

PROPOSED REGULATION OF THE PERSONNEL COMMISSION

LCB File No. R058-10

NAC 284.589 is hereby amended to read as follows:

Explanation of Proposed Change: This regulation change, proposed by the Department of Conservation and Natural Resources and recommended by the Department of Personnel, requires employees who are placed on administrative leave in conjunction with an investigation or a screening test to be available by phone and to be available to return promptly to the work site or other location upon request. Administrative leave serves to remove the employee temporarily from the worksite because it is in the best interest of the employer and is not intended to be free time for the employee. This change will help insure that the employee is available to answer any questions, attend meetings, or report back to work.

NAC 284.589 Administrative leave with pay. (NRS 284.065, 284.155, 284.345)

1. An appointing authority may grant administrative leave with pay to an employee:
 - (a) To relieve the employee of his duties during the active investigation of a suspected criminal violation or the investigation of alleged wrongdoing;
 - (b) For up to 30 days when the appointing authority initiates the leave to obtain the results of an examination concerning the ability of the employee to perform the essential functions of his position;
 - (c) For up to 30 days to remove the employee from the workplace when he has committed or threatened to commit an act of violence;
 - (d) For up to 2 hours to donate blood; or
 - (e) To relieve the employee of his duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065.
2. The appointing authority, upon approval of the Risk Management Division of the Department of Administration, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.
3. *Employees who are placed on administrative leave with pay for a purpose set forth in paragraph (a), (b), (c) or (e) of subsection 1 or subsection 2 must be available by phone to their supervisor during regular business hours and be available to report promptly to the work site or other location if so directed.*
- ~~3~~4. Except as otherwise provided in subsection 4, an appointing authority or the Department of Personnel may grant administrative leave with pay to an employee for any of the following purposes:
 - (a) His participation in, or attendance at, activities which are directly or indirectly related to the employee's job or his employment with the State but which do not require him to participate or attend in his official capacity as a state employee.
 - (b) Closure of the employee's office or work site caused by a natural disaster, pandemic or other similar adverse condition when the employee is scheduled and a pandemic, of a school or a center of facility that provides day care services which is attended by the employee's dependent child or the temporary cancellation, as a result of a pandemic, or a program attended by the employee's dependent child. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.
 - (d) His appearance as an aggrieved employee or a witness at a hearing of the Committee.
 - (e) His appearance as an appellant or a witness at a hearing conducted pursuant to NRS 284.390 by a hearing officer of the Department of Personnel.

(f) His appearance to provide testimony at a meeting of the Commission.

~~4~~5. An appointing authority or the Department of Personnel shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (d), (e) or (f) of subsection 3 if:

(a) The employee requests the administrative leave for a period of time that is reasonably needed for him to testify at the hearing or meeting;

(b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and

(c) The absence of the employee will not cause an undue hardship to the operations of his appointing authority or adversely impact the provision of services to clients or to the public.

~~5~~6. An appointing authority shall grant administrative leave with pay to an employee for any of the following purposes:

(a) The initial appointment and one follow-up appointment if the employee receives counseling through an employee assistance program.

(b) His attendance at a health fair which has been authorized by the Board of the Public Employees' Benefits Program.

(c) His participation in an official capacity as a member of a committee or board created by statute on which he serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.

(d) Up to 8 hours for preparation for all hearings regarding a suspension, demotion or dismissal of the employee as provided in section 2 of LCB File No. R063-09.

(e) Up to 8 hours for preparation for all hearings regarding an involuntary transfer of the employee.