

**ADOPTED REGULATION OF  
THE PERSONNEL COMMISSION**

**LCB File No. R137-13**

Effective June 23, 2014

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

AUTHORITY: §1, NRS 284.065, 284.155 and 284.345.

A REGULATION relating to state personnel; revising provisions governing the granting of administrative leave with pay to employees under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing regulations set forth provisions governing the granting of administrative leave with pay to employees in the public service. (NAC 284.589) This regulation, subject to certain exceptions, revises those provisions by authorizing an appointing authority or the Division of Human Resource Management of the Department of Administration to grant administrative leave with pay to: (1) employees attending certain orientation or educational sessions relating to employee benefits; and (2) nonessential employees during an emergency when such employees have been authorized by the Governor not to report to work or to leave work before the end of their shifts during the emergency. This regulation further specifies that the provisions requiring an appointing authority to grant administrative leave with pay to an employee who receives counseling through an employee assistance program apply to consultations provided in-person or telephonically. Finally, this regulation expands a requirement that an appointing authority grant administrative leave with pay to an employee attending certain health fairs to include related events coordinated by the Public Employees’ Benefits Program.

**Section 1.** NAC 284.589 is hereby amended to read as follows:

284.589 1. An appointing authority may grant administrative leave with pay to an employee:

(a) To relieve the employee of his or her 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 or her position;

(c) For up to 30 days to remove the employee from the workplace when he or she has committed or threatened to commit an act of violence;

(d) For up to 2 hours to donate blood; ~~for~~

(e) To relieve the employee of his or her duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065 ~~for~~; *or*

*(f) To attend a general employee-benefits orientation or an educational session relating to employee benefits, including, without limitation, retirement and deferred compensation.*

2. The appointing authority, upon approval of the Risk Management Division, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.

3. If an employee is granted administrative leave with pay pursuant to subsection 1 or 2, the employee must be available:

(a) By telephone to the supervisor of the employee; and

(b) To report to a work site or another location, as directed by the supervisor of the employee, ↪ during regular business hours.

4. Except as otherwise provided in subsection 5, an appointing authority or the Division of Human Resource Management may grant administrative leave with pay to an employee for any of the following purposes:

(a) His or her participation in, or attendance at, activities which are directly or indirectly related to the employee's job or employment with the State but which do not require him or her to participate or attend in an official capacity as a state employee.

(b) *His or her safety during an emergency when employees have been authorized by the Governor not to report to work or to leave work before the end of their shifts during the emergency, including, without limitation, emergencies relating to enemy attacks or other hostile actions, natural causes or other catastrophes, except for employees who are designated as essential and notified that they are required to report to work or remain at work.*

(c) 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 expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

~~(e)~~ (d) Closure, as a result of a pandemic, of a school or a center or 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, of 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)~~ (e) His or her appearance as an aggrieved employee or a witness at a hearing of the Committee.

~~(e)~~ (f) His or her appearance as an appellant or a witness at a hearing conducted pursuant to NRS 284.390 by a hearing officer of the Division of Human Resource Management.

~~(f)~~ (g) His or her appearance to provide testimony at a meeting of the Commission.

5. An appointing authority or the Division of Human Resource Management shall grant administrative leave with pay to an employee for a purpose set forth in paragraph ~~[(d), (e) or (f)]~~ *(e), (f) or (g)* of subsection 4 if:

(a) The employee requests the administrative leave for a period of time that is reasonably needed 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 the appointing authority or adversely impact the provision of services to clients or to the public.

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 ~~[(a)]~~, *including, without limitation, consultations provided in-person or telephonically.*

(b) His or her attendance at a health fair ~~[which has been authorized by the Board of]~~ *or related event coordinated by* the Public Employees' Benefits Program.

(c) His or her participation in an official capacity as a member of a committee or board created by statute on which he or she 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 NAC 284.6561.

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

**LEGISLATIVE REVIEW OF ADOPTED REGULATION--NRS 233B.066**  
**Informational Statement**  
**LCB File #R137-13**

**1. A clear and concise explanation of the need for the adopted regulation.**

The first amendment to this regulation promotes participation in general benefits orientations and educational sessions related to employee benefits, by specifying that an appointing authority may grant administrative leave for these purposes. It is important for State employees to understand benefits to which they are entitled. For example, administrative leave may be granted so that an employee is able to attend an orientation or education session such as a retirement or deferred compensation event.

The second amendment will ensure equitable treatment of employees in times of emergency that are out of his or her control. Historically, *some* employees have been released from work for situations such as weather related safety hazards, and this amendment provides that *all* employees, other than those designated as essential, to be granted administrative leave in the event it is authorized by the Governor. This amendment allows an appointing authority or the Division of Human Resource Management to grant administrative leave for events authorized by the Governor that may pose a safety risk to employees.

