

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

LCB File No. R047-24

March 25, 2024

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

AUTHORITY: §§ 1 and 2, NRS 287.043; § 3, NRS 287.0415, 287.043 and 287.045.

A REGULATION relating to public employees; revising provisions relating to the Board of the Public Employees' Benefits Program; repealing certain regulations relating to Board meetings; eliminating certain provisions relating to enrollment in benefits and coverage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of the Public Employees' Benefits Program to establish and carry out the Public Employees' Benefits Program relating to insurance and benefits for participants. (NRS 287.043) Existing law further requires the: (1) Governor to designate one of the members of the Board to serve as the Chair; and (2) Board to meet quarterly and at other times upon the call of the Chair. (NRS 287.0415) Existing regulations require the Board to elect from its members a Vice Chair at the first meeting of each plan year. (NAC 287.172). **Section 1** of this regulation reorganizes certain provisions of existing regulations relating to the Chair, Vice Chair and motions for consideration. **Section 3** of this regulation eliminates certain requirements and provisions relating to Board meetings, enrollment in the Program and coverage for a person or a retired participant returning to work in certain circumstances. **Section 2** of this regulation makes a conforming change to remove a reference to a section repealed by **section 3**.

Section 1. NAC 287.172 is hereby amended to read as follows:

1. *The Chair shall:*

(a) Determine the agenda of a meeting of the Board; and

(b) Preside over the meetings of the Board.

2. At the first meeting of each plan year, the Board will elect from its members a Vice Chair

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~~2. The Vice Chair~~ who shall serve as the Chair in the absence of the Chair.

3. Any member of the Board may submit to the Executive Officer, or in the absence of the Executive Officer, 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.

Sec. 2. NAC 287.311 is hereby amended to read as follows:

1. Except as otherwise provided in NAC 287.312, a participant who desires or is required to enroll or disenroll a person in the Program as a dependent as a result of a life event that qualifies the participant to amend his or her coverage outside the period of open enrollment must, within 60 days after the date on which the dependent becomes eligible to participate or loses his or her eligibility to participate in the Program:

(a) Execute a declaration of enrollment electronically through the Internet website of the Board ~~for by submitting a form prescribed by the Program pursuant to NAC 287.318.~~ under penalty of perjury and subject to the provisions of NRS 686A.290 and 686A.291.

(b) Submit copies of any supporting documentation required to establish or terminate the dependent's eligibility to participate in the Program as a dependent as requested by the Program.

2. Except as otherwise provided in subsections 3 and 4, if a participant fails to enroll or disenroll a person in the Program as a dependent within 60 days after the date on which the dependent becomes eligible to participate or loses his or her eligibility to participate in the Program, the participant may not enroll or disenroll the person in the Program as a dependent until the next period of open enrollment.

3. The Program will enroll a person as a dependent of a participant in accordance with an order to obtain health insurance for his or her child pursuant to NRS 31A.350.

4. The Program will disenroll a person as a dependent of a participant on the date on which the dependent becomes deceased.

Sec. 3. NAC 287.170, 287.174, 287.176, 287.178, 287.3125, 287.318, 287.319, 287.510 and 287.515 are hereby repealed.

TEXT OF REPEALED SECTIONS

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.

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.

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.

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.

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.

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.

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.

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.

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.