

PROPOSED REGULATION OF THE PERSONNEL COMMISSION

LCB File No. R021-11

(This regulation was previously adopted as LCB File No. E001-11)

LCB File No. R080-09 is hereby amended to read as follows:

LCB File No. R080-09 Unpaid furlough leave.

1. Except as otherwise provided in subsection 2 and Senate Bill No. *505 of the 2011*

Legislative Session:

(a) A full-time employee shall take:

(1) By September 30th a minimum of 12 hours of furlough leave in the fiscal year;

(2) By December 31st a minimum of 24 hours of furlough leave in the fiscal year;

(3) By March 31st a minimum of 36 hours of furlough leave in the fiscal year; and

(4) By June 30th a total of 48 hours of furlough leave in the fiscal year.

(b) *A part-time employee shall take, at a minimum, the number of hours of furlough leave per quarter during the fiscal year that is equivalent proportionally to the requirement for a full-time employee. The employee shall not take proportionally more furlough leave than would be required of a full-time employee in the fiscal year.*

2. The requirements set forth in subsection 1, do not apply if:

(a) An employee's appointing authority files a plan with the Director and the Director of the Department of Administration or their designated representatives or, in the case of employees of the Nevada System of Higher Education, with the chief financial officer of the applicable institution for the employee to take furlough leave pursuant to an alternate schedule because of workload demands; and

(b) The plan is approved in advance by the Director and the Director of the Department of Administration or their designated representatives or by the chief financial officer of the institution, as applicable.

3. Each appointing authority shall establish a policy that defines the minimum increment of furlough leave required to be taken at anyone time by *an* employee of the appointing authority. The policy may provide different increments for employees in different divisions, locations or work groups based on business necessity. The appointing authority shall disseminate the policy to each employee under its authority who is required to take furlough leave.

4. To the extent practicable, an employee who is required to take furlough leave and his or her supervisor shall jointly determine in advance a schedule pursuant to which the employee will take furlough leave. If, because of business necessity, such a schedule cannot be mutually agreed upon, a supervisor may direct an employee to take furlough leave on a specific day or at a specific time, or both.

5. Movement of an employee from one position to another position must not alter the amount of furlough leave required to be taken by the employee.

6. The amount of furlough leave that an employee is required to take must not be offset by any savings realized as a result of a vacancy delay in filling the position.

7. An employee who is initially appointed to state service after July 1, *2011*, may only be required to take the number of hours or days of furlough leave that is required to be taken during

the remainder of the fiscal year after his appointment. If such an employee is appointed on a day other than the first of a month, the employee *shall* be required to *take the proportional amount of furlough required for the remainder of the quarter to begin in the succeeding month after employment.*

8. An employee may not:

(a) Take more than 8 hours of furlough leave in a workweek.

(b) Receive overtime pay, compensatory time, pay for standby status, added regular time for work as a part-time employee or callback pay in the same pay period in which the employee takes furlough leave, unless approved in advance by the Director and the Director of the Department of Administration or their designated representatives or, in the case of employees of the Nevada System of Higher Education, by the chief financial officer of the applicable institution.

(c) Be required to take more furlough leave than the amount of furlough leave required by the provisions of Senate Bill No. *505 of the 2011 Legislative Session.*

9. If an employee who leaves state service has taken more than the equivalent of 12 hours of furlough leave per *quarter* at the time of his separation from state service, the employee will not be reimbursed for the additional furlough leave taken.

10. Any furlough leave that an employee takes must be considered time worked for the purpose of calculating the employee's eligibility to take leave under the federal Family and Medical Leave Act. Any furlough leave that is taken during the time in which an employee takes leave that qualifies under the Family and Medical Leave Act will not be counted against the amount of leave for which an employee is entitled to take under the Family and Medical Leave Act.

11. As used in this section, furlough leave means the unpaid leave required to be taken pursuant

to the provisions of Senate Bill No. *505 of the 2011 Legislative Session.*

(Added to NAC by Personnel Comm'n by R080-09, eff. 10-27-09; R187-09, 6-30-10)