

**REVISED PROPOSED REGULATION OF
THE HUMAN RESOURCES COMMISSION**

LCB File No. R141-22

November 6, 2023

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

AUTHORITY: § 1, NRS 284.065, as amended by section 72 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3562, 284.155 and 284.345.

A REGULATION relating to human resources; specifying when the work shift of certain employees in the Executive Department of the State Government begins for purposes of determining compliance with requirements relating to attendance; providing that the workday of certain employees in the Executive Department of State Government includes certain work-related activities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Human Resources Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations relating to the attendance of certain state employees at work. (NRS 284.345) Existing regulations require an employee in the Executive Department of the State Government to report for a work shift on time and ready to perform the duties assigned to his or her position. (NAC 284.524) This regulation provides that, for purposes of determining whether an employee is in compliance with the requirement that an employee report for a work shift on time, the work shift of an employee who is not working remotely begins when the employee arrives at the entrance to the physical location at which the employee performs his or her duties or responsibilities. This regulation also clarifies that an employee who reports for a work shift early is not entitled to receive overtime unless the overtime is approved in accordance with certain statutory and regulatory provisions.

Existing regulations prescribe requirements relating to the workday for certain employees in the Executive Department of State Government. (NAC 284.524) This regulation provides that the workday for such an employee who is not working remotely includes the time it takes the employee to: (1) travel to and from the entrance to the physical location at which the employee performs his or her duties and responsibilities and to a location designated as his or her assigned workstation within that location; (2) conduct a mandatory pre- or post-shift briefing between arriving and departing staff; and (3) perform any other activities required by the appointing authority.

Section 1. NAC 284.524 is hereby amended to read as follows:

284.524 1. An employee shall report for a work shift on time and ready to perform the duties and tasks assigned to his or her position. *For purposes of determining whether an employee is in compliance with the requirement that an employee report for a work shift on time, the work shift of an employee who is not working remotely begins when the employee arrives at the entrance to the physical location at which the employee performs his or her duties or responsibilities. An employee who reports for a work shift early is not entitled to receive overtime unless the overtime is approved in accordance with subsection 10 of NRS 284.180 and NAC 284.242.*

2. Except as otherwise provided in this subsection, the workweek for state employees is 40 hours. A workweek of a different number of hours may be established to meet the needs of state agencies in compliance with the provisions of NRS 281.100, 281.110 and 284.180.

3. *The workday for a state employee who is not working remotely begins at the time specified in subsection 1 and includes, without limitation, the time it takes the employee to:*

(a) Travel to and from the entrance to the physical location at which the employee performs his or her duties or responsibilities and to a location designated by his or her employer as his or her assigned workstation within that location;

(b) Conduct a mandatory pre- or post-shift briefing between arriving and departing staff;
and

(c) Perform any other activities required by an appointing authority.

4. The workday for a full-time state employee who works a standard or nonstandard work schedule consists of two work periods separated by a 1/2- to 1-hour meal period. Insofar as practicable, the meal period must occur in the middle of the work shift. A rest period of 15

minutes must be granted for each 4-hour period of work and, except as otherwise provided in NAC 284.5242 and insofar as practicable, must occur in the middle of the period of work.

~~13.1~~ 5. Except as otherwise provided in subsections ~~14.1~~ 6 and ~~15.1~~ 7, an appointing authority shall provide a meal period and rest period to an employee who has an innovative work schedule during each workday as follows:

(a) A 1/2- to 1-hour meal period must be provided during each period of work that exceeds 6 hours. Insofar as practicable, the meal period must occur in the middle of the work shift.

(b) A rest period of 15 minutes must be provided for each 4-hour period of work and, except as otherwise provided in NAC 284.5242 and insofar as practicable, must occur in the middle of the period of work.

~~14.1~~ 6. The requirement to relieve an employee for a 1/2- to 1-hour meal period does not apply to an employee who receives a paid meal period.

~~15.1~~ 7. The requirement for a rest period does not apply to an employee who works:

(a) Directly with the inmates at a correctional institution.

(b) For the Division of Public and Behavioral Health of the Department of Health and Human Services and who:

(1) Maintains or monitors the equipment in a heat plant which operates 24 hours a day;
and

(2) Works a straight 8-hour work shift.