The State of Nevada's Employee Assistance Program (EAP) is an excellent benefit to employees that offers a wide variety of consultation services. In addition to referring employees to counseling services, which typically occur in an office, the EAP provides consultative services related to topics such as financial and legal advice, which is typically handled over the phone. The third amendment clarifies that administrative leave must be granted to employees to participate in both types of consultation situations. Employees are more productive when personal issues are resolved and the employee can focus on work.

Employees who elect health insurance benefits through the Public Employees Benefits Program (PEBP) may receive a reduction in plan premiums if he or she participates in a biometric screening coordinated by PEBP. Therefore, it is important to include mandating administrative leave for this purpose in particular, in addition to mandating administrative leave be granted to attend a PEBP coordinated health fair, or a related event such as a flu-shot clinic. This final amendment to the regulation is not intended to mandate administrative leave for personal consultation appointments for retirement, deferred compensation, general flu shot clinics (or administration by a pharmacy), or doctor's appointments

**2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop, and notices of intent to act upon a regulation were sent by email to persons who were known to have an interest in the subject of proposed personnel regulation changes as well as any person who had specifically

requested such notice. These documents were also made available on the Division of Human Resource Management website; [www.hr.nv.gov](http://www.hr.nv.gov), the Legislative Counsel Bureau (LCB) website; [www.leg.state.nv.us](http://www.leg.state.nv.us), the Nevada Public Notice website; [www.notice.nv.gov](http://www.notice.nv.gov), emailed to all county libraries in Nevada, and physically posted at the following locations:

Blasdel Building  
209 E. Musser Street  
Carson City, NV 89701

Nevada State Library and  
Archives  
100 Stewart Street  
Carson City, NV 89701

Grant Sawyer State Office Bldg.  
555 E. Washington Blvd.  
Las Vegas, NV 89101

Legislative Building  
401 S. Carson Street  
Carson City, NV 89701

A regulation workshop was conducted by the Division of Human Resource Management on January 8, 2014.

During the regulation workshop, comment was received from the Public Employee's Benefits Program (PEBP) in support of allowing administrative leave to be granted for general employee benefits orientations and educational sessions, as well as requiring that administrative leave be granted for PEBP sponsored health fairs or related events.

Also during this workshop, comment was received from the Department of Employment, Training and Rehabilitation requesting that it be made clear that the requirement to grant administrative leave for health fairs and related events, is specifically for events coordinated by PEBP. There would be no requirement to grant administrative leave for activities such as a flu shot clinic at a pharmacy.

Subsequent to the regulation workshop, written comment was received from the Department of Health and Human Services (DHHS), and suggestions were incorporated into the changes ultimately approved by the Personnel Commission.

An additional change to the proposed language was made at the request of PEBP to ensure that DHHS's change did not nullify the original intent of the regulation related to PEBP. The language was proposed at the Personnel Commission meeting and adopted unopposed.

A public hearing was held by the Nevada Personnel Commission on April 11, 2014.

During the public hearing, comment was received by PEBP in support of the proposed changes.

Comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Shelley Blotter at [sblotter@admin.nv.gov](mailto:sblotter@admin.nv.gov) or calling (775) 684-0105.

3. **The number of persons who:**
  - (a) **Attended each hearing:** January 8, 2014 – 28; April 11, 2014 - 55
  - (b) **Testified at each hearing:** January 8, 2014 – 3; April 11, 2014 – 2
  - (c) **Submitted written comments:** 3
  
4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**

James R. Wells, CPA  
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Public Employee's Benefit Program (PEBP)  
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Kareen Masters  
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Karen Belleni  
Personnel Officer  
Department of Employment, Training, & Rehabilitation  
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Las Vegas, NV 89104  
(702) 486-6452  
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5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were not solicited from businesses, as the regulation does not affect businesses. Comments were solicited from affected parties including employees and employee

associations. Comments from the workshop and Personnel Commission hearing can be obtained from the Division of Human Resource Management by contacting Shelley Blotter at sblotter@admin.nv.gov or calling (775) 684-0105.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

This regulation amendment was changed based on suggestions received at the workshop on January 8, 2014 and written comments that were submitted. The Personnel Commission unanimously approved the changes.

**7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

**(a) Estimated economic effect on the businesses which they are to regulate.**

**(b) Estimated economic effect on the public which they are to regulate.**

This regulation does not have a direct economic effect on either a regulated business or the public. It only impacts the State of Nevada classified service.

**8. The estimated cost to the agency for enforcement of the proposed regulation:**

There is no additional cost to the agency for enforcement of this regulation.

**9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulation does not overlap any federal or state mandated regulation, but only enhances the current state regulation regarding administrative leave.

**10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The regulation does not include any provisions that are more stringent than any federal regulation.

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

No fees are associated with this regulation.