

**PROPOSED REGULATION OF THE  
DIVISION OF HUMAN RESOURCE MANAGEMENT OF THE  
DEPARTMENT OF ADMINISTRATION**

**LCB FILE NO. R166-24I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 06/27/2024**

**Explanation of Proposed Change:** Assembly Bill 376 of the 2023 State of Nevada Legislative Session (signed into law by the Governor), provides for an employee to receive 50% of their regular wages for up to 8 weeks to: a) bond with a newborn child; b) bond with a newly adopted child; c) recover from or undergo treatment for a serious illness; d) care for a seriously ill immediate family member; or e) participate in a qualifying event resulting from the military deployment of an immediate family member.

The new proposed regulation establishes defined terms for administration and reference. NAC 284.523 may need to be revised as a conforming change to reflect the inclusion of the new paid family leave definitions if the regulation is submitted to the Legislative Counsel Bureau for preadoption review.

The amendments to NAC 284.5235 and 284.562 consolidate the three definitions of immediate family into one location for ease of use and to prevent misapplication of the wrong definition.

The amendment to NAC 284.611 clarifies the need for a qualifying employee to exhaust paid family leave before an agency can proceed with the separation process for physical, mental or emotional disorder.

The Division would also like to open up the discussion about adding “step” relationships, e.g., step grandchildren beyond what is in current regulation.

***NEW Paid family leave: Definitions.***

***As used in Assembly Bill No. 376, chapter 284, Statutes of Nevada 2023, page:***

- 1. “More than a short period of time” in NRS 232.4854 as referenced means a period of disability which a health care provider expects to exceed 30 consecutive calendar days.***
- 2. “Newborn” means within 12 months of birth.***
- 3. “Newly adopted” means within 12 months of adoption.***

**NAC 284.5235 “Immediate family” defined. (NRS 284.065, 284.155, 284.345)**

~~1.~~ ***1. Except as otherwise provided in sections 2 and 3, “immediate family” means:***

~~1-1~~ ***(a)*** The employee’s parents, spouse, children, regardless of age, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren and stepparents.

~~1-2~~ ***(b)*** If they are living in the employee’s household, the employee’s father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law, granddaughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law and great-granddaughter-in-law.

~~1-3~~ ***(c)*** The employee’s next of kin if the employee is entitled to take leave pursuant to the Family and Medical Leave Act to care for a covered service member.

***2. As used in NAC 284.562, “immediate family” means the employee’s parents, spouse, children, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law,***

*grand-daughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law, great-granddaughter-in-law, stepgrandparents, stepparents, stepchildren.*

*3. As used in Assembly Bill No. 376, chapter 284, Statutes of Nevada 2023, "immediate family" means a parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.*

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A by Personnel Comm'n by R060-09, 11-25-2009)

**NAC 284.562 Sick leave or catastrophic leave: Death in employee's immediate family. (NRS 284.065, 284.155, 284.345, 284.355, 284.3626)**

1. If a member of the employee's immediate family dies, he or she may use his or her accumulated sick leave, or request approval for catastrophic leave pursuant to NAC 284.576, not to exceed 5 working days for each death.

~~2. For the purposes of this section, "immediate family" means the employee's parents, spouse, children, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law, grand-daughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law, great-granddaughter-in-law, stepparents and stepchildren.~~

~~3-1~~ 2. If a reasonable amount of additional time is needed for traveling related to funeral arrangements, the appointing authority shall approve an exception to this limitation.

[Personnel Div., Rule VII § D part subsec. 6, eff. 8-11-73; A and renumbered as subsec. 8, 25-82]—(NAC A by Dep't of Personnel, 10-26-84; 11-16-95)

**NAC 284.611 Separation for physical, mental or emotional disorder. (NRS 284.065, 284.155, 284.305, 284.355, 284.383, 284.385, 284.390)**

1. Before separating an employee because of a physical, mental or emotional disorder which results in the inability of the employee to perform the essential functions of his or her job, the appointing authority must:

(a) Verify with the employee's physician or by an independent medical evaluation paid for by the appointing authority that the condition does not, or is not expected to, respond to treatment or that an extended absence from work will be required;

(b) Determine whether reasonable accommodation can be made to:

(1) Enable the employee to perform the essential functions of his or her job; or

(2) Reassign the employee if it has been determined that:

(I) There is no reasonable accommodation that can be made to enable the employee to perform the essential functions of his or her job; or

(II) All other reasonable accommodations would cause an undue hardship to the appointing authority.

(c) Make a request to the Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to obtain the services provided by that Division, or if the employee is receiving worker's compensation, request the services of the rehabilitation provider, to evaluate the employee's condition and to provide any rehabilitative services possible; and

(d) Ensure that all reasonable efforts have been made to retain the employee.

2. A separation pursuant to this section is only justified when:

(a) The information obtained through the procedures specified in subsection 1 supports the decision to separate;

(b) The employee is not on sick leave, *paid family leave* or other approved leave; and

(c) A referral has been made to the Public Employees' Retirement System and the employee has been determined to be ineligible for, or has refused, disability retirement.

3. A permanent employee separated pursuant to this section is entitled to the same rights and privileges afforded permanent employees who are dismissed for disciplinary reasons. The procedures contained in NAC 284.656, 284.6561 and 284.6563 must be followed, and he or she may appeal the separation to the hearing officer.

4. A permanent employee who is separated because of a physical, mental or emotional disorder is eligible for reinstatement pursuant to NAC 284.386 if he or she recovers from the disorder.

5. As used in this section, "undue hardship" has the meaning ascribed to it in 29 C.F.R. § 1630.2.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91; 12-26-91; 7-6-92; R197-99, 1-26-2000; A by Personnel Comm'n by R182-03, 1-27-2004; R143-05, 12-29-2005; R063-09, 1125-2009, R009-14, 6-23-14; R097-16, 11-2-2016)