

**PROPOSED REGULATION OF THE
BOARD OF THE PUBLIC EMPLOYEES' BENEFITS PROGRAM**

LCB FILE NO. R047-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 03/06/2024**

**PROPOSED PERMANENT REGULATION TO
AMEND CHAPTER 287 OF THE NEVADA ADMINISTRATIVE CODE**

Workshop pursuant to NRS 233B.061(2) held March 6, 2024

Pursuant to the authority set forth in NRS 287.043, and in accordance with Executive Order 2023-003, the Public Employees’ Benefits Program (PEBP) Board proposes the amendments to NAC Chapter 287 set forth below. The proposed amendments consolidate essential Board procedures into a single regulation, specifically, revised NAC 287.172; and repeal NAC 287.170, NAC 287.174, NAC 287.176, NAC 287.178, NAC 287.3125, NAC 287.318, NAC 287.319, NAC 287.510, and NAC 287.515.

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

PROPOSED AMENDMENTS

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Board of the Public Employees’ Benefits Program

~~[NAC 287.170—[Chair: Duty; voting]. (NRS 287.043)]~~
—1. ~~The Chair shall preside over the meetings of the Board.~~
—2. ~~Unless the Chair is required to abstain from voting or is otherwise disqualified from participating in a matter before the Board:~~
—(a) ~~If the Chair does not vote on the matter, it will be presumed that the Chair voted with the prevailing majority of members of the Board who voted on the matter.~~
—(b) ~~The Chair shall vote in the case of a tie.]~~

NAC 287.172 *Election of Vice Chair*[: ~~Election; duty~~] ; *procedure for meetings*. (NRS 287.043)

1. At the first meeting of each plan year, the Board will elect from its members a Vice Chair, *who shall serve as the Chair in the Chair’s absence*.
2. ~~[The Vice Chair shall serve as the Chair in the absence of the Chair.]~~ *The Chair shall:*
 - (a) *Determine the agenda of a meeting of the Board;*
 - (b) *Preside over the meetings of the Board.*
3. *Any member of the Board may submit to the Executive Officer, or in the Executive Officer’s absence, the Operations Officer of the Program, a request for a matter to be placed on the agenda of a meeting of the Board.*

4. Any motion made by a member of the Board requires a second to the motion for consideration of the motion by the Board.

~~[NAC 287.174 Meetings: Agenda. (NRS 287.043)~~

- ~~—1. The Chair shall determine the agenda of a meeting of the Board.~~
- ~~—2. Any member of the Board may submit to the Executive Officer, or in his or her absence, the Operations Officer of the Program appointed pursuant to NRS 287.0426, a request for a matter to be placed on the agenda of a meeting of the Board.]~~

~~[NAC 287.176 Meetings: Approval of actions; motions; rules of conduct. (NRS 287.043)~~

- ~~—1. All action by the Board must be approved by a majority of the members of the Board who are present at the meeting. A tie vote constitutes a rejection of the question or matter before the Board.~~
- ~~—2. Any motion made by a member of the Board requires a second to the motion for consideration of the motion by the Board.~~
- ~~—3. Robert's Rules of Order govern the general conduct of meetings of the Board.]~~

~~[NAC 287.178 Meetings: Minutes; transcript. (NRS 287.0415, 287.043)~~

- ~~—1. The minutes of each meeting of the Board must be distributed to each member of the Board.~~
- ~~—2. A transcript of a meeting posted to the Internet website of the Board pursuant to NRS 287.0415 will remain posted on the Internet website of the Board for at least 6 months after posting. During the period in which the transcript of the meeting is posted on the Internet website of the Board, a person may request a hard copy of the transcript.~~
- ~~—3. The Board may charge the person a fee for the transcript that does not exceed the actual cost of the Board to provide the copy of the transcript.]~~

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~~[NAC 287.3125 Dependents: Terms and conditions of certain changes. (NRS 287.043) Except during a period of open enrollment, the right to change coverage or insurance for a dependent or to add or change dependents is governed by the terms and conditions of any applicable plan, insurance policy or law.]~~

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~~[NAC 287.318 Enrollment forms: Required information. (NRS 287.043) Enrollment forms that are submitted to the Program must include, without limitation:~~

- ~~—1. The name, address, social security number, if any, and signature of the person who is enrolling in the Program; and~~
- ~~—2. The name and social security number, if any, of any dependent that the person chooses to cover under the Program.]~~

~~[NAC 287.319 Notification of change of address by participant to Program. (NRS 287.043) A participant shall notify the Program within 30 days after a change of address of the participant.]~~

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~~[NAC 287.510 Coverage of persons returning to work with previous employer within 1 year after leaving employment. (NRS 287.043, 287.045) If a person other than a retired officer or employee returns to work for a participating public agency with which the person was previously employed within 1 year after leaving employment:~~

- ~~—1. The person may select any coverage and insurance offered to participants in the Program at the time that the person returns to work; and~~
- ~~—2. Coverage and insurance for the person is effective:~~
 - ~~—(a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or~~
 - ~~—(b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.]~~

~~[NAC 287.515 Coverage of retired participants upon reemployment with participating public agency. (NRS 287.043, 287.045)~~

- ~~—1. Except as otherwise provided in this section, a person who participates in the Program as a retired officer or employee and who returns to full-time employment with a participating public agency is eligible to participate in the Program as an active officer or employee:~~
 - ~~—(a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or~~
 - ~~—(b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.~~
- ~~—2. If a person who participates in the Program as a retired justice or judge accepts reemployment as a justice of the Supreme Court or district judge pursuant to NRS 1A.370, the person is eligible to participate in the Program as an active justice or judge, as applicable:~~

~~—(a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or~~

~~—(b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.~~

~~—3. Except as otherwise required by federal law, a retired officer or employee who returns to full-time employment with a participating public agency to fill a position which has been designated as a position for which there is a critical labor shortage pursuant to NRS 286.523 and who continues to receive allowances under the retirement system of which he or she is a member is eligible to participate in the Program in the same manner as he or she participated before returning to full-time employment. Except for a retired officer or employee who was enrolled in the Program on November 30, 2008, and continues his or her participation in the Program, coverage of a retired officer or employee who returns to full-time employment with a participating local governmental agency pursuant to this subsection terminates on the date on which the participating local governmental agency terminates its participation in the Program.~~

~~—4. A retired officer or employee who returns to full-time employment with a participating state agency to fill a position which has been designated as a position for which there is a critical labor shortage pursuant to NRS 286.523 and who discontinues receiving allowances under the retirement system of which he or she is a member is eligible to participate in the Program as an active officer or employee:~~

~~—(a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or~~

~~—(b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.~~

~~—5. A retired officer or employee who returns to full-time employment with a participating local governmental agency to fill a position which has been designated as a position for which there is a critical labor shortage pursuant to NRS 286.523 and who discontinues receiving allowances under the retirement system of which he or she is a member is eligible to participate in the Program as an active officer or employee:~~

~~—(a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or~~

~~—(b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.~~

~~→ Except for a retired officer or employee who was enrolled in the Program on November 30, 2008, and continues his or her participation in the Program, coverage of a retired officer or employee pursuant to this subsection terminates on the date on which the participating local governmental agency with which the retired officer or employee returns to full-time employment terminates its participation in the Program.]~~

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