employee has taken sick or disability leave to which the employee was not entitled.
10 If, after notice to the employee and a hearing, the Commission determines that the
11 employee has taken sick or disability leave to which the employee was not entitled,
12 the Commission may order the forfeiture of all or part of the employee's accrued
13 sick leave.

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

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

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

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

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

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

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

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

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

41 (b) Has recently adopted a child,

42 **↪** must be granted, upon request, a leave of absence without pay for a period not to
43 exceed 12 weeks. Such a request by natural parents must be submitted at least 3
44 months before the date upon which the requested leave will begin, unless a shorter
45 notice is approved by the employer. Such a request by adoptive parents must be
46 submitted not fewer than 2 working days after the parents receive notice of the
47 approval of the adoption. This subsection does not affect the rights of an employee
48 set forth in NRS 284.350, ~~[8.]~~ 284.355 ~~[8.]~~ **and section 1 of this act.**

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

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

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

- 1 (a) Upon passage and approval for the purpose of adopting any regulations and
- 2 performing any other preparatory administrative tasks that are necessary to carry
- 3 out the provisions of this act; and
- 4 (b) On January 1, 2024, for all other purposes.