

Chapter 284 of NAC

LCB File No. T018-09

**ADOPTED TEMPORARY REGULATION
OF THE PERSONNEL COMMISSION**

Filed with the Secretary of State on January 27, 2009

Section 1. NAC 284.594 is amended as follows:

Explanation of Change: This amendment, proposed by the Department of Personnel, clarifies that an employee who has an unauthorized or unreported absence may be subject to disciplinary action under NAC 284.646 and subject to a deduction of pay for the absence. It also clarifies that an unauthorized absence may be considered to be absence without leave and subject to a deduction of pay for the absence.

NAC 284.594 Unauthorized and unreported absences. (NRS 284.065, 284.155, 284.175, 284.345)

1. An unauthorized and unreported absence must be considered an absence without leave and a deduction of pay must be made for the absence.
2. An *unauthorized or* unreported absence may be considered an absence without leave, and a deduction of pay may be made for the absence.
3. An employee who has an unauthorized or unreported absence may be subject to disciplinary action pursuant to *NAC 284.646 or* NAC 284.650.
4. A deduction from the pay of an exempt classified employee or exempt unclassified employee must be made in increments of a full workday.

**NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T018-09**

The Personnel Commission adopted the attached temporary regulation that pertains to chapter 284 of the Nevada Administrative Code on December 19, 2008.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notice of workshop and notice of intent to act upon a regulation were sent by U.S. Mail and 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. These documents were also made available on the website of the Department of Personnel (DOP), <http://dop.nv.gov/> and posted at the following locations:

Department of Personnel Blasdel Building 209 E. Musser St Carson City, NV 89701	Grant Sawyer State Office Bldg. 555 E. Washington Blvd Suite 4401 Las Vegas, NV 89101
Legislative Building 401 S. Carson St Carson City, NV 89710	Nevada State Library and Archives 100 Stewart St Carson City, NV 89701
Capitol Building Main Floor	

As a result of comments received at the workshop, one proposed regulation that would have provided for the temporary repeal of NAC 284.245 (Overtime: Consideration of paid-leave status in calculation) was removed from consideration.

2. The number of persons who:

- (a) Attended each hearing:** Personnel Commission meeting (hearing), 73 attendees
- (b) Testified at each hearing:** Personnel Commission meeting (hearing), 6 testified
- (c) Submitted written comments:** 4 comments

Joe Vanacore of AFSCME 4041 expressed opposition to the amendment to NAC 284.594 based on his concern that the amendment could be applied inequitably.

Jim Park of AFSCME 4041 objected because he felt the regulation needed additional changes that were not addressed in the workshop. He also expressed concerns that the change would allow management to discipline employees unlawfully.

Ron Potter, an employee of the State, expressed concerns that an appointing authority could consider a person absent without leave when there were legitimate reasons for the absences, as well as the employee's inability in certain situations to notify the appointing authority of the absence.

Ron Cuzze of NSLEOA concurred with comments made by representative from AFSCME.

- 3. A description of how comment was solicited from businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were not solicited, as the regulation does not affect businesses.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Additional language was added to NAC 284.594 (Unauthorized and unreported absences) based on comments received at the workshop regarding a Personnel Commission Hearings Officer decision that did not allow an appointing authority to consider an unauthorized absence as absence without leave and make a deduction in pay because the employee had reported the absence. The new language adds unauthorized absences to unreported absences as allowable in making such a determination.

- 5. 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.

- 6. The estimated cost to the agency for enforcement of the adopted regulation:**

No increased cost is anticipated to the Department of Personnel with the enforcement of this regulation.

- 7. A description of any regulations of other State or governmental agencies which the 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, federal, or other governmental agency regulations.

- 8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

This regulation does not include any provisions that are more stringent than any federal regulation.

- 9. 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.

- 10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

This regulation is specific to State government agencies and has no impact on small business.