

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

LCB File No. R077-11

October 14, 2011

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

AUTHORITY: §1, NRS 284.065, 284.155 and 284.175.

A REGULATION relating to state personnel; revising provisions governing the payment of a differential rate of pay for certain shifts; and providing other matters properly relating thereto.

Section 1. NAC 284.210 is hereby amended to read as follows:

284.210 1. As used in this section:

(a) “Differential rate of pay” means an adjustment in pay equivalent to an additional 5 percent of an employee’s normal rate of pay.

(b) “Qualifying shift” means a period of work of 8 hours or more, of which 4 hours must fall between the hours of ~~[6]~~ 7 p.m. and ~~[7]~~ 6 a.m. The term includes, without limitation, a period of work of 8 hours that is reduced to 7 hours because of a change of time to daylight saving time.

2. *An employee must not receive the differential rate of pay for more than 8 hours worked in a shift.*

3. An employee is eligible for the differential rate of pay if he works in a unit which provides services requiring multiple shifts within a 24-hour period and he is:

(a) A nonexempt employee in the classified service who works:

(1) A qualifying shift; or

(2) Any shift of at least 8 hours that is other than a qualifying shift plus 4 or more hours between ~~[6]~~ 7 p.m. and ~~[7]~~ 6 a.m. ~~[H]~~ *Except as otherwise provided in subsection 2, in* such cases, an employee must receive the differential rate of pay for only the hours worked between ~~[6]~~ 7 p.m. and ~~[7]~~ 6 a.m.

(b) An exempt classified employee assigned to a qualifying shift. ~~[H]~~ *Except as otherwise provided in subsection 2, in* such cases, an employee must receive the differential rate of pay for all his regularly scheduled hours of employment on that workday.

~~[3. — H]~~

4. *Except as otherwise provided in subsection 2, if* an employee is assigned to a qualifying shift when he is on paid leave or a holiday occurs, he must receive the differential rate of pay for that shift.

~~[4.]~~ 5. Except as otherwise provided in subsection ~~[3.]~~ 2 or 4, if a nonexempt employee in the classified service is assigned to a qualifying shift and the employee is not in paid status for the entire period of that shift, the employee must receive the differential rate of pay for the portion of the shift in which he is in paid status.

~~[5. — A nonexempt employee in the classified service who works overtime pursuant to NRS 284.180 in conjunction with a qualifying shift must be paid overtime at the differential rate of pay.]~~