

Chapter 284 of NAC

**EMERGENCY REGULATION OF THE
PERSONNEL COMMISSION**

LCB File No. E001-11

(Effective for 120 days from July 1, 2011)

**NEVADA PERSONNEL COMMISSION'S
STATEMENT OF EMERGENCY**

WHEREAS, the Nevada Personnel Commission ("Commission") has convened this public meeting for the purpose of considering the adoption of the foregoing Emergency Regulation, which relates to compensation for working on a holiday;

WHEREAS, the Commission finds that an emergency exists insofar as:

1. The need for swift action to implement furloughs due to the State's significant budget shortfall and the statutory requirement for implement of the furlough on July 1, 2011 does not leave adequate time for the Commission to use the procedures mandated by Chapter 233B of the NRS for amending a permanent regulation, and
2. That the current regulation requires 96 hours of furlough leave per fiscal year for full-time employees rather than the 48 hours required by SB 505 of the 2011 Legislative Session.

NOW THEREFORE, the Commission hereby adopts the following Emergency Regulation which shall be effective on July 1, 2011 upon the endorsement by the Governor and filing with the Secretary of State.

(Text continues on next page)

EMERGENCY REGULATION OF THE PERSONNEL COMMISSION

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*

