

# PROPOSED REGULATION OF THE PERSONNEL COMMISSION

## LCB File No. R021-11

August 28, 2011

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1 and 2, NRS 284.065, 284.345 and Senate Bill No. 505, chapter 374, Statutes of Nevada 2011, at page 2207.

A REGULATION relating to state personnel; providing requirements concerning unpaid furlough leave; and providing other matters properly relating thereto.

**Section 1.** Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. The total number of hours of furlough leave required to be taken in a fiscal year by an employee who is initially appointed to state service after the commencement of the fiscal year is:*

*(a) For a full-time employee, the equivalent of 4 hours of furlough leave for each full month remaining in the fiscal year.*

*(b) For a part-time employee, the equivalent of the portion of 4 hours of furlough leave for each month remaining in the fiscal year that is proportional to the average number of hours worked by the part-time employee.*

*↪ If such an employee is appointed on a day other than the first day of a month, the month in which the employee is appointed is not included in the calculation set forth in this subsection.*

*2. An appointing authority may establish a policy that defines the minimum increment of furlough leave required to be taken at any one time by an employee of the appointing authority if the appointing authority determines that the minimum increment is necessary based on*

*business necessity. 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.*

*3. 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.*

*4. 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.*

*5. 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 delay in filling the position that the employee holds.*

*6. An appointing authority shall not require or allow an employee to take more than 12 hours of furlough leave in a workweek.*

*7. Unless approved in advance by the Director of the Department of Personnel 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, an appointing authority shall not require or allow an employee to work additional time during the same pay period in which the employee takes furlough leave if the additional time would be:*

- (a) Overtime for which the employee would be entitled to be compensated; or*
- (b) Added regular time for work as a part-time employee.*

*8. An employee who leaves state service will not be reimbursed for any furlough leave taken.*

*9. Any furlough leave taken by an employee 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 which an employee is entitled to take under the Family and Medical Leave Act.*

*10. As used in this section, "furlough leave" means the unpaid leave required to be taken pursuant to the provisions of Senate Bill No. 505, chapter 374, Statutes of Nevada 2011, at page 2207.*

**Sec. 2.** This regulation expires by limitation on June 30, 2013.